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***HUMAN DIMENSION AND
ENVIRONMENTAL HUMAN RIGHTS IN
THE INTERNATIONAL SYSTEM OF THE
ENVIRONMENTAL PROTECTION***

OLEXANDR RADZIVILL

PhD in Law, Associate Professor, National Aviation University, Kyiv,
Ukraine

<https://orcid.org/0000-0003-0901-2967>

IRYNA BOGOMAZOVA

PhD in Law, Danylo Halytsky Lviv National Medical University
Ukraine

<https://orcid.org/0000-0003-1743-9805>

IRYNA YAROSHENKO

PhD in Law, Associate Professor, Kyiv National Economic University
Named After Vadym Hetman, Kyiv, Ukraine

<https://orcid.org/0000-0002-0598-0875>

ROMAN SHELUDIakov

PhD in Law, Kryvyi Rih Faculty, National University “Odesa Law
Academy”, Ukraine

<https://orcid.org/0000-0002-5964-5861>

IRINA VARAVA

PhD Candidate, Senior Lecturer, National Aviation University, Kyiv,
Ukraine

<https://orcid.org/0000-0001-5168-2775>

Abstract

The purpose of this research is to identify the patterns and current trends in the formation of human consciousness and environmental human rights in the process of modernizing world civil society in order to form a single international environmental protection system. An important component of the new worldview should also be the noospheric thinking, the main motive of which is the responsible attitude of man towards the future of the planet on the basis of awareness of both the destructive possibilities of modern humanity and the conditionality of its existence for the preservation of a healthy environment. Taking into account the drawbacks of the formation of international law on the basis of exclusively interstate agreements, international law, at the present stage, should actively involve various social groups, social movements, representatives of territorial communities and other subjects of private law relations in making valid decisions, activating their influence on humanization and socialization of activities of the governments, and for states – to develop recommendations for building a new style of relations with their citizens in order to build a single international system of the environment protection.

Keywords: environmental human rights, global environmental crisis, human consciousness, international environmental protection, world civil society.

INTRODUCTION

Formulation of the problem and its relevance.

The international environmental protection system, which has formed over the last few decades, has developed a considerable array of principles, international legal treaty obligations, standards and recommendations, created a comprehensive system of international intergovernmental and non-governmental institutions, actively cooperates with national official bodies, business representatives and non-governmental organisations, whose activities are related to the protection of nature and environmental human rights, the development of resource-saving technologies, prevention and prompt elimination of environmental disasters. These efforts have certainly improved the overall attitude of mankind to the natural environment, which has become anthropogenic.

At the same time, the threat of global environmental disaster remains urgent, and environmental problems are perceived by the average inhabitant of the planet, mainly beyond the realities of his daily life, which continues to be a source of environmental pollution. The fact that the state of public consciousness is a deep and primary source of any social problems, including local environmental disasters and the global environmental crisis, is realized by the leaders of nations, the international community, as well as by the general public too slowly. Despite the modern saturation of the information space with slogans of ecological and humanistic content, the inertia of irresponsible exploitation of nature by a human, as a legacy of the mentality that has recognized the exploitation of man by man for millennia as a norm,

remains the basic motive for most earthlings, especially in disoriented and disorganized societies of developing and transitional countries.

The resuscitation of such a mentality at the turn of the century is embodied in the well-known historical phenomenon defined by A. Toynbee as a metaphor from the New Testament as “new wine in dilapidated bellows”: new technologies and means of communication are being used for purposes motivated by the obsolete values of caste societies that have dominated during the past few millennia, dehumanizing humanity by the practice of continually keeping a large part of it in a state that is not free, devoid of legal personality and a means of a decent life. Modern times and industrial civilization have only accelerated this process, forming a “one-dimensional man” subordinate to technocratic control and deprived of a real freedom of choice. The transition to the postindustrial information era will not significantly change the dehumanized nature of social relations until the social consciousness that remains subordinate to technocratic dominants is reoriented to socially humanistic priorities, that is, becomes anthropocentric.

Purpose of the study.

The purpose of the paper is to identify the patterns and current trends in the formation of human consciousness and environmental human rights in the process of modernizing world civil society in order to form a single international environmental protection system.

Methods and theoretical background.

The basis of the research methodology consists of the “Critiques” of I. Kant, which study the conditionality of human consciousness in the formation of empirical generalizations and theories regarding the phenomena of objective reality, in planning or justifying practical activity, and in assessing the admissibility of speculative assumptions. In analyzing the development of human consciousness in the transhistorical context, comparative historical and hermeneutical methods were applied, through which the conclusions and concepts of the authors whose works were used were subject to extended interpretation. These are primarily the works of I. Kant, A. Toynbee, W. McNeill and D. Kelly. The analogy method is also used for this purpose. The work also uses legal and sociological methods, in particular to compare the characteristics and social consequences of positivist legal consciousness with characteristics and possible social consequences of the communicative, psychological, and historical approaches to legal consciousness.

The paper uses a limited amount of sources of international law, which only in a general way illustrate the tendencies of development of international legal regulation of environmental protection issues and environmental human rights in the context of concepts of sustainable development and human dimensions.

The article uses works with philosophical and empirical conclusions that illustrate the development of scientific views on the planetary environment, the peculiarities of its organization and the relationship with humanity. These are the works of E. Le Roy, P. T. de Chardin, V. Vernadskyi, V. Kostitsyn, O. Bogdanov, L. von Bertalanffy,

G. Hagen, I. Prygozhyn, H. Maturana and F. Varela and also
H. Marcuse.

RESULTS AND DISCUSSION

THE FIRST TOPIC

ENVIRONMENTAL HUMAN RIGHTS AND THE CONCEPT OF THE HUMAN DIMENSION

The establishment of the Institute for the Protection of Human Rights is an integral part of a whole new set of steps of the modern age related to the struggle – in Europe, and further around the world – against the discriminatory caste organization of society for the ideals of civil society based on equal relations of citizens.¹²⁸ When, after the Second World War, human rights protection became the subject of international obligations under the UN Charter (1945),¹²⁹ and the Universal Declaration of Human Rights (1948)¹³⁰ systematized the basic requirements in this area for the UN member states, the international community already had models in a large volume of acts adopted during the XVI – XVIII centuries during the religious and liberation wars, and social revolutions. The provisions of the Universal Declaration were enshrined in international treaties, at the regional

¹²⁸ Radzivill, 2017, p. 415.

¹²⁹ United Nations (UN), 1945, preamble, para. 3, Art. 1.

¹³⁰ United Nations (UN), 1948.

level – in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950),¹³¹ adopted by the Council of Europe, and at the global level in two Pacts.^{132,133} These international acts do not yet contain environmental rights, although environmental protection is already being recognized as a matter of international concern at this time. In particular, in 1948, a non-governmental international organization, the International Union for Conservation of Nature (IUCN), was founded, and at the present time a number of (mainly regional) conventions on the protection of individual species of animals and birds and the protection of water bodies against pollution are in force.¹³⁴

Awareness of the need to integrate environmental concerns into the human rights system is in the process of becoming a sustainable development concept, which extends, among other things, to the protection of collective rights related to the state of the environment, as reflected in a number of UN General Assembly resolutions. Thus, UN General Assembly Resolution 626 (VII) of 1953 establishes the practice of regularly affirming the inherent sovereignty of peoples over their natural resources.¹³⁵ The XVI session of the UN General Assembly in

¹³¹ Council of Europe, 1950.

¹³² General Assembly, 1966.

¹³³ United Nations (UN), 1966.

¹³⁴ Zadorozhny, O. V. & Medvedev, M. O., 2010, p. 28.

¹³⁵ United Nations (UN), 1953.

1961 proclaimed the “decade of development”,¹³⁶ based on proportional and coherent economic and social development, and planning. Considerable attention was paid to the monitoring the impact of nuclear radiation on the environment and nuclear and fusion research and testing.¹³⁷

But a comprehensive systematic approach to environmental issues in the context of development of human rights was initiated by the XXIII Session of the UN General Assembly in 1968. In the UN General Assembly Resolution on Environmental Issues,¹³⁸ noting that human interconnection with the environment is undergoing profound changes related to the development of modern science and technology, recognizing that the unprecedented ability of humans to change and redefine the environment to meet their needs and aspirations are associated with a serious risk in the absence of proper controls and that the quality of the environment is deteriorating due to air and water pollution, erosion and other types of soil degradation, waste, noise, biocidal effects and other factors, which are exacerbated by the rapid growth and urbanization of the planet’s population, expressing concern that these factors are adversely affecting human life, physical, mental and social health, dignity and full enjoyment of human rights – both in developing and developed countries, convinced of the need to pay more attention to environmental issues for healthy economic and social

¹³⁶ United Nations (UN), 1961a.

¹³⁷ United Nations (UN), 1961b.

¹³⁸ United Nations (UN), 1968.

development, decided to convene the United Nations Conference on Human Environment in 1972 to provide a basis for comprehensive consideration of environmental issues within the UN, to draw attention of governments and the public to the importance and urgency of this issue, and to identify those aspects that can best be addressed through international cooperation. To implement this decision, it was planned to involve all international institutions concerned with environmental issues: specialized international UN agencies: ILO, FAO, UNESCO, WHO, World Meteorological Organization, Intergovernmental Maritime Advisory Organization (at present IMO), IAEA, Organization of African Unity (now the African Union), as well as non-governmental organizations such as IUCN, International Union of Scientific Unions, International Biological Program, Intergovernmental Conference of Experts on the Scientific Basis for Rational Use and Conservation of the Resources of the Biosphere.¹³⁹

The United Nations Conference on the Human Environment was held in June 1972. It outlined and comprehensively discussed the renewed concept of sustainable development, an integral part of which has become effective environmental protection, and which adopted the Stockholm Declaration and Action Plan.¹⁴⁰ The Declaration proclaims that a Human is a creation and creator of environment, which provides her/him with a physical existence and provides opportunities for

¹³⁹ United Nations (UN), 1968, p. 2.

¹⁴⁰ United Nations (UN), 1972.

intellectual, moral, social and spiritual development;¹⁴¹ it is noted that in developing countries, most environmental problems arise from a lack of development.¹⁴² To achieve the recognition of responsibility by citizens and societies and enterprises and institutions at all levels of activity, the Conference calls on all governments and peoples to work together to protect and improve the human environment for the benefit of all people and for the sake of its prosperity.¹⁴³

The Declaration further sets out 26 principles that have formed the basis for a systematic approach to protecting the environment as a common concern for the humanity. According to Principle 1: “A human has the fundamental right to freedom, equality and a favourable living environment, the quality of which allows him/her to lead a dignified and prosperous life, and has the primary responsibility for protecting and improving the environment for the benefit of present and future generations. In this regard, the policy of supporting apartheid, racial segregation, discrimination, colonial and other forms of enslavement and foreign domination is condemned and must be stopped”.¹⁴⁴ The principles further call on the international community to preserve all forms of biota and ecosystems for modern and future generations of mankind through careful planning and management, to preserve the properties of natural systems of self-reproduction, to the

¹⁴¹ *Ibid.*, paragraph 1.

¹⁴² *Ibid.*, paragraph 4

¹⁴³ *Ibid.*, paragraph 7

¹⁴⁴ *Ibid.*, principle 1.

rational and fair use of non-renewable resources for all peoples, and to support the equitable struggle of all peoples against pollution of their environment, to the joint efforts of States in the conservation of marine ecosystems and their resources, and to particular support in these joint actions of efforts of developing countries.¹⁴⁵

The Declaration Principles also pay considerable attention to effective planning at various levels of implementation of economic and social programs, urban development, sound demographic policies, and dissemination of programs to educate adolescents and adults about environmental problems and ways of overcoming them, reorientation of scientific activities for the benefit of mankind, including development, dissemination and implementation of resource-saving technologies, effective means of overcoming the effects of environmental disasters, increasing knowledge of ecosystems at all levels.¹⁴⁶ States should cooperate for the development of international environmental law,¹⁴⁷ and international problems related to the protection and improvement of the environment should be addressed in the spirit of cooperation between all countries, based on bilateral and multilateral treaties, for the effective control, prevention, reducing and eliminating the negative impact on the environment. States should also promote the concerted effective and dynamic work of international organizations in protecting

¹⁴⁵ *Ibid.*, principles 2-5.

¹⁴⁶ *Ibid.*, Principle 13-18.

¹⁴⁷ *Ibid.*, principle 22.

and improving the environment.¹⁴⁸ A human and his/her environment must be protected from the effects of the use of nuclear and other weapons of mass destruction, and States should strive to reach an agreement as soon as possible in the relevant international bodies for the elimination and complete destruction of such weapons.¹⁴⁹

To implement the Action Plan, which contained 109 recommendations, the Stockholm Conference also established a UN subsidiary, the United Nations Environment Programme (UNEP), whose financial support was entrusted to the Environment Fund and the World Environment Day (June, 5) has been established to promote environmentally conscious behaviour by nationals

The Stockholm Conference has activated the process of signing international treaties and launched regular international forums on general and specific environmental issues. When the UN Conference on Sustainable Development (“Earth Summit”) in Rio de Janeiro took place 20 years after the Stockholm Summit, there was already an extensive system of codified international environmental law, which, however, required a holistic approach and practical measures in the context of sustainable development. At the Earth Summit, by the Recommendations adopted at the Conference: “Rio Declarations”,¹⁵⁰ Agenda 21,¹⁵¹ Forest Principles, UN, for the first time, addressed

¹⁴⁸ *Ibid.*, Principle 25.

¹⁴⁹ *Ibid.*, Principle 26.

¹⁵⁰ United Nations (UN), 1992a.

¹⁵¹ United Nations (UN), 1992b.

various social groups, other than governments, recognizing the role of each of them in the implementation of its decisions.

To coordinate efforts to implement the “Agenda 21”, the Conference established the UN Commission on Sustainable Development. Two important multilateral conventions were adopted, the Framework Convention on Climate Change and the Convention on Biological Diversity. The next UN Conference on Sustainable Development was held in Rio de Janeiro 20 years later (Rio+20). It, taking into account the changes to the “Agenda 21”, presented at the 2002 World Summit on Sustainable Development in Johannesburg,¹⁵² discussed the main practical areas for sustainable development in a supportive environment: the transition to an environmentally sound economy and poverty eradication; protecting the oceans from the destruction of marine ecosystems and the effects of climate change; rational and comfortable arrangement of cities; transition to renewable energy sources; effective management of forests and reduction of their destruction; development of water resources conservation and reduction of desertification.¹⁵³

The results of the Stockholm Conference have significantly influenced the environmentalization of national and regional political and legal systems. During 1971-1975, about one hundred states created environmental ministries, and environmental laws were adopted by all OECD member states. In 1973, the European Communities adopted the

¹⁵² World Summit on Sustainable Development (WSSD), 2002.

¹⁵³ United Nations (UN), 2012.

Declaration on the Environmental Action Programme and a number of environmental directives.¹⁵⁴ In 1986, the founding Treaty of the European Economic Community included in the Single European Act the Section “Community Environment Policy”.¹⁵⁵ Other regional international associations have also included international environmental commitments of States, mainly in development programs and the human rights protection system. In particular, the San Salvador Protocol on Economic, Social and Cultural Rights of 1988 enshrines the right of everyone to live in a healthy environment and the obligation of States parties to protect and improve it to the 1969 American Convention on Human Rights.¹⁵⁶ The African Charter on Human and Peoples’ Rights (1981) proclaims the right of all peoples to a satisfactory and favourable environment for their development.¹⁵⁷

An important contribution to the creation of a European environmental protection system in the context of sustainable development objectives has been made by the ECOSOC United Nations Economic Commission for Europe. The UNECE Committee on Environmental Policy promoted the adoption of five regional conventions,¹⁵⁸ which enabled the public to participate in the implementation of environmental standards, implementing a new

¹⁵⁴ Gerden, M., 2008, p. 437.

¹⁵⁵ Council of Europe (CE), 1950, p. 438.

¹⁵⁶ Zadorozhny O. V. & Medvedev, M. O., 2010, p. 84.

¹⁵⁷ *Ibid.*, p. 23.

¹⁵⁸ *Ibid.*, p. 235.

approach to environmental protection, built on the cooperation of governments and civil society. In particular, the Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters (1998) sets out a list of procedural environmental rights of citizens and public associations, including: right to access to information, participation in decision-making and access to environmental justice.¹⁵⁹ The 2003 Protocol to the Convention on Pollutant Emission and Transfer Registers initiated the establishment of harmonized, comprehensive national pollutant emission and transfer registers, which significantly simplified public participation in environmental protection processes.¹⁶⁰

As an integral part of the concept of sustainable development, which is gradually gaining self-importance, the concept of “human development” appears in international instruments and doctrine. Thanks to the OECD recommendations on the basic components of human development in the economic dimension, investment in education is stepped up, the concept of “human capital” is being formed, which contributes to a gradual change in the understanding of the goals of economic activity towards its humanization.¹⁶¹ Since 1990s on the basis of the priority of human development in Europe important integration shifts have occurred – both in the prospects of territorial expansion of membership in the three leading European structures

¹⁵⁹ United Nations (UN), 1998, Art. 1.

¹⁶⁰ Zadorozhny, O. V. & Medvedev, M. O., 2010, p. 95.

¹⁶¹ Libanova, Ye. M., 2006, pp. 263-265.

(Council of Europe, European Communities, CSCE) and in the intensification of their cooperation.¹⁶² After the fall of the Berlin Wall, which symbolized the division of Europe into two “camps”, in 1991 the EEC and the EFTA formed the Single Economic Space, and the Maastricht Treaty in 1992 established the European Union, identifying achieving sustainable development as its institutions man priority.¹⁶³ The necessary conditions for EU membership were compliance with the Copenhagen Criteria¹⁶⁴ and the adoption and adherence by the EU Member States of the provisions of the Council of Europe Convention on Human Rights in 1950.¹⁶⁵ Further, in the process of adapting the human rights standards developed by the Council of Europe, the European Union outlined them in a more modern way in the Charter of Fundamental Rights of the European Union.¹⁶⁶ Created as Part II of the EU Constitution draft, the Charter has become an independent instrument whose provisions, under the Lisbon Treaty, are binding on both EU bodies and its member states when applying EU law. Similar to the UN Declaration of the XXI Century,¹⁶⁷ human values are the main provisions of the Charter. The six sections of the Charter are

¹⁶² Pyvovar, Yu., Radzivil, O., Rozum, I., 2017, p. 23.

¹⁶³ European Union (EU), 1993.

¹⁶⁴ Center for European Information, 2007.

¹⁶⁵ European Union (EU), 2007, Art. 6.

¹⁶⁶ *Ibid.*

¹⁶⁷ United Nations (UN), 1945.

dedicated to values such as dignity, freedom, equality, solidarity and the rights of citizens and justice.¹⁶⁸

Significant shifts in the humanization of regional security policy have been made in connection with the activities of the Conference on Security and Cooperation in Europe (OSCE since 1995), which during the Vienna Forum (1986-1989) declared its focus on “human dimension”. From now on, starting from the Charter of Paris for a New Europe of November 21, 1990,¹⁶⁹ the OSCE has consistently developed a comprehensive concept of the human dimension, which has included seven main directions: 1) promoting the exercise of peoples’ rights to self-determination; 2) building a democratic society, including, inter alia, the electoral process, decentralization of power, public control of the armed forces, security services and police, the activities of independent human rights groups, transparency of the work of administrations, combating corruption, efficiency of public funds management, rule of law (independence judges and lawyers, accessibility of justice; rights of detainees, etc.); 3) ensuring the exercise of personal human rights, including civil and political rights (abolition of the death penalty, prohibition of torture, ill-treatment or punishment, protection against unjustified imprisonment, freedom of access to information, protection of journalists’ activities, etc.); economic, social and cultural rights (workers’ rights; cultural rights and cultural heritage, right to education, promotion of cultural and

¹⁶⁸ United Nations (UN), 1953.

¹⁶⁹ United Nations (UN), 1990.

artistic expression of communities, etc.); 4) enforcement of rights of particular social groups in need of special protection, including: national minorities; indigenous population; refugees, displaced persons, returnees, stateless persons; migrant workers; persons with disabilities; children; military personnel; persons deprived of liberty; 5) guarantees of equality, tolerance and non-discrimination; 6) prevention of special threats to human security, in particular: violence and exploitation on the basis of gender and age, human trafficking, illicit traffic in drugs, weapons, other forms of international organized crime and terrorism; 7) compliance with international humanitarian law.¹⁷⁰ Since 2007, constitutional justice has become the subject of OSCE, which should act as a guarantor of compliance with the “human dimension” of legislation, constitutions and the constitutional process.¹⁷¹ The work in all of these areas is a guarantee of regional security, which is understood primarily as the guaranteed security of people – personal, collective, ethnic, national, regional. Since 1989, the Office for Democratic Institutions and Human Rights of the OSCE, often in cooperation with the Council of Europe, has provided member states with scientifically sound human dimension recommendations designed to foster the work of their public institutions in creating a “friendly environment” for an ordinary citizen, taking into account special needs of certain social groups, women and men of different ages.

¹⁷⁰ Organization for Security and Co-operation in Europe (OSCE), 2012.

¹⁷¹ Organization for Security and Co-operation in Europe (OSCE), 2008.

Thus, three regional European institutions – the Council of Europe, which aim, from the very beginning of its establishment, has been to protect human rights and freedoms, the European Communities, whose main objective was the economic development of the Member States, and which succeeded as the European Union, and the OSCE, as a forum for regional security, since the 1990s, have subordinated all aspects of their activities to a common priority that can be defined as a human dimension in its broadest interpretation.

THE SECOND TOPIC

INTERNATIONAL LAW AND ORDER AS A COMPONENT OF THE NOOSPHERE

The anthropocentric system of philosophy of I. Kant also touches on the problem of formation of the international law and order, which the philosopher understands as a world civil society – a historical project of organizing humanity on the principles, only according to which, it is possible to achieve the highest goal of nature – full disclosure of the virtues of a man.¹⁷² Kant notes that performing this most difficult task for mankind requires awareness of the basic characteristics of the appropriate public order, which in turn is conditioned by sufficient historical experience and a proper level of culture.¹⁷³ But these factors can only contribute to the progress of humanity under conditions of eternal peace, to the principles of achieving which the philosopher

¹⁷² Kant, I., (n. d. a), p. 8.

¹⁷³ *Ibid.*, p. 7.

dedicated his work “Perpetual Peace”.¹⁷⁴ In the six “preliminary” articles of this work, the demands of which are to be attained as soon as possible, I. Kant formulates the criteria for the conscientious action of governments as a condition for increasing trust between nations: 1) no conclusion of peace shall be held to be valid as such, when it has been made with the secret reservation of the material for a future war; 2) no state having – whether it be small or large – shall be acquirable by another state; 3) standing armies shall be entirely abolished in the course of time; 4) no national debts shall be contracted in connection with the external affairs of the state; 5) no state shall intermeddle by force with the Constitution or government of another state; 6) no state at war with another shall adopt such modes of hostility (the employment of assassins, the instigation of treason and such like) as would necessarily render mutual confidence impossible in a future peace.¹⁷⁵

Kant’s “definitive” articles begin with the postulate: “All people who can influence one another must be united in a civil society”,¹⁷⁶ which is understood as subject to legal regulation, not to arbitrariness of the strong. Legal regulation should cover at least three of the most relevant, interconnected and interdependent levels of social relations: 1) the state public order within the nation, which must be republican;¹⁷⁷ 2)

¹⁷⁴ Kant, I. (n. d. b).

¹⁷⁵ *Ibid.*, pp. 3-5.

¹⁷⁶ *Ibid.*, p. 6.

¹⁷⁷ *Ibid.*, p. 8.

international law in relations of states with each other, which should be based on the federalism of sovereign states;¹⁷⁸ world civil order, which regulates relations – both between states and between people, since each person should be considered as a subject of world civil law,¹⁷⁹ and should be limited only to conditions of general hospitality.¹⁸⁰

The concept of noosphere, developed in the early twentieth century in the works of E. Le Roy,¹⁸¹ P. T. de Chardin¹⁸² and V. I. Vernadskyi,¹⁸³ became an important worldview orienting point in the movement of humanity towards the ideal of world civil society, according to which humanity, being a new geological force, forms the “noosphere” – the surface of the planet, most comfortably organized by humanity’s constructive activity. P. T. de Chardin considers the development of the noosphere of the Earth as a natural consequence of the “predetermined” appearance and development of the Homo sapiens in the evolution of the Universe.¹⁸⁴ V. I. Vernadskyi focuses on the surface (geological) space of the Earth – the place and product of the most intense contact and interaction of the initially “dead” rock solid

¹⁷⁸ *Ibid.*, pp. 11-12.

¹⁷⁹ *Ibid.*, pp. 16-17.

¹⁸⁰ *Ibid.*, p. 7.

¹⁸¹ Roy, E. Le., 1928.

¹⁸² Teilhard de Chardin, P., 1989.

¹⁸³ Vernadsky, V. I., 1991.

¹⁸⁴ Teilhard de Chardin, P., 1989, p. 40.

planet with the scattered matter and energy of the Space, within which, based on the sequence of geospheres formed in the previous stages of the planet's evolution, the modern noosphere is formed.¹⁸⁵ The unique characteristics of our planet have provided it with the highest rate of evolution, in comparison with other planets, the general direction of which has become the formation, for over 4 billion years, of more and more adequate protective means for the preservation of planetary homeostasis, among which Reasonable Humanity, whose life on a geological scale is the last moment of the planet's history, must become the most effective in the future.

“Noospheric thinking”, which was formed during the XX century under the influence of contradictory religious and philosophical and scientific and philosophical approaches, forming different currents in the process of its spreading, has the main, common to all interpretations, the idea that forms the responsible attitude of each person and whole solidary multicultural humanity to the future of the planet on the basis of realization that its natural environment is a space that not only surrounds but also pervades a human at all levels of her organization, with which we suffer from the changes of the solar and cosmic radiation, oscillations of geophysical fields and other fluctuations of its various components. At the basis of natural processes that ensure the duration of biological and geographical systems, which include humanity, there are the millions of years of “self-reproduction cycles” responsible for the self-regulatory properties of the

¹⁸⁵ Vernadsky, V. I., 1991, p. 37.

environment. In the works of V. Vernadskyi,¹⁸⁶ V. Kostitsyn,¹⁸⁷ O. Bohdanov¹⁸⁸ the awareness of this dynamic multilevel is already reflected. Further, in the works of L. von Bertalanffy,¹⁸⁹ G. Hagen,¹⁹⁰ I. Pryhozhyn,¹⁹¹ H. Maturana and F. Varela¹⁹² and other researchers, science has obtained a number of increasingly adequate characteristics of this multidimensionality, reflecting its various aspects: dissipative structures, bifurcations, cooperative effects and synergistic processes, reverberators, autopoiesis, etc. – allow to become more aware, to model and predict natural processes in their multilevel complexity and multi-inertial dynamics.

In particular, the model of “dissipative system” proposed by I. Pryhozhyn, which can embody ecological, biological and most social systems, is a complex, open, dynamic system, for which the observance of a narrowly balanced mode of exchange with the environment is the key to its existence,¹⁹³ and a significant deviation from it (entropy growth) leads to its dissipation – scattering in the environment. H.

¹⁸⁶ Vernadsky, V. I., 2001.

¹⁸⁷ Kostitsyn, V. A., 1984.

¹⁸⁸ Bogdanov, A.A., 2003.

¹⁸⁹ Bertalanffy, L., 1962.

¹⁹⁰ Hacken, G., Hacken-Krell, M., 2002.

¹⁹¹ Prigogin, I., Stengers, I., 1986.

¹⁹² Maturana, U. & Varela, F., 2001.

¹⁹³ Prigogin, I., Stengers, I., 1986, p. 371.

Maturana and F. Varela suggested a model of autopoiesis – an ensemble of closed microlevel cycles, the balance of which is the key to the internal autonomy (homeostasis) of a complex open system.¹⁹⁴ Due to highly harmonized complexity of many internal dynamic cycles, natural ecosystems have a powerful ability to reproduce themselves, even after the essential destruction of their individual elements.¹⁹⁵ However, on the example of dissipative systems, I. Prigogin formulated the so-called “curse of living system”, which consists in their fate to do constant work to maintain their own orderliness (against entropy growth) by destroying the orderliness of other living and non-living systems, that is, their environment that ultimately leads to the downfall of the system itself because of lack of resources. I. Prigogin extends his conclusion to the behaviour of societies, which often also act as subject to the “curse of living systems”,¹⁹⁶ manifested both in attitude of mankind to its environment and in the relations between individual societies, some of which, using temporary (history-wide) benefits, aspire to absorb other means of physical violence and ideological pressure that produces in the latter ones cultural shock and inability to resist.

Therefore, only under the condition overcoming by humanity its internal conflicts, inevitable in the process of its formation as the Reasonable Humanity, which can control its biological component, the noosphere can become the most comfortable and safe common to

¹⁹⁴ Maturana, U. & Varela, F., 2001, p. 14.

¹⁹⁵ Prigogin, I., Stengers, I., 1986, p. 208.

¹⁹⁶ *ibid.*, p. 271.

humanity oecumene, in which will act unique, corresponding to the categorical imperative of I. Kant, forms and rules of sustaining the harmonious coexistence of multicultural solidarity international communities of nations and their natural environment. For this purpose, social and individual consciousness must be deprived of the desire to strictly subordinate natural and social processes, since these aspirations, being biological in nature, that is, subject-object, do not make it possible to understand the other side of the interaction, which entails unpredictable consequences, in particular “war against all”, which may also include nature. Only awareness of solidarity, involvement in multilevel diversity of reality, built on constant feedback and the corresponding operational correlation of one's aspirations, can give the expected effect of harmonized orderliness and the predicted safety of human life within a planetary ecosystem.

An important component of the process of building a global civil society and its modernized project – the noosphere should be international law and a stable international order provided by it. The neoliberal international law and order that formed after World War II, as the last contribution of positivism to the theory and practice of legal regulation, only partially embodied the conditions outlined by I. Kant at the end of the XVIII century. Due to the rule of obligations of the states under the UN Charter,¹⁹⁷ international public law during this period for the first time became systematic unity, rapidly forming a codified legal basis and institutional support for all areas of

¹⁹⁷ United Nations (UN), 1945, p. 103.

international cooperation. However, within the framework of this system, neither natural entities under jurisdiction of the state, whom Kant wanted to see as subjects of the global civil law, nor the collective entities other than sovereign states were not granted their international status. The criteria of legitimacy laid down in the positivist basis of the neoliberal international rule of law do not allow to take into account to what extent the international activities of the governments of the states protect the interests of their citizens and are beneficial to the international community as a whole. The level of decision-making in international law remains interstate in form, although in reality in it play an active role, not subjected to the rules of international law, various groups of influence on governments whose opacity significantly reduces the expectation and level of trust in international relations, and, ultimately, the effectiveness of international law.¹⁹⁸ Most of the national legal systems of the world remain even more archaic: if the principle of sovereign equality of states acts in public international law, then in national legal systems the state remains a privileged entity, whose responsibility to citizens does not have effective procedural support, which produces a lot of abuses by those, who formally represent the state, not corresponding to the conferred, by it powers with its subjective characteristics. Thus, positivist legal consciousness, regulating legal relations on the basis of their strict formalization – to complete dehumanization, does not have proper criteria for assessing the human dimension in the activities of the state or its representatives, in particular, the public benefit of legal acts issued by the authorities or

¹⁹⁸ Dinh, N. K., Daye, P. & Pell, A., 2000, p. 34.

the qualities of representatives of power, whose style of relations with citizens remains, preferably, “subject-object”.

The embodiment and product of the “subject-object” approach in industrial society became G. Marcuse’s “One-dimensional man”, characterized by him at the beginning of the second half of the XX century.¹⁹⁹ The author considers an industrial society as a “purely technological” historical project that completely ignores human nature. Its main purpose – to conquer nature, to adapt it to meet the needs of man – turns against man as a component of nature. A developed industrial society is “non-repressive totalitarian”: it overcomes revolutionary contradictions, and totalitarian loyalty of citizens provides without violence economic and informational coordination of the behaviour of its members, aimed at forming standardized needs that are constantly artificially raised.²⁰⁰ Particularly significant contribution to this process is made by media, which “have no difficulty in betraying the private interests of certain social groups for the standard interests of all reasonable people.”²⁰¹ According to Marcuse never before a society with such an abundance of intellectual and material resources so completely dominated the individual, whose consciousness was formed within the boundaries of political, economic and cultural nature. Thus, a “one-dimensional man”, perceiving the loss of access to standardized goods as a catastrophe, is not capable to

¹⁹⁹ Marcuse, G., 1994.

²⁰⁰ *Ibid.*, p. X.

²⁰¹ *Ibid.*, p. XI.

resist a system that produces more and more means that can not only destroy humanity but also daily destroy human in man, that is, lead to their complete dehumanization as deprived of freedom of choice, detail of a grand industrial machine. “We obediently accept the need for the peaceful production of the means of destruction, brought to the point of excessive consumption, upbringing and education, aimed at protecting something that deforms the defenders themselves and what they protect”, concludes G. Marcuse.²⁰²

Despite the fact that the alarming symptoms, revealed by Marcuse in Western society during the industrial period, have received quite adequate responses and have largely been overcome, they are still relevant to non-Western societies, especially against the background of the current aggravation of social contradictions caused by unprecedented social and cultural dynamics that turn into cultural shock and impoverishment for the majority of the planet’s population, widening the gap, in certain societies, between the rich and the poor, and by regions of the planet – between the depressed national economics and successful countries which, anyway, continue to enjoy the benefits laid during the period of direct exploitation of the colonies. The growth of social entropy in the system of international law and order is facilitated by the modern intensification of the search for new ideological orientation points, most of which are aimed at strengthening the self-identity of non-Western societies, which, after a long period of Westernisation, are trying to restore their own cultural tradition. This

²⁰² *ibid.*, p. XIX.

process could be an important step towards the implementation of the idea of the noosphere as a solidarity poli-civilizational and multicultural international community, if such searches did not come down to one-dimensional totalitarian thinking, which distinguishes all carriers of any distinct points of view that can be solidarity only in primitive resistance “to all Western” as antagonists.

These processes are strengthened by the turn of the century, by a general crisis of confidence in the rationally grounded moral and social orientation points of the previous century, which have supported the solidarity of societies in their efforts to future prospects. The discreditation of these orientation points releases the elemental nature of man, who, ignoring the public interests, seeks to fulfill the rapidly growing individual needs, overcoming any boundaries of common sense. For their prompt substantiation the simplest well-known “traditional” values, which are often formulated in a dishonest and eclectic manner are updated. As a consequence, the general level of awareness, aesthetics, morality, law and other components of culture as a systematic factor of any society decrease. In such an information field, the individual, whose consciousness is subordinated to the motives of hard “Physis”, becomes an ideal consumer, for whom a caring attitude towards his natural and social environment, as well as a sense of responsibility to past and future generations, are categories of incomprehensible and senseless.

International law, as the brainchild of the Western legal tradition, which continues to be at the forefront of the processes of liberation of human consciousness and humanization of social relations, since the

end of the XX century, forms new approaches to the regulation of international relations, basing on a set of new concepts of legal consciousness, alternative to positivism.²⁰³ The most important of these novels is the awareness of primacy in relation to collective legal personality – individual legal personality, the source of which is the psychophysical abilities of a person, and the need to recognize the multiple levels of collective legal personality with a certain inalienable set of rights and duties at each level.

At the level of regional institutions, at least in Europe, this approach has consistently implemented by the conventions of the Council of Europe,²⁰⁴ the aims and principles of the founding treaties of the European Union, including the Charter of Fundamental Rights of the European Union, and the conception of “human dimension” of OSCE. At the global level, within the difficulties associated with the consolidation of the legal obligations of states in multilateral international treaties and taking into account the drawbacks of the exclusively inter-state level of making official decisions of universal importance and the real possibilities of potentially every level of collective legal personality to influence the international law and order, especially during the periods of general growth of entropy processes at the turn of the centuries, international law widely uses opportunities of advisory nature acts, forming joint understanding of the necessary measures by the international community. Accordingly, the numerous

²⁰³ Mark van Hook, 2012, p. 14.

²⁰⁴ Council of Europe (CE), 1999.

declarations, development strategies and “action plans” of the UN or other international organizations, adopted at the turn of the XX-XXI centuries, call on the states to develop a new style of relations with their citizens, simultaneously appealing to different groups of subjects of private law relations in order to intensify their influence on the governments to reorient their activities to protection of social and humanitarian value.²⁰⁵ This soft impact mechanism was particularly implemented in international environmental law, when since 1972 against the background of adoption important international treaties on special environmental issues, a comprehensive system of principles is being developed in the recommendation acts, which is constantly improving and contributing to the solidarity of humanity in the issues of environment protection and grater joint awareness of the depth of these problems and the conditions for their overcoming: the World Conservation strategy (1980); the World Charter for Nature (1982); Proceedings of the Conference on Environment and Sustainable Development in Rio de Janeiro, the World Conference on Human Rights in Vienna (1993), the International Conference on Population and Development in Cairo (1994), the Global Conference on the Sustainable Development of Small Island Developing States in Bridgetown (1994), World Summit for Social Development in Copenhagen (1995), UN Conference on Settlements in Istanbul (1996), Summit on Sustainable Development in Johannesburg (2002),²⁰⁶ finally

²⁰⁵ United Nations (UN), 2000.

²⁰⁶ World Summit on Sustainable Development (WSSD), 2002.

the UN Conference on Sustainable Development was held in Rio de Janeiro (Rio +) in 2012.²⁰⁷

In the process of establishment institutions of civil society, education should play a decisive role, which due to the variety of new means and opportunities afforded by modern communication systems, should be much more widely understood than in the recent past. The conception of a “global information civil society”, which main goals and characteristics are set out in the relevant acts of “soft law”,^{208,209} opens new educational opportunities for humanity, transferring the capacity of international contacts to the level of interpersonal exchange of information. Focused primarily on comprehensive assistance in a convenient for each subscriber mode, they, among other things, contribute to the awareness of the prospects and opportunities of non-international relations by subjects of global information civil society, as well as their mutual studying and development of a sense of shared responsibilities for choice of humanity of its further development characteristics.

At the conference Rio+ of 2012, this approach was officially implemented. In order to develop a common position of mankind with regard to its future, the Conference systematized the diverse views of entities of the international community, which was presented, in addition to governments and intergovernmental international

²⁰⁷ United Nations (UN), 2012.

²⁰⁸ G8, 2000.

²⁰⁹ World Summit on the Information Society (WSIS), 2003.

organizations, by a wide range of non-governmental institutions, public movements and communities. Strategies for overcoming poverty, promoting social justice, rational urbanization, and providing more favourable living conditions and a range of other social measures have been developed as relevant and necessary, in particular for the environment.²¹⁰ Despite the fact that a large number of planned measures and decisions could not be implemented even at the level of agreements, Rio+ became a forum that properly demonstrated the problematic and promising features of the international law of XXI century. In developing Rio+ decisions, the UNGA has identified the main Sustainable Development Goals, which are formulated, as follows: 1) poverty reduction; 2) overcoming hunger; 3) good health; 4) quality education; 5) gender equality; 6) clean water and proper sanitary conditions; 7) renewable energy; 8) decent work and economic growth; 9) innovation and infrastructure; 10) reduction of inequality; 11) sustainable development of cities and communities; 12) responsible consumption; 13) combating climate change; 14) conservation of marine ecosystems; 15) conservation of land ecosystems; 16) peace and justice; 17) partnership for sustainable development.²¹¹

Thus, it becomes clear that topical for international law improving negotiation and decision-making process at the level of governments with civil society involvement as an observer and controller, should also be accompanied by measures that would contribute to the process of

²¹⁰ United Nations (UN), 2012.

²¹¹ State Statistics Service of Ukraine (SSSU), 2019.

forming the worldview of a citizen of the global public information society, for this purpose international institutions should more actively, in the mode of feedback from civil society, undertake the development of publicly available international educational programs, subordinated to new worldviews, which will be based on elementary, but scientifically validated knowledge about the psychophysical abilities of a man, including the ratio of its biological and humanistic components, the basis of social morality, built on the comparison of “subject-object” and intersubjective approach to social relations, and knowledge of the most significant patterns of life of the planet and its natural environment, including familiarization with the most topical problems of preserving its components.

CONCLUSIONS

The multifaceted improvements of modern times under the historical realities and public consciousness are occurring on different scales and in different ways. If the struggle for human rights and fundamental freedoms has become a priority of modern times since its inception, then the need to protect the environment has been fully realized only in the last century, quickly finding an embodiment in the development of the system of environmental human rights. The international environmental protection system, as a relatively young component of international public order, is based on the principles formulated at the Stockholm Conference on the Human Environment, which bound the problem of protecting the environment against anthropogenic pollution to sustainable development. As a major factor of the success of both tasks, the international community becomes increasingly aware of the

need for coordinated efforts to activate ideological changes in the direction of humanization of social relations, which would counteract the priority of man dimension in all spheres of social activity to consumer and technocratic progress criteria.

All the modern times, the social consciousness is influenced by, on the one hand, the inertia of the “subject-object” relation of man to his social and natural environment, inherited from the caste societies that have ruled over the last five millennia of the history of civilizations, on the other – the spreading of an “intersubjective” style of communication, built on the recognition of the equal legal personality of their participants, which is one of the most important conditions for building a civil society. Against the background of the general progress of civil society ideals, this process is complicated by the eclectic and mosaic distribution of new ideas and old customs – in time, space, across different societies and in different spheres of social relations. The inertia of the subject-object relation of man to his social and natural environment, the inertia of which in a certain society is preserved the stronger the longer and more aggressively it is dominated by the dehumanized means of ideological influence and regulation of social relations. An example of its stability over time was the “One-dimensional man” of G. Marcuse – a product of technocratic rule in the industrial period of development of Western society. Although in the Western society the drawbacks of technocratic governance are effectively overcome by the standards of human dimension, implemented in national legal systems, they are still relevant to non-Western societies, especially with the current exacerbation of social

contradictions that turn to marginalization and impoverishment majority of population of the planet.

The “intersubjective” nature of social relations is based on the philosophy of I. Kant, built on the priority of the human dimension, in particular, on the ability of the human consciousness to self-reflection and control over biological instincts, which ensures human freedom. According to Kant, freedom, alternative to arbitrariness and subjected to the rules of law based on moral law, is the overriding goal of the social relations on which a world-wide civil society should be built, where eternal peace will prevail and human rights will be respected.

An important component of the new worldview should also be the noospheric thinking, the main motive of which is the responsible attitude of man towards the future of the planet on the basis of awareness of both the destructive possibilities of modern humanity and the conditionality of its existence for the preservation of a healthy environment.

Only under the condition of overcoming its internal conflicts by the humanity, the noosphere can become the most comfortable and safe all-human oecumene, in which will operate the unique, corresponding to the categorical imperative of I. Kant, forms and rules of support of the harmonious coexistence of the multicultural solidarity international community of people and its natural environment. For this purpose human consciousness should be cleansed of the motives of domination in relationships with nature or other people, since such relationships do not allow us to understand the other side of the interaction that increases the unpredictability of its consequences. The predicted crisis-

free life for humanity can only be ensured by its solidarity in the multilevel diversity of the planetary ecosystem.

International law plays a decisive role in the process of building a global civil society and its modernized project – the noosphere. In the new millennium, this process has accelerated significantly thanks to a program of building a global information civil society, which has transferred the main capacity of international contacts to the level of informal interpersonal communications. Taking into account the drawbacks of the formation of international law on the basis of exclusively interstate agreements, international law, at the present stage, should actively involve various social groups, social movements, representatives of territorial communities and other subjects of private law relations in making valid decisions, activating their influence on humanization and socialization of activities of the governments, and for states – to develop recommendations for building a new style of relations with their citizens in order to build a single international system of the environment protection. Although existing programming documents of the UN and other international institutions devoted to these issues are consistently focused on the human dimension in all aspects of environmental measures, however, the UN, its specialized agencies and bodies, with strong experience in coordinating international cooperation, should more actively promote coordination of worldviews of modern humanity, in particular, to include in their tasks the development of publicly available international educational programs that would contribute to the process of forming the worldview of a citizen of worldwide information civil society.

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