

Dear Klaus,

The second principle of the law of sustainable development prohibits the reduction of cultural capital. Is this the reference you were looking for?

I hope you are well. I have yet to come back on the boundaries re foreshore.

Best Wishes, Shirley

I refer to **The Law of Sustainable Development, General Principles**, A Report produced for the European Commission, by Justice Michael Decker published in 2000, in particular, I refer to the twelve core principles of sustainable development set out therein.

[Extract]

* Thus, the **first** principle of public environmental order establishes the obligatory nature of this control system aimed at the evident general good not only of the present generation but those to come: sustainable development must not be abandoned to market forces but must be a responsibility of the state.

* The **second** principle of sustainability requires all public policies to be harmonised and prohibits any further reduction or degradation of natural, cultural and social capital, because even what has been left after ruthless development may well not be enough for survival.

* The **third** principle demands respect of the carrying capacity both of man-made systems and of ecosystems, to prevent the construction of still-born, hypertrophic man-made systems which drag ecosystems down towards their destruction.

* The **fourth** principle demands correction of that error where this is still possible, i.e. the restoration of disturbed ecosystems so that the reduction of natural capital will be averted.

* The **fifth** principle enjoins the protection of biodiversity in order to preserve the stability (equilibrium) of ecosystems.

* The **sixth** principle, that of common natural heritage, strives to secure for the sake of all the vital nucleus of natural capital, i.e. untamed nature where it exists and the ultimate reserve of life.

* The **seventh** principle demands restrained development in fragile ecosystems.

* The **eighth** principle, that of spatial planning, calls for the overall planning of balance between man-made systems and ecosystems, so as to control and maintain their stability and to improve the quality of the former.

* The **ninth** principle, that of cultural heritage, is interested in the stable continuation of manmade systems and the qualitative (spiritual) character of development.

* The **tenth** principle, that of sustainable urban environment, strives to reverse the advancing decay of modern cities, and to restore quality of life therein.

* The **eleventh** principle, that of the aesthetic value of nature, also serves qualitative development and the satisfaction of man's aesthetic needs, and

*The **twelfth** (and last) principle establishes a sound system of values and environmental awareness in people, as the real guarantee of the entire control system.

The system formed by these general principles is complete because it covers all the fundamental problems of relations between man-made systems and ecosystems. On the basis of those principles other, more specific ones can be drawn up where necessary for the solution of specific problems. By respecting these principles, people are free in future to impart quality to their development, on the one hand by controlling its natural cost and on the other hand by the equal satisfaction of material and intangible values. At any rate, the success of the control system presupposes a sustainable State and especially sustainable behaviour by its citizens, because in the last analysis what is involved is a system of values, a new culture of post-industrial society. The old values of the Constitution which are the content of individual and social rights and date from the Enlightenment and the Welfare State remain, and retain their importance intact. But they do not suffice. The new values, namely the general principles of Sustainable Development, are those which will show the way out of the environmental crisis and secure the future of mankind. And that future leads only one way, i.e. to man's coexistence with his natural environment. In that way, old and new values form a complete and coherent system.

We have no right to be other than absolutely clear about what we are saying. Any argument of modern environmental law must have as its points of departure:

- a) the reality of the environmental crisis; that crisis is a fact of life, is global, and is approaching the threshold of irreversibility; it is downright criminal to ignore or underestimate it;
- b) the connection of that environmental crisis with the direct need to restore justice in relations between the 'haves' and 'have-nots' at the international and domestic levels; the environment is not for the convenience of the former, it is a need of the latter; the unjust world of "affluence" leads to its own self-destruction;
- c) the realisation that the blame for the environmental crisis falls largely upon the prevailing state of the economy in the countries of the western world and the resultant subjugation of science and technology, but also the substantive withering and shrivelling of the political and ethical voice; as has been explained, sustainable development is in particular the balancing and harmonisation of human values;
- d) the conviction that sustainable development is a one-way street; without it there is no salvation, nor any return to the past, but only a threat to survival;
- e) the axiom that sustainable development presupposes a sustainable State, i.e. a State that has acquired the ethos and ability to plan and implement such a policy." **[End Extract]**