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Summary of doctoral dissertation.

DUTY OF PUBLIC AUTHORITIES TO PREVENT ADVERSE HEALTH EFFECTS OF  
ENVIRONMENTAL DEGRADATION ON THE EXAMPLE OF AIR QUALITY  
PROTECTION

The imperative to ensure a healthy natural environment for man is rooted in the most elementary of human needs. Enjoyment of clean natural environment is a personal right, recognized as a human right, and may also be viewed as a personal interest. A human right to a safe and clean natural environment finds its reflection in the obligation of the state to secure such right for individuals under its jurisdiction, together with the measures of its protection and opportunities for its realization. Such obligation of the state is derived from international law, laws of the European Union, but first and foremost from the Constitution as the highest imperative for authorities. At the same time, in a democratic order the Constitution provides the legal framework for such duty as well as the limits for its application, which may not be altered though an act of law or international agreements.

Air quality remains among the environmental factors with the most severe long term impact on human health. Deteriorating air quality is a source of economic loss to states due to the resulting increased rate of disease and higher mortality, leading to higher cost of healthcare and reduced productivity of the population.

Clean air is a common good of the society, but also an area of responsibility and duty to the public authorities. It is the state that must engage in political, legal, administrative and financial action to provide individuals under its control with air quality sufficient to ensure their wellbeing. Protection of air quality may not be regarded as a costly measure hindering economic growth. It is the economic growth that ought to lead to greater wellbeing of the society, which may not be ensured without providing for human health and safety, which largely depend on the quality of air, water and soil.

The obligation of public authorities to prevent negative health effects from deteriorating quality of air is thus not merely a political claim, but a legal obligation binding under a democratic system of government.

The aim of the dissertation is to inspect a hypothesis, under which the state bears responsibility for air quality safe to human health, where negligence by public authorities would constitute a violation of international law, laws of the European Union and the Constitution of the Republic of Poland.

Efficiency with which the state fulfilled this obligation was analyzed in the form of a requirements review and compliance review. Implementation of legal instruments protecting air quality was also verified, together with their efficiency. Another element under analysis was the adequacy and effectiveness of the air quality protection system, its organization and distribution of tasks among the appropriate national and local government bodies. Provision of adequate financing for task execution was also reviewed. Actual air quality in Poland was analyzed through a comparison against legally binding norms set by the state as well as against levels recognized as safe for human health.

A significant aspect of the dissertation is the analysis of legal grounds for liability of public authorities for failure to meet the obligation to actively prevent adverse health effects of environmental degradation, including poor air quality. An analysis was conducted of possible liability of public authorities on the grounds of international law, laws of the European Union and the Constitution of the Republic of Poland, as well as administrative, penal and civil regulations.

The research hypothesis put forward in the dissertation was verified by establishing that the state bears a responsibility for the quality of air at levels safe to human health, and failure to meet such obligation by public authorities constitutes a violation of international law, laws of the European Union and the Constitution of the Republic of Poland. Public authorities of the Republic of Poland fail to adequately fulfil that duty, and the quality of air in Poland poses a hazard to human health. However, national regulations do not offer effective instruments for enforcing such obligation or accountability for the negligence of the authorities in that respect.

Key words and phrases:

Human right to air quality, degradation of environment, protection of air quality, air quality standards, legal instruments for protection of air quality, obligations of public authorities, state efficiency, air quality bodies, financing of air quality protection, liability of public authorities.