Nature in law: the environment and sustainable development in Portugal's democratic political-legal framework*

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Abstract: This study focuses on the environmental issue in Portugal after the 25th of April, analysing the problem from three main perspectives: the contextual diachronic perspective of the critical Anthropocene construction; the relevance of the environmental issue at national and international level and environmental policies in the Portuguese legislative framework, involving questions relating to the normativity of environmental law, legislative discourse and the semantic value of the expressions "environmental quality", "nature conservation", "self-sustaining development", "sustainable development", "environmental education", "natural environment", and "human environment" as concepts associated with the evolution of environmental policies in post-April 25th Portugal. The question is that the Portuguese legal framework use of these concepts may contain an ambivalent valuation, oscillating between conservationist or environmentalist goals and developmentalist aims. The qualitative research methodology is mixed, using the exploratory and the comparative method according to the principles of concordance and difference in analysing legislative discourse.

Keywords: Anthropocene; Environment; Sustainable Development; Environmental Law; Environmental Policies; Democracy; Portugal.

Introduction

The term "Anthropocene" refers to the current geological era in which human activities have a dominant impact on the environment and the planet. This era is marked by significant changes in the Earth's systems, many of which are a direct result of human action and the form of social organisation in which we live, centred on hyper-consumption (Lipovetsky, 2006). The concept of the Anthropocene raises important questions about humanity's role in shaping the planet and the social and ethical implications of these changes, and understanding and addressing the implications of the Anthropocene requires an interdisciplinary approach that considers the ecological, social and ethical dimensions of the changes underway.

The concept of the Anthropocene has been useful in drawing attention to the scale of environmental changes caused by humans. However, it also raises important critical perspectives in various areas of knowledge on responsibility and universal respect for the way we conceive the relationship between humanity and nature, reflecting on the implications and meanings of this geological era (Johns-Putra & Xianmin, 2023).

Criticism of the way man has dealt with nature predates the concept of the Anthropocene by more than a century, as does the concept of "sustainable development". Among the critical Anthropocene pioneers were naturalists, philosophers, political thinkers and conservationists such as Alexander von Humboldt, Charles Fourier, John Stuart Mill and George Perkins Marsh, who, from different perspectives, assessed the consequences of the process of accelerated industrialisation (pollution and exploitation of natural resources), putting the quality of life and human well-being at risk.

In Portugal, the first studies and inventories of natural heritage were early but intermittent. The League for the Protection of Nature was founded in 1948. The Third Development Plan, drawn up by Marcello Caetano's government (1968-1974), increased the country's industrialisation and suburbanisation, leading to problems of territorial and environmental disorder. The Marcelist Spring[2] corresponds to a period of environmental awareness among Portugal's intellectual and political elites.

However, the production of fundamental legislation defining the principles, objectives and essential instruments for environmental protection and management (the first Framework Law on the Environment) came after Portugal's integration into the European Economic Community. In this way, nature policies were promoted and integrated at national level through the influence of international environmental and development measures. The process of legal acculturation led to the absorption of international environmental concepts, standards and practices, promoting the harmonisation of legislation and the influence of conventions and treaties. The comparative framework of Portuguese fundamental environmental laws aims to analyse discursive categories as a way of highlighting the evolution of environmental law and its implications for designing and updating public policies.

1. The human era: a diachronic and critical Anthropocene perspective

Although there is no consensus on when the concept of the "Anthropocene" began to be applied as a new geological era during which human activity has exerted a particular and incisive influence on the environment and the Earth system, a majority of scientists and scholars support the idea that the concept emerged in the 1980s, in the context of the rise of the Earth System Science Paradigm[3], and was subsequently popularised by chemist Paul J. Cruzen and biologist Eugene F. Stoermer (Cruzen & Stoermer, 2000).

The genesis of this new geological era – the Anthropocene – is connected to the dawn of the accelerated process of industrialisation in England since 1750, when human activities began to have a significant impact on the Earth's systems, particularly the intensive agriculture, extraction of natural resources and atmospheric pollution from the use of coal.

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2 Name given to Caetano's government, characterized by some attempts at political and social reforms within the Estado Novo regime, although it was short-lived and had limited impact due to the continuation of authoritarianism.

3 This model reports an interdisciplinary approach that considers the Earth as a complex and interconnected system, implying a dynamic interaction between its physical, biological, chemical and human components (Steffen; Richardson & Rockstrom et al., 2000).

The 19th century saw significant advances in the understanding of ecology, the environment and environmental science. The German explorer, geographer and naturalist Alexander von Humboldt (1769-1859) recognised and documented the impact of human activities on the environment and was one of the first authors to highlight the interconnectedness of natural systems and the influence of man on the environment (Humboldt, 2011).

The utopian philosopher Charles Fourier (1772-1837) defended the idea that human societies should be in harmony with nature and animals. Although Fourier did not explicitly develop the concepts and ideas in modern environmental terms, his emphasis on the articulation of human activity with nature, sustainable agriculture, the efficient use of resources and the humane treatment of animals can be seen as a precursor to contemporary environmentalism (Soromenho-Marques, 2023). His holistic approach to society, the economy and the environment is in line with the modern principles of sustainable development.For his part, John Stuart Mill (1806--1873), by putting forward the concept of the "stationary state", criticised the idea of unlimited population growth and capitalist development. Mill argued that human well-being did not depend on the excessive consumption of material goods. The incessant pursuit of wealth was a source of unhappiness. For Stuart Mill, economic growth was not an end in itself, but a means of achieving higher levels of well-being. Once the appropriate level of wealth had been achieved, the concern should be to guarantee human quality of life and well-being (Mill, 2019).

One of the greatest representatives of environmental conservationism in the second half of the 19th century was George Perkins Marsh (1801-1882) who, in his major work *Man and Nature; or, Physical Geography as Modified by Human Action* (1864), argued that human activity was having a profound impact on the environment, leading to deforestation, soil erosion and climate change (Marsh, 2003). He advocated the need for rational resource management and increased conservation efforts to mitigate the human impact on the natural world, at a time when the prevailing belief was that nature was inexhaustible.

The crisis of modernity has shaken the foundations of modern society established by increasing industrialisation, the belief in technical progress, unlimited economic growth and the domination of nature by man, issues that are at the heart of the current environmental problems of the Anthropocene. Thus, the notion of linear, continuous and rational Enlightenment progress has been questioned from different angles, in existentialist philosophy and in criticisms of modern capitalist society, namely by the Frankfurt School.

From an institutional point of view, the 1960s also saw the creation of government agencies and international agreements aimed at resolving environmental issues, but it was within the framework of the Club of Rome – an international organisation founded in 1968 with the purpose of promoting interdisciplinary dialogue on global issues, including economic development, the environment, natural resources, population and other social challenges – that the first report on the consequences of continued population and economic growth on a planet with finite resources was published.

The Limits to Growth, published in 1972 by the Club of Rome, introduced important ideas about sustainability and the potential environmental impacts of unlimited growth. The report analysed the interactions between five main variables: world population, industrialisation, pollution, food production and resource depletion. As a rejection of the belief in unlimited capitalist development, it generated a wave of criticism that considered the report overly pessimistic, accusing it of underestimating the capacity of human societies to adapt (self-regenerate) and resist adverse phenomena deriving from natural resource and pollution problems.

Despite the criticism, the report was a milestone in raising global awareness about environmental challenges and the limits of the planet, and subsequently had a significant impact on discussions about environmental policies and sustainable development, influencing the political agenda of many countries and international organisations (Meadows *et al.*, 1972).

Sometime later, the World Conservation Strategy (1980), a joint document between the International Union for Conservation of Nature (IUCN), in collaboration with the United Nations Environment Programme (UNEP) and the World Wide Fund for Nature (WWF), emphasised the interdependence between environmental conservation and human development (McCormick, 1986).

In 1987, the United Nations World Commission on Environment and Development, chaired by Gro Harlem Brundtland, published a seminal document entitled *Our Common Future*. This report is widely recognised as having popularised the concept of "sustainable development" and has had a significant influence on global environment and development policies. The document argues that

> "The concept of sustainable development implies limits – not absolute limits, but limitations imposed by the current state of technology and social organisation on environmental resources and the capacity of the biosphere to absorb the effects of human activities" (OCF, point 27).

This definition emphasises the importance of balancing technological development, population growth, economic development, social inclusion and environmental sustainability in the future. However, criticism of the concept of "sustainable development" comes from different fronts and branches of knowledge. Carl Mitcham, a philosopher, was one of the first to draw attention to the ambiguity of the concept. Mitcham argues that development, understood in terms of continuous economic growth, is intrinsically incompatible with sustainability, which requires limits on the use of resources and pollutant emissions (Mitcham, 1995).

The critical Anthropocene perspective questions the traditional view of absolute human domination over nature – humanity and capitalism –, a perspective they consider one-sided (Michell, 2014). Critics of this era emphasise the risks and uncertainties associated with manipulating complex ecological systems, warning of the unforeseen consequences of human interventions in the environment (Moore, 2016; Haraway, 2017; Chakrabarty, 2021).

For Naomi Klein, the Anthropocene increases social and economic inequalities, since the consequences of human activities on the environment are not evenly distributed and the poorest suffer the most severe impacts of environmental degradation (Klein, 2015). "Anthropocethicists" argue in favour of a holistic and ethical approach to understanding and dealing with environmental challenges. This includes recognising and valuing the diversity of forms of ecological knowledge, promoting changes in social behaviour (circular economy and conscious consumption, for example), ensuring the biodiversity of ecosystems and developing practices that guarantee the need for natural resources for future generations, as well as respect for the integrity of natural systems.

Similarly, critical ecological thinking encompasses a variety of approaches that criticise the current relationship between humans and non-humans, often proposing radical changes in social, economic and political practices in order to achieve sustainability. Critical ecological thinking, from Bruno Latour (1999 and 2016) to Timothy Morton (2009) or James Lovelock (2007), among others, recognises that the indivisibility of humanity and nature is fundamental to sustainability.

The speculative realism of Quentin Meillassoux and Graham Harman, underpinned by object-orientated ontology (OOO movement), breaks with the "correlationism" dominant in contemporary, neo-Kantian-inspired thought. For Harman, all objects are autonomous and have an independent existence, which cannot be reduced to their relationships or their perceptions by other objects or human beings. Harman challenges the notion that humans have a privileged role in determining reality and paves the way for a more inclusive and broader understanding of the world. OOO theory offers a unique perspective for understanding environmental issues by

treating all objects – be they humans, animals, plants, ecosystems or inanimate objects – as autonomous and equally important entities (Harman, 2007). This current of thought proposes an interpretative and alternative view of our understanding of the world.

2. The relevance of the environmental issue: between the national and the international level

Environmental awareness in Portugal is nothing new since the 25th of April Revolution. Founded in 1948, the League for the Protection of Nature is the oldest environmental association in the country, dedicated to the study and inventory of natural heritage. Later, the industrial and infrastructural development resulting from the development plans led to growing concerns about their environmental impact.

In the Third Development Plan (1968-1973), drawn up and approved by Marcello Caetano's government, correcting regional development imbalances was one of the three pillars of the programme aimed at modernising the productive structures of the Portuguese economy and internationalising it. The implementation of this new plan led to the progressive industrialisation and accelerated suburbanisation of the country, which highlighted, as in the more industrialised European countries, problems related to the degradation of the quality of life and the environment.

Although environmental concerns were not yet a political or social priority in Portugal, the need for strict environmental regulation was a lesson learnt from the negative impacts observed after the implementation of the Third Development Plan.

The first report produced on the state of the environment in mainland Portugal and the colonies dates back to 1971, touching on various dimensions of the problem, e.g. water resources and animal protection, among others (Ramos Pinto, 2006). Within the framework of the National Board for Scientific and Technological Research, the National Environment Commission (NEC) was created in 1971, a permanent organisation for environmental studies, during the period of the Third Development Plan. The NEC was part of a wider international movement of environmental awareness. It came into being following a note from the Secretary General of the United Nations in March 1969, reporting on Resolution 2398, which would give rise to the United Nations Conference on the Human Environment, held in Stockholm (1972).

The creation of the NEC represents an important point in the history of environmental management in Portugal, and in Portugal's international participation in the 1972 United Nations Conference (Brandão, 2015). The government's priority at the time was still predominantly the economic development, and the NEC's initial activities were limited by a lack of resources and a still incipient institutional structure.

However, through the hands of the commission's president, José Correia da Cunha (1971-1983), an engineer by training, the institutional framework of a Portuguese environmental policy was gradually developed. At this stage, the NEC's main concern was to combine environmental protection with land-use planning, without neglecting the innovative functions of environmental education.

The European Year of Nature Conservation (1970), organised by the Council of Europe, led to the production of the first legislative document on nature protection (Law no. 7/70, of June 9th) and the Basic Law for the creation of national parks and other types of reserves (Law no. 9/70, of June 19th)[4]. These laws introduced the notions of national park and nature reserve into the Portuguese legal system, following the international development of nature protection laws.

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4 Between 1975 and 1983, without counting "classified sites", fourteen parks and natural reserves were created (Brandão, 2015).

Community environmental policy began with the first Action Programme of the European Communities on the Environment (1973-1976), aimed at implementing a common policy, which included a wide range of measures "to improve the setting and quality of life and the surroundings and living conditions of the peoples of the Community"[5].

On a national level, the 1st, 2nd and 3rd Provisional Governments had the iconic landscape architect Gonçalo Ribeiro Telles (1922-2020) as their Under-Secretary of State for the Environment, later Secretary of State for the same area in the First Constitutional Government and Minister of State and Quality of Life in the early 1980s, placing greater emphasis on the environmental issue.

As a member of Parliament, he was the driving force behind the creation of the network of protected areas and preventive measures to protect the environment and landscape (Schmidt, 2023). In 1986, the expression "Environmental Education" was used for the first time in a parliamentary debate, and was later introduced into the general education process for students by the Framework Law for the Education System (Law no. 46/86, of October 14th).

Following Portugal's integration into the European Economic Community in 1986, a favourable context arose for the development of environmental policies in Portugal.

Some Community directives had been addressing the environmental issue since 1983. The Single European Act signed on 17 February 1986, which came into force in 1987, explicitly recognises the environment as an area of Community action (Single European Act, article 130). This act establishes the legal basis for the European Union's (EU) environmental policy, including the protection and improvement of the quality of the environment, public health and the prudent and rational utilisation of natural resources. Environmental protection is considered a key area for the prosperity and well-being of European citizens. This approach has made it possible to create mechanisms and instruments applicable to all EU countries, including directives and regulations aimed at harmonising the Union's environmental policies.

In the 1980s, the environment became more politically and socially relevant in Portugal.

Environmental activism developed through various organisations, initiatives, platforms and citizens' movements, such as GEOTA – Grupo de Estudos de Ordenamento do Território e Ambiente (1981) and QUERCUS – Associação Nacional de Conservação da Natureza (1985), which organised the first campaigns denouncing polluting and environmentally damaging projects, such as hydrocarbon exploration, mining and the construction of large infrastructures (Vaz, 2016).

The first Portuguese Framework Law on the Environment (Law no. 11/87, of April 7th) and the Law on Environmental Defence Associations (Law no. 10/87, of April 4th) were drawn up in this context by the Ministry of Planning and Territorial Administration, creating a structure for the protection of the environment. Within the framework of the 1987 Law on the Environment, the National Environment Institute was created – later integrated into the Portuguese Environment Agency – with powers to protect the environment, conserve natural resources and promote environmental education, as part of the implementation of national environmental policies and strategies.

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5 European Comission – Programme of action (ECSC, Eurotom, EED) on the environment 1973-1976. The eighth and current Environment Action Programme (2021-2030) sets out the EU's environmental policy guidelines, identifying priorities and establishing thematic priority objectives in different areas. Available at: https://cordis.europa.eu/programme/id/ENV-ENVAP-1C; https://www.europarl.europa.eu/legislative/new-environmental-action-programme/report

The end of the Cold War in 1991 changed the global political dynamic, creating the conditions for greater international cooperation. In this context, the 1992 United Nations Conference on Environment and Development (UNCED) or Rio Earth Summit brought together world leaders, non-governmental organisations and representatives from various sectors to discuss and take action on environmental and sustainable development issues. Agenda 21 and the Rio Declaration are the main effects of this international meeting, which aimed to operationalise sustainable development (linking environmental protection with economic development and social cohesion). It was precisely this summit that consolidated and spreading the concept of "sustainable development" as a central objective of international, national and regional policies. The term "sustainable development" reveals how the concept of nature is understood, a resource to be exploited. The lexicon of "development" is made up of terms such as mass production and consumption, exploitation of resources. The notion of "sustainability" involves the promotion of natural resources and ecosystems, not just preservation (the idea of society's superiority over nature) (Latour, 1999). In 1997, was created the National Council for the Environment and Sustainable Development, a consultative body that works with the Ministry of the Environment, advising the government on the implementation of public policies with environmental and sustainability concerns.

With the dawn of the third millennium, the entry into force of the Kyoto Protocol (2005) and European environmental protection directives forced the Portuguese legal framework to be updated. The 2014 Framework Law on the Environment seeks to respond to the new emerging transnational environmental challenges (climate change, pollution, biodiversity), keeping pace with scientific developments and international objectives in this field.

3. Environmental policies in Portugal's democratic legislative framework

> The fundamental tasks of the state are: "e) To protect and enhance the cultural heritage of the Portuguese people, to defend nature and the environment, to preserve natural resources and to ensure the correct planning of the territory (...) 1. Everyone has the right to a healthy and ecologically balanced human living environment and the duty to defend it" (*Constitution of the Portuguese Republic*, 1976, articles 9 and 66).

In *Rhetoric* (1998), Aristotle distinguishes between three categories of discourse, according to their purpose: deliberative, judicial and epideictic. Deliberative discourse is future-orientated, aiming to persuade citizens about actions that should be taken; it is a discourse used in political and legislative contexts. Judicial discourse, on the other hand, is directed towards the past and focuses on the judgement of actions that have already taken place. Finally, epideictic or demonstrative speech is orientated towards the present and focuses on the appreciation or censure of people, actions or events. It is often used in ceremonial contexts. Deliberative speech is mostly used to discuss policies and make decisions about the future. This type of speech is common in parliamentary assemblies and in organisations where laws, public policies and other governmental measures are debated.

The analysis of legislative discourse is a powerful tool for understanding the complex dynamics of legislative and political communication. Naturally, this type of discourse not only reveals the legislator's intentions, but also sheds light on the way in which laws mould political choices through the words, ideas and concepts that accompany them. The production of law is not innocuous; its conception can have different objectives, namely to respond to the demands of society in different political contexts and to mould political and ideological positions.

The environmental issue entered the post-25th of April political agenda late. At the dawn of democracy, the pressing task of reforming the State intensified legislative and regulatory production in the educational, economic, social and health domains – e.g. the Framework Law on the Educational System (Law n.º 5/73), reviewing and adapting it to democratic values, guaranteeing universal access to education and the secular nature of teaching; the Framework Law on Agrarian Reform (Law n.º 77/77) and the Framework Law on the National Health Service (Law n.º 56/79) –, with no immediate concern with the regulation of environmental issues.

Despite the fact that Portugal's first fundamental law in times of democracy enshrined the protection of the environment as an essential task of the State and a fundamental right of its citizens, environmental issues only began to deserve attention and to be addressed systematically in Portugal in the 1980s, following the growth of the global environmental movement in the context of the Chernobyl disaster of 1986, the celebration of the European Year of the Environment and the publication of the Brundtland Report of 1987, but also due to the increase in environmental disasters, such as floods, landslides and land and river pollution, which have raised growing concerns about environmental degradation in different regions of Portugal (Schmidt, 2023).

On the other hand, Portugal's entry into the European Economic Community (1986) and contact with the action programmes of the European Communities on the Environment and European directives and regulations on this matter prompted changes at the legislative and political level, and increased public opinion sensitivity to environmental problems.

The following table shows the main pieces of legislation approved on environmental matters in our country.

Table no. 1
Environmental Legislation in Portugal (1987-2021)

Main laws and decree-laws	Designation	Goals
Law no. 10/87, o f April 4	*Lei das Associações de Defesa do Ambiente* Law on Environmental Defence Associations	To promote and regulate the creation and operation of associations dedicated to the protection and defence of the environment
Law no. 11/87, of April 7	*Lei de Bases do Ambiente* Framework Law on the Environment	Environmental policy
Law no. 35/98, of June 18	*Estatuto das ONGs de ambiente* Statute of Environmental ONGs (repeals Law no. 10/87, of April 4)	NGOs have the right to receive support from the State, through central, regional and local administration, to pursue their purposes
Law no. 48/98, of August11	Bases da política de ordenamento do território e de urbanismo Framework for Land Use and Urban Planning Policy	Defines the principles, objectives and instruments for the organization and management of the Portuguese territory
Law no. 58/2005, of December 29	*Lei da água* Law on Water	Transposes the European Union Water Framework Directive (2000/60/EC) into national legislation, establishing an integrated approach to the management of water resources

Main laws and decree-laws	Designation	Goals
Law no. 19/2006, of June 12	*Acesso à informação sobre ambiente* Access to information on Environment	Defines the access policy to environmental information
Law no. 50/2006, of August 29	*Lei quadro das Contraordenações Ambientais* Framework Law on Environmental Offenses	Strengthens environmental protection and holds offenders accountable. Establishes a substantive and adjective (robust) regime for environmental offenses
Decree-Law no. 178/2006, of September 5	*Lei dos Resíduos* Law on Waste	Defines the legal regime for waste management in Portugal
Decree-Law no. 142/2008, of July 24	*Regime Jurídico da Conservação da Natureza e da Biodiversidade* Legal Framework for Nature Conservation and Biodiversity	Defines nature and biodiversity conservation policies, including the creation and management of protected areas
Decree-Law no. 102/2010, of September 23	*Lei da Qualidade do Ar* Law on Air Quality	Transposes EU directives on air quality and defines limits and reference values for the concentration of atmospheric pollutants
Decree-Law no. 151-B/2013, of October 31	*Regime Jurídico da Avaliação de Impacte Ambiental* Legal Framework for Environmental Impact Assessment	Establishes procedures for environmental impact assessment (EIA)
Law no. 19/2014, of April 14	*Lei de Bases do Ambiente* Framework Law on the Environment	Updates and repeals Law No. 11/87
Law no. 98/2021, of December 31	*Lei de Bases do Clima* Climate Framework Law	Basis of climate policy in Portugal aligned with the EU climate goals and the Paris Agreement. Sets the objective of achieving carbon neutrality in Portugal by 2050

Source: Author's own work.

The period between the promulgation of the first Basic Environmental Law (1987) and its repeal in 2014 is twenty-seven years, almost three decades. There were many national and international environmental political changes, and, in terms of understanding the evolution of rhetoric about the environment, they seem to have been significant. The environment and the environmental movement went from a secondary topic to a major political issue, on an international and national level.

Law No. 11/87, of April 7, constitutes a landmark in environmental policy in Portugal, containing nine chapters and 52 articles. The specific principles, stated in article 3, include those of prevention, balance, unity of management and action, international cooperation, search for the appropriate level of action, recovery and responsibility.

This law established the fundamental principles of environmental policy in the country, structuring the bases for the protection, conservation and enhancement of the environment, meeting the guidelines of the European

environmental policy. The general principle of the 1987 Law (article 1, item 2) points to "self-sustaining development" as a principle of intergenerational solidarity, admitting that the impacts caused by human intervention in ecosystems must be reduced.

In turn, the principle of balance (art. 3, paragraph b) aims to safeguard stability between human action and the maintenance of pristine ecosystems "while maintaining a minimum environmental impact" (article 4, paragraph c). In a democratic and transparent act, it calls for the participation of "populations in the formulation and execution of environmental policy" (article 4, paragraph i), and proposes the "effective creation of a new framework of life", aware of the need to promote an integrated, harmonious and sustainable development model that safeguards the "perpetuity of natural systems".

The 1987 Framework Law also defines a set of specific concepts, such as: "quality of life", "environment", "territorial planning", "landscape", "*continuum naturale*", "quality of the environment" and "conservation of nature", that refer to a model of functioning of human societies that respects pristine nature. It advocates the strengthening of measures for the "defence and restoration of cultural heritage, both natural and built", linking natural areas to cultural heritage (article 4, paragraph k). In chapters II and III, it distinguishes and classifies the natural and human environmental components, respectively. Chapter IV, relating to environmental policy instruments and spatial planning, places a special focus on the need for prior assessment of the environmental and landscape impact of economic construction and technological activities. Such policies aim to conserve nature (article 28), and establishing the national network of protected areas and their classification. This law created the National Environmental Institute, endowed with legal capacity and administrative and financial autonomy, with the mission, among others, to propose environmental defence policies to the Government (article 39).

It also establishes the objectives that guided the creation of a legal framework for the protection of the environment, trying to promote what it calls "self-sustainability" and the improvement of quality of life. This law promoted the creation of new specific laws and regulations, covering different areas of the environment, such as the Law on Water, the Law on Waste, and legislation on air quality.

On the other hand, the 2014 Framework Law is much more concise, containing six chapters and 23 articles, and repeals the previous law. The aims of the environmental policy are the "sustainable development", a low-carbon society, a "green economy" and environmental citizenship (article 2).

Among the material principles of the environment are sustainable development, intra and intergenerational responsibility, prevention and precaution, the polluter-pays and user-pays principle, responsibility and recovery (article 3). In the dimension of environmental public policies, the emphasis is placed on transnationality and international cooperation (especially with the European Union), in addition to environmental education and citizen participation (environmental citizenship). The term "environmental conservation" in the 2014 Law was replaced by "environmental preservation".

To conserve and preserve have different semantic values. Generally, conservation is associated with the protection of natural resources, while preservation is associated with the protection of objects, buildings and landscapes. Conservation seeks the proper use of nature, while preservation seeks protection of nature from use (Sellers, 1997). In the components associated with human behaviour, it highlights, in particular, the issue of climate change, waste, noise and the use of chemical products, proposing mitigation, prevention and restriction measures (article 11). The law also provides for the establishment of specific legislation for each of the identified areas, considering international guidelines.

Final considerations

The conventional view of the Anthropocene that suggests that humans have the power to control and manage the environment in ways that ensure human well-being, placing human interests, needs and values at the centre of all considerations has led to critical formulations that we can summarize in four items:

- the unilaterality of the Anthropocene conception, which emphasizes the primacy of humanity in the relationship with all other forms of life (utilitarian vision), ignoring the complexity of interactions between social and ecological systems (ecosystems);
- the lack of recognition that the negative consequences of human activities are not evenly distributed, disproportionately affecting developed and developing countries, accentuating social and economic inequalities;
- the lack of a global and ethical approach to understand and deal with environmental challenges. This includes recognizing and valuing the diversity of forms of ecological knowledge, promoting environmental balance and developing sustainable practices that take into account the needs of future generations, as well as respect for the integrity of natural systems;
- the lack of recognition that sustainability problems arising from the accelerated industrialization process, the exploitation of limited natural resources and the harm from excessive consumption long precede the recurrent and contemporary use of the concept of "sustainable development".

On the other hand, we have analyzed the evolution of environmental issues in Portugal and identified the characteristics and singular aspects of the development of the issue in our country. Concerns about the environment and the respective regulation policies precede the process of national democratization. The first legislative documents on nature protection date back to the early 1970s (Marcelist Spring), having as fundamental concerns the management of parks and natural reserves, environmental protection and territorial planning.

However, the first Framework Law on the Environment only appeared in 1987. This Law established the innovative and guiding fundamental principles of environmental policies in Portugal, framing them within the international guidelines in this field (legal acculturation). This was, of course, one of the main reasons for its longevity. It was the first integrated and sustainable approach to environmental management, considering that nature and ecosystems have intrinsic value. The concept of "nature conservation", combined with the principles of precaution and prevention, in addition to the relevance of assessing the environmental and landscape impact of economic activities, refers to the conception of a model of society that respects pristine nature.

In 2014, a new Framework Law was enacted that repealed the 1987 law and reflected the need to update and align national legislation with the European and international practices. Emphasis is placed on promoting "sustainable development", low-carbon society, the "green economy" and environmental citizenship, seeking to ensure a more effective protection of the environment and promoting sustainable development, from an intra – and intergenerational perspective. The concept of "nature conservation" is replaced by that of "nature preservation", with all the value it entails. This is a disturbing vision for anyone who wants to guarantee environmental sustainability for future generations. Rather than associating the concepts of conservation and preservation of ecosystems in the law and public policies, it was important to promote them to a category in which man does not instrumentalise them, in order for humans and non-humans to have a future on this planet.

Comparatively, the 1987 Law assumes itself as conservationist, focusing on nature conservation and respect by ecosystems as the engine of "self-sustaining development". Natural capital, nature (the ecosystem), has an

intrinsic value, a source of quality of life and environmental quality. The 2014 law emerged in the context of growing concern about global warming and environmental degradation – international externalities – that imply international cooperation to mitigate its effects.

The rhetoric of the 2014 Law recognizes the need to intervene robustly and comprehensively on environmental issues (reducing and controlling the human impact on life on Earth), creating instruments that are expected to be effective for the promotion of sustainable development, considering it the pivot of the entire social order.

It is time to close with a long and clarifying sentence:

> "Economic prosperity and societal well-being are supported by natural capital, which includes natural ecosystems and their services, thus assuming the conservation of nature and biodiversity as a driver of development and as a relevant factor in the competitiveness and valorization of economic activities. In addition to this anthropocentric objective, it is imperative to consider that the human being is not superior nor inferior to nature, but essentially its integral part, and, in this way, improving the management of ecosystems is our fundamental role within the ecosystem." (Vaz, 2016, p. 40-41).

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