

**“AFFECTATION OF THE RIGHT TO LIVE IN A HEALTHY ENVIRONMENT  
AND ITS RELATIONSHIP WITH ENVIRONMENTAL POLLUTION IN  
CLEMENTE BAQUERIZO STREET AND THIRD STREET OF THE CITY OF  
BABAHOYO, YEAR 2021”**

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**Abstract**

*This work deals with the research study regarding the violation of the right to live in a healthy environment, of the inhabitants of Clemente Baquerizo Avenue and Third Street of Babahoyo Song year 2021. The objective of this research was to analyze the violation of the right to live in a healthy environment and its relationship with the pollution of the environment caused by a workshop that does not contain the necessary infrastructure to dispose of oils and fats, and that consequently has caused them to be irrigated on the ground and through the sewer. which causes wastewater to rise. In this research, the quantitative-qualitative modality was used because it uses observation methods, legal methods and surveys that highlight the percentages obtained based on 5 questions that were made to a part of the sector of Clemente Baquerizo Avenue and Third Street with non-probabilistic sampling for convenience. Such research obtained results that demonstrate ...*

*Keywords: environment, environmental deterioration, violation, rights*

**INTRODUCTION**

On November 18, 2021, a resident of Clemente Baquerizo Avenue and Third Street, reported on social networks that her neighbor José Vásquez has a clandestine vehicle repair shop within the neighborhood, specifically in an alley, where it is shown that they are not located within an authorized workshop and with the necessary infrastructure. but they carry out the repair of the cars in the same sidewalk and street of the neighborhood.

This causes all the oils and greases that come from the vehicles to adhere to the surface. The inhabitants of that sector dismayed with that situation because the alley is full of vehicles to repair and oils scattered on the ground. In addition, due to this problem the wastewater has been filtered into that alley, the inhabitants are affected by bad odors caused by this situation.

Environmental pollution is not a problem that originates today; While it is true, today this situation is felt with greater magnitude, it is worth clarifying that pollution occurs with the very existence of man on Earth. This pollution originates when the nomadic man, through his behaviors and daily activities over the years produces different wastes, which were degraded, serving as fertilizer for the land that provided them with the resources to develop, although the damage was minimal, since this time it can be said that man was leaving a trace of pollution in the ecosystems he inhabited until he became a sedentary being (Binder, 2002).

The Pre-Inca civilization settled in America established the "Pacha Mama" which means Mother Earth and focused on respecting the cycles and processes of nature, which led to the development of tributes and worship of all the elements of nature. Faced with this situation, rules were established that were considered severe because they punished people who generated some type of damage to



natural resources (Zevallos, 2015, p. 60).

Throughout history, society has always been aware that its development was subject to the exploitation of its environment. The industrial revolution marked a turning point in the exploitation of resources; industries required an increasing amount of raw materials in order to grow, the increase in demand demanded more sophisticated systems for obtaining resources and technology provided them (Maldonado, 1980, p. 99).

According to the theoretical development based on environmental pollution, experts established that it is part of development, the presence of harmful elements such as chemical, physical or biological that are concentrated in such a way that they put at risk the health of people, safety and well-being (Viladrich, 2004).

Marshall (1890) stressed that the emergence of monopolies and the lack of efficiency in the development of environmental practices caused a real increase in global warming, where solutions that are friendly to nature were lacking (Vargas, 2005). With the growth of the economy and globalization in addition to benefits for society, there were difficulties on environmental factors that are complex because their severity influences the health of people, the destruction of flora and fauna, which are due to the constant exploitation of resources and use of harmful elements.

The atmosphere is part of the means of pollution that is emitted over the world and is part of what was established by Albert (1993) who places his theory of pollution on atmospheric processes where air is mobilized and heat exchange, and taking into account that 99% of the air is composed of oxygen and nitrogen, but that by human practice in everyday life generates substances that combine and being part of the emissions cause different types of damage to the ecosystem (Vargas, 2005).

Because it is a current case, the problem still exists, the inhabitants of that sector express that they have already spoken with the owner of the workshop whose name is José Vásquez, but he refuses to move to another place, in addition to responding arrogant and rude towards his neighbors. In addition, the citizen Eulalia Caicedo has already reported this situation to the Municipality of Babahoyo, but has not received any response.

If this situation continues like this, it will affect that entire sector, because oils and fats are toxic, in addition to being watered in the soil, this greatly affects the sewers, this solid grease that has the potential to completely clog a sewer, causing wastewater to seep through sinks, situation that has already happened

(Borras, 2017).

In this case there are many legal consequences, there are many rights that are being violated, such as health and respect for the environment that are established in article 14 of the Constitution of the Republic of Ecuador, and also established in the Law of prevention and control of environmental prevention specifically in chapter II of the Prevention and Control of Water Pollution from article 6 and chapter III Of the Prevention and Control of Soil Pollution from Article 10 because oils and fats are toxic and can affect the health of the inhabitants of that sector.

The objective of this work is to analyze and evidence the rights violated due to the pollution of Clemente Baquerizo Avenue and Third Street.

## METHODS

-Modality

The present research is of quantitative-qualitative modality.

-Methods to be used- general and legal

-General Methods

Scientific Observation Method:

This method will be used to detail the fact or phenomenon pursued in this investigation, in the case of the violation of the right to live in a healthy environment on Clemente Baquerizo Avenue and Third Street, with analytical intention and the purpose of collecting as much objective information as possible.

Analytical-synthetic method:

It will be used to discover relevant information about the present investigation. In order to achieve



this, all available data on the problem must first be collected; and once it is collected, it will be examined to test a hypothesis or support a certain idea.

-Legal Methods

Exegetical Method:

It will be used since in all legal regulations there are ambiguous rules whose meaning is not obvious and needs clarification or interpretation before their use and this would help because several laws related to the subject of this research were used.

Sociological Method:

This method will be used to obtain conclusions regarding the reality of Clemente Baquerizo Avenue and Third Street, as well as the behavior of its inhabitants, which will be needed in this document since it is wanted to demonstrate the violation of the right to live in a healthy environment.

-Population and sample

Population involved: Residents of Clemente Baquerizo Avenue and Third Street.

Type of sampling: Non-probabilistic sampling for convenience, since it would be based on the accessibility or affinity relationship of the authors of this document.

-Technique and instrument

The survey technique will be used to have the most information of a large group of people, through a previously designed questionnaire, it will allow efficient and effective results to be obtained in a short time, this information will be obtained from the residents of Clemente Baquerizo Avenue and Third Street.

Sector diagrams will also be used for the results of the surveys obtained.

### RESULTS

For the development of this research, a survey was conducted to 10% of the inhabitants of the Clemente Baquerizo Avenue and Third Street sectors, which are 6 households that are around the problem, and the survey was carried out by means of a non-probabilistic type sampling because convenience sampling was used.

In which the result of the survey was as follows:

- Do you agree that the use of car repair continues to be allowed on the same sidewalk, resulting in irrigated oils and fats in the sector?



- Do you think that workshop should be moved to a place with the necessary infrastructure?





- Do you think that this workshop meets the necessary infrastructure to treat these oils and fats?



- Are you clear that you cannot affect the environment?



- Are you aware of the Law on Prevention and Control of Environmental Pollution?



### DISCUSSION

When analyzing that in the first result the highest percentage answered affirmatively, it shows that the majority of the inhabitants are in total disagreement that this workshop continues to operate despite the mismanagement of oils and fats that are contaminating the sector. It should be noted that the small percentage who agree that the workshop should continue to operate does not mind the pollution situation in that sector.

In the second result it can be seen that all respondents agree that this workshop should be moved to another place that contains the necessary infrastructure for these oils and fats, this shows that the inhabitants of that sector are not satisfied with the workshop of Mr. José Vásquez.

The third result shows that the majority of respondents agree that Mr. José Vásquez's workshop does not have the necessary infrastructure to continue operating in that sector, and the minority considers that Mr. Vásquez does have the necessary infrastructure.

In the fourth result it is shown that all respondents have in their knowledge that the environment should not be affected, but this result has as a contrast the previous ones, because in the previous ones a minority of the respondents do not bother the situation of pollution, this implies that in their minority they do not have adequate knowledge about what could cause the irrigation of waste of fats and oils in the sidewalks, This is due to the lack of dedication and time on the part of the inhabitants, because oils and fats are considered a dangerous and flammable fuel, in addition to causing damage to the environment and sewerage.



In the last result of the surveys it is evident that most of the respondents have no knowledge of the law that deals with everything that has to do with the pollution of the environment, specifically in soil and water, which contracts the problem evidenced in the investigation.

### CONCLUSIONS

1. It is the primary duty of the state to guarantee a healthy society, for that reason this problem must be consulted to the corresponding authority such as the Ministry of the Environment, Water and Ecological Transition since the environment is being affected by toxic means of oils and fats.
2. With the legal foundation granted by the Constitution of the Republic of Ecuador specifically in article 14 and in accordance with the Law on Prevention and Control of Environmental Pollution specifically in articles 6 and 10, which are the regulations that are shown to be violated.
3. Based on all the information extracted and duly investigated, it is shown that despite the knowledge that the environment should not be affected, a part of the inhabitants of Clemente Baquerizo Avenue and Third Street do not care about pollution and it is shown that a large part do not know their rights, for that reason it has been concluded that the law is not known.

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