

Class 1 General Provisions of Environmental Law of the Russian Federation

Lecturer: Mikhail Sergeevich Permilovskiy, Docent
of the Department of International Law and Comparative
Jurisprudence, Higher School of Economics, Management
and Law, NARFU

Class 1 General Provisions of Environmental Law of the Russian Federation

1. The current state of environmental
2. The concept of environmental law
3. Environmental relationship
4. Methods of legal regulation in the environmental law
5. Principles of Environmental Law

1. The current state of environmental

Development of society → transformation of the environment → negative consequences for nature as well as for the man → the development of knowledge → identification of global problems: environmental crisis, environmental protection.

The main reason is Nature consumer ideology of mankind.

The main causes of the current environmental situation in Russia:

- A. The absence or lack of political will of the state to a consistent, effective implementation of the activities to protect the environment and promote environmental sustainability. Very low level of implementation of the environmental functions of the state.
- B. Weakly developed legislation and law in the interaction between society and nature.
- C. Defects of the state environmental management and environmental protection.

The main causes of the current environmental situation in Russia:

- D. The satisfaction of the economic interests is in the first place without the necessary linkages to environmental needs of human and environmental features of nature.
- E. Deficiency of financing of programs and activities to protect the environment.
- F. Deficiency specialists.
- G. The extremely low level of legal, environmental knowledge management and culture.

2. The concept of environmental law

- **Environmental law** - set of legal rules that regulate public (environmental) relations in the field of interaction between society and nature in the interests of conservation and sustainable use of the natural environment.

The current Russian environmental law regulates the relations:

- 1 for Nature Use;
- 2 for Environmental Protection of the different forms of degradation;
- 3 ownership of natural resources and objects;
- 4 for the protection of environmental rights and legitimate interests of individuals and organizations.

1) Relationship to Nature use.

Nature use - human use of natural resources in order to meet its various needs (physical, economic, aesthetic, scientific, and others.), and the use of nature for the disposal of waste of production and consumption.

They are mainly regulated in relation to specific natural resources - land, waters, air, mineral resources, forests, flora outside forests, wildlife objects.

The basic principle of nature use is the principle of rational, that is environmentally sound use of nature resources.

2) The relationship for Environmental Protection.

Protection of the environment (natural systems, facilities, resources) – this is an activity aimed at maintaining or restoring a favorable state of the environment, reproduction of natural resources, prevention of negative impacts of economic and other activities on the environment and the elimination of its consequences.

Environmental protection is carried out from 3 types of harmful effects:

- **chemical,**
- **physical** (noise, vibration, electromagnetic fields, radioactive effects, excessive pressure, heat),
- **biological.**

3) ownership of natural resources and objects

The state ownership of natural resources dominates.

The property relations apply only to the part of nature which is used or may be used by man.

4) Relations for the protection of environmental rights and legitimate interests of individuals and organizations are realized in the activities of law enforcement.

3. Environmental relationships

Environmental legal relationship - public relations regulated by the norms of environmental law, whose members have personal rights and responsibilities.

3 elements in the legal relationship:

- subjects,
- object,
- content.

Subjects with different rights and duties:

- 1) users of natural resources;
- 2) public representative and executive authorities;
- 3) environmental voluntary associations;
- 4) the supervisory authorities (court, prosecutor's office).

Measure of the participation is determined by their legal capacity.

- **Environmental legal capacity** - defined by law a person's ability to have environmental rights and duties.

Person gets certain rights and obligations under a certain age.

- **Environmental capacity to act** – a person's ability to independently exercise of his rights and environmental responsibilities.

Environmental full legal capacity to act arises from the age of 18.

The object of environmental relations -
socially significant natural values, about which
social relations are formed and regulated:

- 1) environment (natural environment, nature);
- 2) natural complexes;
- 3) natural objects and resources.

1) environment (natural environment, nature);

- **In the natural-scientific sense** nature is a set of objects and systems of the material world in their natural state, are not the product of human labor.
- **In a legal sense** also some objects created by human labor.

The main criteria for the definition of nature object are inseparable from the natural environment, the continuity ecological links, depending on the action of natural forces.

The environment is a set of natural systems, natural objects and natural resources, including air, water, land, soil, subsoil, flora and fauna, as well as climate and near-Earth space in their relationship and interaction.

Concepts «natural object», «natural and man-made object», «man-made object».



2) Natural areas - natural ecological systems and other set of natural objects and resources: protected areas, marine environment, environmentally disadvantaged areas, the continental shelf, and others.

Environmental legislation specifically protects:

- the sites included in the World Cultural Heritage List and the List of World Natural Heritage,
- state nature reserves, including biosphere reserves, national natural game reserves, natural monuments, national, natural and dendrology parks, botanical gardens, therapeutic areas and resorts, and other natural complexes
- the native habitats, places of traditional residence and economic activities of indigenous peoples of the Russian Federation,
- and others

3) natural objects and resources:

- **land, subsoil, soil.**

Land - the surface covering layer of fertile soil.

Subsoil - part of the earth's crust, which is located below the soil layer and the bottom of the water bodies, which extends to depths available for exploration and development, as the surface of the earth, if it contains mineral reserves.

- **surface water and groundwater.**

Waterbody - concentration of water on the land surface in the form of relief or in the bowels with a bound, volume and characteristics of the water regime

3) natural objects and resources:

- **forests and other vegetation, animals and other organisms and their gene pool.**

Wildlife - set of living organisms of all kinds of wild animals, either permanently or temporarily inhabiting the territory of Russia, and being in a state of natural freedom.

The gene pool - a set of species of living organisms with their manifested and potential hereditary;

- **the atmosphere, the ozone layer of the atmosphere and near-Earth space.**

4 Methods of legal regulation in the environmental law

Method of environmental law - a set of techniques and methods of influence on social relations from the state.

- 1) ecologization;
- 2) administrative legal method;
- 3) civil-law method;
- 4) stimulation method;
- 5) the historical and predictive method.

5. Principles of Environmental Law

General principles of Russian law and the principles of environmental law.

Principles of environmental law are contained both in legislation for the environment, and in other acts.

Principles of Environmental Law:

1. Maintain or restore a favorable environment as the basis of human life and activity.
2. Preventing harm to the environment in the process of socio-economic development.

Principles of Environmental Law:

3. The ecosystem approach to the legal regulation of environmental protection and natural resources.

Instruments of its implementation are environmental regulation, assessment of the impact of the proposed activity on the environment, ecological expertise, licensing, environmental protection and natural resources.

Principles of Environmental Law:

4. Protection of human life and health.
5. Humanity.
6. Protection of the environment - everyone's responsibility.

Principles of Environmental Law:

7. Participation of individuals in the procedures for the preparation and environmental decision-making.

8. Freedom of exercise of powers by the owner of possession, use and disposal of land and other natural resources, if it is not detrimental to the environment and does not violate the rights and lawful interests of other persons;

9. Sustainable environmentally sound economic and social development.

Principles of Environmental Law:

- 10. Free access to environmental information.
- 11. Payment for special nature use as an economic stimulus/
- 12. Authorization procedure of environmental impact.
- others



Thank you for your attention