
LEGISLATIVE BASES OF ECOLOGICAL CONTROL IN RUSSIA

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SUMMARY

This paper discusses the legislation related to the ecological control system in Russia. The Environmental Protection System in Russia is of extreme importance, but unfortunately it is operating under extreme shortage of funding and other necessary resources for effective environmental control. The new Constitution of Russia in 1993 provided the public with the right for a safe environment, and disclosure of authentic information relating to the environment. Problems existed with the actual practice of this rule. The prior Law "about protection of an environment" created in 1988 and accepted in 1991 established many more effective policies, giving municipal bodies the ability to organize ecological control.

1 INTRODUCTION

Environmental protection, ecological safety and sustainable development issues are of vital importance for Russia. The Environmental protection system and all its parts are functioning in the conditions of such an acute shortage of funding and other resources that, at times, concern for their own survival distracts them from solving the vital issues of environmental protection. In almost all cities and towns in Russia with a population of more than 100,000 people, the average content of different harmful agents in the atmosphere exceed the existing air-quality standards. About 40 million of the country's population live in areas where the level of concentration of harmful agents exceeds the permissible standards by ten times. Almost everywhere, the water reservoirs in Russia are polluted. Because of the shortage of reagents and the poor public waterworks and water-supply systems, half of the country's population consumes water that does not meet drinking water standard.

The development policy of new

areas rich in natural resources was ecologically unacceptable. The mining industry always developed in a hurry under the pressure of the military complex. The result was one-sided development of the new areas. They specialized only in raw material extraction and cooperated with the other regions of the country in a specific form of increasing the flow of goods while steadily decreasing the efficiency of obtaining them. As a result, the new territory had to be provided with everything whereas it gave back only its main produce. This strategy was harmful not only for the ecosystem of North Russia, but also for the natives living there. The ecologically unsafe areas per capita are extremely large in Russia. With 8 million square kilometers of wildlife left in Russia, we have managed to cause greater environmental damage than any other group of people the size of Russia's population (150 million people) on the planet.

All these problems induce us to search out new ways for more natural and non-violent formation of socio-economic development fundamentals, originated from the principles of sustainable develop-

ment. The idea of sustainable development occurred as a result of the human realization that natural resource potential is limited, that it is essential to maintain economic growth at a rate which allows adequate consumption requirements of the constantly increasing population, and the awareness of the imminent threat of irreversible environmental changes.

The local and regional ecological problems in industrialized countries were more or less solved successfully during the 1980-1990s. They managed to improve the air quality in the cities drastically, treating land waters and not only reducing the amount of industrial and domestic solid waste but also cleaning up open dumps, which had been generated for decades. However, all these have been achieved mainly at the expense of the ecological expansion and exploitation of natural resources outside their own countries, including Russia. Thus, the solution of the local and regional ecological problems in industrialized countries did not contribute to the improvement of the environment on the planet. In fact, it promoted deepening of the contradiction between technology's impact on the environment and the ability of the biosphere to neutralize and regenerate it. Though the general strategy that has been applied by the industrialized countries for the previous 30 years in solving ecological problems is unacceptable for both the whole humanity and Russia, many methods of these countries are worth being applied here.

2 NEW CONSTITUTION OF RUSSIA

To begin, in 1993 the new Constitution of Russia was accepted, in which the right of a favorable environment was guaranteed. In addition, the Constitution has fixed the federal state device of Russia with the republican form of government. The right and freedom are announced by maximum

value. The recognition, observance and protection of these rights are a duty of the state, under the Constitution.

The right for a favorable environment, and disclosure to the public of authentic information relating to the environment are the lawful constitutional rights of the citizens of Russia. However, it cannot be realized in practice without enough advanced assurance for environmental safety.

One of the main concerns is how will ecological control be enforced to avoid infringement of environmental legislation, as well as utilizing warning signs in order to maintain a favorable environment.

The question also remains on how to exhibit maintenance of this control at all levels of state and municipal authority.

In Russia, as in the United States and a number of other countries, a federal authority exists. Authority of the Russian Federation is a complex formed by state, municipal and local authorities. Until 1993, Russia had no municipalities, which independently address the concerns and issues of the population in their area. Legislative and executive authority worked together to carry out all authority in the country.

3 LAW "ABOUT PROTECTION OF AN ENVIRONMENT"

After acceptance of the Law "about protection of an environment" in 1991, the following has been put into effect:

- a legal basis has been created for nature conservation, for more efficient use of nature and for ensuring ecological security of the population and the environment;
- a vertical subordination system of the multi-purpose regional nature conservation bodies has been formed. Among them ecological monitoring and inspection are the most important;
- a basis for the economic mechanism of

environmental protection and a more efficient use of nature has been laid. It includes putting into life the principle that 'those responsible for the pollution should pay, introduction of payments for use of natural resources, licenses for use of nature, an ecological insurance and certificate system, formation of the system of ecological funds;

- an instrument of state ecological programmers has been put into practice. The main purpose of it is to combine the funds of the federal budget, the budgets of the Federation Subjects, local budgets, ecological funds, enterprises and other sources for purposeful successive solution of ecological problems (regional, municipal and industrial);
- a mechanism for ecological expert examination has been started up, which is necessary for all projects and programmed economic documents;
- a network of specially protected areas, mainly preserves, has been enlarged and developed;
- international co-operation in the sphere of environmental protection and ecological security has been extended fundamentally;
- ecological monitoring has been substantially developed.
- The quality and quantity of the ecological information available for the general public, administration, subjects involved in economy and for public organizations have been improved.

The foundation for systems of protection for the environment was laid in 1988. For this reason, systems of protection, including control in the field of protection, have been a centralized structure. This method does not provide the right for subjects of the Russian Federation to carry out ecological control of the environment in their territories. Additionally, it does not establish responsibility for environmental

protection. Therefore, in Russia the centralized system for protection of the environment was kept from the Soviet time.

However, after the federal level of a separate state authority responsible for protection and control of the environment merged with the Ministry carrying out management of natural resources, the country began the process of easing ecological control. The Federal ecological fund, made up of payments for pollution of an environment, was liquidated. The old law did not allow the subjects of the Russian Federation to carry out their own ecological control. Thus, the federal system of ecological control was practically liquidated, and no other ecological control was created to take its place. Therefore, the new Federal law of Russia " about protection of an environment " accepted in January 2002 has created other systems for ecological control in the Russian Federation.

Under the new Law were new principles for protection, and ecological control such as:

- Principle of ecological danger of planned economic activity;
- Compulsion for realization of an estimation of influence on an environment and ecological examination;
- Prohibition of economic and other activities with unpredictable consequences that can result in destruction of natural ecological systems, change and/or destroy genetic funds of plants, animals, birds or fishes, exhaust natural resources and other negative changes to the environment;
- Priority for preservation of natural ecological systems, natural complexes and natural landscapes, biological variety;
- Maintain a continuous decrease in negative influences of economic and other activities of an environment according to the specifications in the protection of an environment, which can be achieved on

the basis of using the existing technologies that have the best environment effect;

- Responsibility of authoritative bodies on the state level, and local self-management level for maintenance of a favorable environment and safe ecology, and also the principle of independence of ecological control;
- Duty of compensation for harm to the environment;

The ecological control in Russia will be carried out with the purpose of maintaining the legislation for environmental protection, observance of the requirements, including specifications and normative documents, for protection of the environment, and also maintenance of ecological safety. The system of state ecological control includes two levels — the Federal ecological control and ecological control of the subjects of the Russian Federation. All inspectors of the state ecological control are the state inspectors.

In the Russian Federation, the state, industrial, municipal and public control takes part in carrying out necessary actions for environmental protection. The state control (state ecological control) is carried out by federal bodies of the executive authority and bodies of the executive authority of the subjects of the Russian Federation. The state (state ecological control) is carried out in the order established by the government of the Russian Federation. The government of the Russian Federation defines the list of objects subject to the federal state ecological control according to the present Federal law, and other federal laws. The government of the Russian Federation establishes the list of officials of a federal body of the executive authority carrying out the federal state ecological control (federal state inspectors). The list of officials for the bodies of state authority are the subjects of the Russian Federation, who will carry out the

state ecological control (the state inspectors), is established according to the legislation of the subjects of the Russian Federation.

Overlapping functions of the state control and functions of economic use of natural resources is forbidden (state ecological control). The state inspectors in the field of protection of an environment are obliged:

- to warn, reveal and stop infringement of the environmental legislation;
- to explain to violators of the legislation of their rights and duties;
- to observe the rules of the law.

The decisions of the state inspectors can be appealed according to the legislation of the Russian Federation. The state inspectors are subject to state protection.

4 CONCLUSION

The new Law for the first time has defined and has given rights to municipal bodies to organize ecological control. The municipal ecological control in territories of municipal formation is carried out according to the legislation of the Russian Federation and established by the normative legal acts of municipalities. It realizes the international and constitutional principle of independence of municipal authority. Thus, in Russia the legislative basis for high-grade and effective ecological control is creating the rights for each man for a favorable environment.