

THE STATE AND ENVIRONMENTAL MANAGEMENT: GENERAL REGULATORY ISSUES

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"During the past year, millions of young people have raised their voice to make world leaders wake up to the climate and ecological emergency. We will make our voices heard. It is our future on the line, and we must at least have a say in it" (HAYNES, 2020).

Environmental management as a process refers to the exploitation of natural resources to meet the material and cultural needs of society. Environmental management involves a system of environmental management in which:

- the natural resources extracted are used sufficiently fully and the amount of resources consumed is reduced accordingly;
- the restoration of renewable natural resources;
- production waste is fully and repeatedly used.

From here, we will see that environmental management can significantly affect environmental protection, reducing pollution rates and consumption of non-renewable resources. But here there is a conflict of interests of society (as a rule, the whole of humanity) and the interests of enterprises and resource-producing companies (usually represented monopolistically in their countries). This interest of the latter leads to the containment not only of state directions for the rational use of natural resources, but also of the actions of various international organizations. It must be clearly understood that the issue of environmental management has long gone beyond the borders of a particular state, there is no such phenomenon as "national independence" - this approach to rational and conscious consumption should become obsolete.

Considering environmental management as the interaction of society and nature, which includes the process of managing relations between entities during the exploitation of natural

INTRODUCTION

Natural resources are part of the habitat used by humans to sustain life and provide comfortable living conditions. Unconscionable consumption and the large amount of natural resources involved in human activities have led to disastrous results, exacerbated the problems of their rational use, and the issue of environmental protection has reached a global level.

A striking example of the fact that the state does not pay enough attention to the problem of environmental pollution and the development of alternative resources instead of the "traditional" was the emergence and popularity of the Swedish climate activist Greta Thunberg.

The 16-year-old started a strike from school in her hometown of Stockholm in August 2018 to protest government inaction on the climate crisis. The teenager avoids air travel because of the high levels of carbon emissions caused by airplanes and has so far traveled by train around Europe for speaking engagements. "We still have a window of time when things are in our own hands. But that window is closing fast," Thunberg said in a statement,

resource potential and compliance with its conservation conditions, it is necessary to determine the role and importance of each participant in modern economic and legal conditions (SAVELYEVA, 2017). Thus, in the area of environmental management states in cooperation with civil society institutions should take measures aimed at eliminating the harmful effects on the environment and at promoting international cooperation in the field of environmental protection.

METHODOLOGY

The dialectical method, being the methodological basis of the study, most accurately reflects changes in the surrounding world and the contradictory nature of relations in general and social and legal development, including issues of rationality of actions related to the consumption of natural resources. In the process of writing the article various methods were used: analysis and synthesis, abstraction, induction and deduction, a number of general scientific and private scientific methods.

Thus, the modeling method allows to create a model of state legal policy in the field of environmental management to find optimal solutions to specific problems. The critical-legal method can be applied in all areas of jurisprudence: law, law-making and law enforcement; it consists in studying the subject of study (subject of criticism) to identify its shortcomings. Legal doctrines, legislation and law enforcement practices may be criticized, highlighting shortcomings that require rethinking or refinement (TURANIN et al., 2020).

The use of the method of analysis of legal terminology has great importance for the correct interpretation and further application of state measures and laws (TURANIN et al., 2019). In this study made it possible to realize that often the terms "rational environmental management" and "sustainable environmental management" in many sources are used as identical, being different in semantic nature.

RESULTS AND DISCUSSION

One important issue of human impact on nature is the depletion of natural resources. "The depletion of resources goes in several ways:

1. Non-renewable fossil energy resources of biogenic origin are depleted - coal and oil, although their reserves are still quite large. In addition, the biosphere has alternative inexhaustible sources of energy: wind, tides and tides, solar radiation.
2. Relatively renewable resources, such as soil and forests, are depleted. The soil cover of the planet suffers from erosion, as a result of which the fertile layer catastrophically decreases. Desertification occurs in various parts of the world, mainly due to deforestation, shrubs and grass cover. Continuous plowing of soils leads to dust storms, wind and water erosion of the fertile soil layer. To combat these phenomena, it is necessary to protect fields with forest and bush stripes, strengthen the slopes of ravines with wood and bush plantations and other simple but effective measures.
3. Due to pollution of reservoirs, clean fresh water was threatened with extinction. Contaminated with biogens, reservoirs undergo eutrophication, many of them turn into swamps, becoming uninhabitable for fish of valuable commercial breeds. When abiogenic products of agricultural and industrial production (heavy metals and xenobiotics) are contaminated, the waters become toxic to their inhabitants. This danger is the result of water runoff from fields and farms, from industrial facilities" (TURANIN et al., 2020).

The issue of ensuring environmental management is caused by the need to create safe, comfortable conditions for the world's population in the face of a reduction in energy and mineral resources, fresh water, the dangers of climate change, an increase in the technological burden on the biosphere and space threats (FLORIDA, DAVISON, 2001).

It should be noted that many scientific studies on environmental management and regulatory legal documents contain the following wording: "rational environmental management", "sustainable environmental management", "careful environmental management", etc. It

greatly hinders the development of law enforcement in this area, requires interpretation on each term, calling on the world community to come to a unified terminology on such a global problem. The work of E. Luneva states that "There is an unjustified mixing of issues of environmental management, environmental protection and environmental safety. Environmental management does not have specific legal characteristics. It's incorrectly described as environmentally sound or sustainable" (LUNEVA, 2019).

Next, let us consider the measures taken by a number of States to maintain and restore important ecosystems at the local and global levels. The protection and rational use of natural resources is the constitutional value of Russia in accordance with the amendments to the Constitution of the Russian Federation in the summer of 2020. On the basis of this, many regulatory legal acts were adopted. Thus, "according to the components of the natural environment, the following acts are distinguished:

- 1) land and soil (The Fundamentals of the State Policy of Using the Land Fund of the Russian Federation in 2012-2020);
- 2) subsoil (The Fundamentals of State Policy in the Field of Mineral Raw Materials Use and Subsoil Use);
- 3) Water (The Water Strategy of the Russian Federation for the period up to 2020);
- 4) the vegetation world, including forests (The Concept for the Development of Forestry of the Russian Federation for 2003-2010, The Strategy for the Development of the Forestry Complex of the Russian Federation until 2020);
- 5) the animal world (The Strategy for the Development of the Fisheries Complex of the Russian Federation for the period until 2020);
- 6) atmosphere ozone layer (Russian Climate Doctrine)" (LUNEVA, 2019).

Based on the state development strategy of the country and its strategic interests, according to the views of R. Bekmurzaeva and L. Dzhandarova, "the natural resource management system is aimed at achieving the following goals:

- 1) ensuring state-political and socio-economic security of the Russian Federation, development and strengthening of the state's potential in accordance with the concepts of "Russia-2020" and "Russia-2045";
- 2) the formation of a state strategy for the conservation, rational use and protection of natural resources, the introduction of the most attractive projects for the development of territories through portfolio or direct investments, the development of the land market;
- 3) improvement and further development of the mechanism of civil trafficking of natural resources;
- 4) ensuring the rights of natural resource users and owners;
- 5) the formation of a modern differentiated mechanism for the taxation of natural resources;
- 6) creating a favorable investment climate in the country and regions by ensuring the investment attractiveness of the territories of the regions and federal districts while respecting the rights of bona fide right holders of land plots" (BEKMURZAEVA, DZHANDAROVA, 2020; BOIRAL et al., 2020).

The main problem in the implementation of these acts is the fact that the importance of environmental management is recognized, but the criteria, requirements for it are not fixed, a list of specific actions is not given, the essence of "rationality" is not disclosed (LUNEVA, 2019).

Departments for Environmental Management and Protection were created in many large cities of Russia. We will analyze their activities and tasks using the example of the Moscow Department for Environmental Management and Protection, which was established on August 29, 2000. The Department is an executive authority and has the rights of special empowered

authority for environment protection, atmosphere air protection, fauna and its habitat protection, biological diversity saving, state ecological expertise (SINENKO et al., 2016). The Department's activity is executed in the following spheres:

- "Control over structural divisions of urban administrations, jurisdictional structures and other organizations regarding environment protection, rational natural resources management and ecological safety;
- Organization and coordination of urban ecological programs development, aimed at optimal natural resources management in Moscow;
- Informing the population via mass media about work of urban environment protection authorities; about measures taken for environment protection;
- Development of ecological education system in the city, retraining and skills advancing of environment protection employees, training ecological skills of company directors and state specialists;
- Development of legal and regulatory instruments aimed at actual improvement of the environment and regulation of business activities in the city.

The Department pays considerable attention to ecological education. It includes Natural Science teachers training, participation of pupils in ecological practice, ecological school projects implementation, financing of long-term cultural-educational projects" (TURANIN et al., 2020). There are similar departments in other countries, for example, in the USA each state has such a body. So, on the example of the Florida Department of Environmental Protection, it is "the state's lead agency for environmental management and stewardship, protecting air, water and land. DEP is divided into three primary areas:

- Land and Recreation programs acquire and protect lands for preservation and recreation. DEP oversees 175 state parks and trails and more than 12 million acres of public lands and 4 million acres of coastal uplands and submerged lands.
- Regulatory programs safeguard natural resources by overseeing permitting and compliance activities that protect air and water quality and manage waste cleanups.
- Ecosystems Restoration programs protect and improve water quality and aquatic resources including America's Everglades, Florida's iconic springs and Florida's world-renowned coastal resources. DEP works with communities, local governments and other agencies to protect and restore water quality and supply and to provide funding assistance for water restoration and infrastructure projects, as well as coordinates the protection of Florida's submerged lands and coastal areas" (<https://floridadep.gov>).

Among the challenges faced by such departments, many were being addressed at the regional level without assessing the global picture. Each region emphasizes the uniqueness of its eco-complex, leveling the integrity of water and atmospheric space. We observe the same situation in many countries in the world: each state is fixated on its local problem. For example, in the Kingdom of the Netherlands, due to geographical location, public authorities are entrusted with issues of water use and protection, and the normative and other powers of water control bodies, the procedure for monitoring their activities by the provinces, are established by an act of parliament; in Sweden, the forest administration, which manages forests throughout the country's forest lands, has a special place in the system of environmental authorities (GEIT, 2012). But the examples of Denmark, Spain and Portugal can adequately demonstrate that the authorities must monitor the rational use of all natural resources to preserve and improve the quality of life, as well as the protection and restoration of the environment as a whole.

Here, more attention needs to be paid to the proposed measures and assessments of international organizations. In addition to the UN, there are international environmental non-governmental organizations in the world whose role in international environmental law is constantly growing, such as Greenpeace, the Green Cross and others.

CONCLUSIONS

Hence, environmental management must meet the following requirements:

- "Environmental management is seen as an integral, necessary, obligatory element in social development.
- Environmental management should be carried out at the same pace and by the same means as the so-called "main production", using the achievements of the Scientific and technological progress.
- Environmental management should be based on an understanding of the continuity of this process in time and space, considering the interconnectedness, interdependence of individual components, elements of the natural complex, individual natural resources, individual properties and qualities.
- Environmental management involves considering the division of labor (territorial, social, international, joint efforts, coherence, cooperation).
- Environmental management implies a systematic time and space of accounting, control, monitoring of the dynamics of quantitative and qualitative characteristics, indicators of resource balances.
- Environmental management involves the interest and mandatory responsibility (material, moral, administrative, criminal) for the implementation of the legislative framework for environmental management at all levels of government (region, republic, state, international agreements)" (TURANIN et al., 2020).

Environmental sustainability, human health, replenishment of spent natural resources, reuse of spent resources are all the results of collective activities of all countries of the world, which cannot be achieved within the framework of only one state. Thus, the activities of States and the application of public measures are of great practical importance in the development of environmental management and the protection of the environment as a whole.

CONFLICT OF INTEREST

The authors confirm that the information provided in the article does not contain a conflict of interest.

REFERENCES

BEKMURZAEVA, R.KH.; DZHANDAROVA, L.KH. Assessment of the System of Rational Nature Management in the Russian Federation. *Economics and Management. Global Scientific potential*, 2020, 1 (94), p. 74-77. (in Russian).

BOIRAL, O.; HERAS-SAIZARBITORIA, I.; BROTHERTON, M. C. Improving environmental management through indigenous peoples' involvement. *Environmental Science & Policy*, 2020, 103, p. 10-20.

FLORIDA, R.; DAVISON, D. Gaining from green management: environmental management systems inside and outside the factory. *California management review*, 2001, 43 (3), p. 64-84.

GEIT, N.A. Foreign experience in the organization of environmental protection management. [Zarubezhnyi opyt organizatsii upravleniya okhranoi okruzhayushchei sredy]. *Pravo i sovremennye gosudarstva*, 2012, 2, p. 14-21. (in Russian).

HAYNES, S. *Climate Activist Greta Thunberg Will Sail Across the Atlantic for a Tour Around the Americas*, 2020. TIME. Available at: <https://time.com/5637506/greta-thunberg-atlantic-americas-trip/>. Access: Dec. 17, 2020.

LUNEVA, E.V. *Basics of State Policy in the Field of Rational Nature Management: Constitutional Values and Priorities*. [Sbornik materialov Mezhdunarodnoi nauchnoi konferentsii Konstitutsionno-pravovye osnovy otvetstvennosti v sfere ekologii]: Moskva, 20

dekabrya 2018-14 marta. Moskva: Izd-vo Moskovskogo gosudarstvennogo universiteta geodezii i kartografii, 2019, p.197-202. (in Russian).

SAVELYEVA, L.A. The Main Directions of Rational Environmental Management in the Russian Federation. *Interespo Geo-Sibir*, 2017, 1, p. 70-73. (in Russian).

SINENKO, V. S.; TURANIN, V. Y.; MITYAKINA, N. M.; KOZYAR, N. V. Tiered approach to the legal regulation of international environmental safety. *International Business Management*, 10(16), 3338-3340. 2016.

TURANIN, V. Y.; YARYCHEV, N. U.; SENYAKIN, I. N.; SUMENKOV, S. Y.; VASEKINA, E. M. Means of Legal Terms Systematization in Lawmaking. *Revista Turismo: estudos e práticas*, 2020, (2).

TURANIN, V.YU.; TONKOV, E.E.; KUPRIEVA, I.A.; POZHAROVA, L.A.; TURANINA, N.A. Legal Terminology Phenomenon in the Context of Modern Legal System Evolution. *Humanities & Social Sciences Reviews*, 2019, 4, p. 1291-1295.

The state and environmental management: general regulatory issues

A gestão do Estado e do ambiente: questões regulamentares gerais

El Estado y la gestión ambiental: cuestiones regulatorias generales

Resumo

Agora, a proteção ambiental é uma prioridade na gestão de problemas nos níveis social, jurídico, econômico e político. Os autores definiram a tarefa com base na importância do papel do estado - analisar a política de estado da Rússia e de vários países estrangeiros na direção da gestão ambiental. O foco da pesquisa incidiu sobre a classificação das principais áreas de política de regulação da gestão ambiental e a identificação de problemas relacionados com as atividades especiais do Estado nesta área. Como resultado do estudo, os autores concluíram que a terminologia no campo da gestão ambiental é uma elaboração insuficiente, uma prática internacional generalizada de aplicação da lei e um mecanismo de segurança eficaz estão ausentes e há muitas contradições resultantes relacionadas ao acima nas políticas públicas em no domínio da gestão ambiental a vários níveis.

Palavras-chave: Regulamentação legal. Gestão ambiental. Proteção ambiental. Proteção legal dos recursos naturais. Sustentabilidade ecológica.

Abstract

Now environmental protection is a priority in managing problems at the social, legal, economic, and political levels. The authors set the task based on the importance of the role of the state- to analyze the state policy of Russia and several foreign countries in the direction of environmental management. The research focus concerned the classification of the main policy areas of environmental management regulation and the identification of problems related to special state activities in this area. As a result of the study, the authors concluded that the terminology in the field of environmental management is insufficient elaboration, a generalized international law enforcement practice and an effective security mechanism are absent and there are many resulting contradictions related to the above in public policies in the field of environmental management at various levels.

Keywords: Legal regulation. Environmental management. Environmental protection. Legal protection of natural resources. Ecological sustainability.

Resumen

Ahora la protección del medio ambiente es una prioridad en la gestión de problemas a nivel social, legal, económico y político. Los autores establecieron la tarea en función de la importancia del papel del estado: analizar la política estatal de Rusia y varios países extranjeros en la dirección de la gestión ambiental. El foco de investigación se centró en la clasificación de las principales áreas de política de regulación de la gestión ambiental y la identificación de problemas relacionados con actividades estatales especiales en esta área. Como resultado del estudio, los autores concluyeron que la terminología en el campo de la gestión ambiental es de elaboración insuficiente, no existe una práctica de aplicación de la ley internacional generalizada y un mecanismo de seguridad efectivo y existen muchas contradicciones resultantes relacionadas con lo anterior en las políticas públicas en México. el campo de la gestión medioambiental en varios niveles.

Palabras-clave: Regulación legal. Gestión ambiental. Protección ambiental. Protección legal de los recursos naturales. Sostenibilidad ecológica.