About the systematization of legal regulation of the Arctic space

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Abstract. Despite the existence of a developed regulatory framework that enshrines the legal status of the Arctic spaces in the Russian Federation and other Arctic countries, the law enforcement practices of states, there are a number of problems that appear in the process of exercising the rights to research and use natural resources and recognizing state sovereignty on land and water space, including ice, in the Arctic space. One of the factors creating, including changes in living space for the realization of the rights of indigenous peoples of the Arctic region, is the interest of companies and the state in the development of Arctic resources. The combination of conditions such as an increase in the geopolitical and economic interests of states in the development of the Arctic resources, the presence of problems of ensuring the sustainable development of the Arctic region leads to the need to develop a unified systemic codified act fixing the mechanisms for exercising rights to use the Arctic territories and assigning responsibility to the state and its structures to ensure preservation of the natural uniqueness of the region. Harmonized legal regulation is based, in particular, on the propositions of the UN Convention on the law of the sea of 1982 [1], including judicial practice and laws of the Arctic countries, as well as international and national laws on representatives of indigenous peoples of the Arctic [2], [3]. Arctic States have a special responsibility, including for ensuring the rights of indigenous peoples of the Arctic territories [4]. The development of Arts area resources by resource-producing companies, on the one hand, is a factor that develops the economy of regions with a small population density and a small infrastructure, and on the other hand, creates threats to the unique ecosystem and, accordingly, affects the life and traditional way of managing the indigenous Arctic population. In a single balanced legal act, the rights of indigenous peoples of the Arctic should be given considerable attention. The need to secure political, economic and social rights, balance the interests of the state, the indigenous peoples of the Arctic, and effective economic activity of the Federal subjects and local self-government bodies, and production resource companies requires the development of a unified coordinated approach to the legal regulation of relations in the Arctic space.

1. Introduction

Overseeing the past twenty-eight years, there have been brightly significant changes around the world legal space and in the Rossija (Russian Federation) in their concepts on the processes of state consolidation of the Arctic territories. However, the problem has remained, and the challenges facing our state require the development of adequate solutions. The deterioration of the situation in the sphere
of interstate and national relations forced the state to respond immediately: new bills appeared, a number of laws were adopted that were aimed at changing approaches, fixing the borders of state responsibility in the Arctic[2], and a Concept was developed and published.

2. Main Body
Because our opinion, it should be mentioned that the implementation (reception) of the concept includes three stages. The first stage is aimed at creating infrastructure for living, integration and adaptation of industrial enterprises and the population, including information and legal support centers [3].

The second stage is aimed at generalization and analysis of law enforcement practice, adopted regulatory legal acts of the Russian Federation, ensuring the implementation of goals, objectives and main proposition of state policy of Government of the Russian Federation; the increasing expansion of the use of IT resource analyze the international and geopolitical situation and ensure the state directives of power branches of the Russian Federation; this includes clarifying the program of statistical and analytical work in the field of domestic and international environmental policy in the context of climate change and reduction of ice cover in the Arctic[4]; expanding the use of Arctic waterways and militarization of the Arctic by NATO[5]. This is the main stage of the program implementation.

The third stage includes evaluating the effectiveness of the adopted programs; clarifying the main strategic guidelines, priorities, and main directions for implementing the governmental positions of the Russian Federation and adjusting the corresponding programs for the economic and strategic put to use role of the Russian Arctic region.

The most considerable and substantial task that had to be solved is the codification of the entire legislation on territorial, economic and environmental development, sector of the Arctics inside Russian borders and economic interest at same zone, in order to harmonize legal regulation in this area of relations. Incompleteness and conflicts in the legal regulation in the Arctic are caused by various reasons: the presence of gaps and inconsistency of legal norms used to influence participants; dependence on lower-level normative legal acts; excessive weight of bylaws. Many of the rules governing similar groups of public relations are "scattered" across various legal acts, which makes law enforcement difficult.

The annual increasing in the traffic flow in the Arctics and the use of the Russian Northern Sea Route (Severnyj Morskoj Putt- SMP) forces the state to strengthen its control in this area, while it must use the entire Arsenal of legal means, primarily such related branches of Russian law as constitutional, administrative, civil, labor, and criminal. However, to date, legal acts adopted within the relevant branches of Russian legislation do not always take into account the regulations of international relations. Therefore, there is a need for a comprehensive modernization of entire legislative blocks to ensure the legal effect of regulating public relations, or the creation of a separate legislative act containing systematized norms of this industry to fully ensure the interests of various categories of entities that use the resources of the Arctic space.

Secondly, at the temporary stage of development of the legislation of the Russian Federation, the legislator should strive to resolve not only the existing public relations, but also those that may appear in the future, in order to respond to new challenges in a timely manner. In our opinion, the published climate forecast up to 2030 should be used to develop "promising" legislation. The main factor that should be pointed out is the possible reduction in the population of the Russian Federation by 2030, which will need to be replaced with high-tech automated equipment that will be able to carry out economic activities in the Far North.

Thus, two main perspectives should be formulated. The first is to increase the use of Arctic resources to a colossal level. Second, reducing the development of natural resources to preserve the unique natural and climatic condition of the Far North, permafrost, for future generations. In Russia, the current and projected socio-economic realities require large-scale work in the field of Arctic legislation.
Based on the above reasons, we propose to codify the legislation of the Russian Federation on the Arctic (within the state territory) to simplify law enforcement. This process will help to overcome the shortcomings that make law enforcement difficult, such as: the presence of gaps and contradictions of legal norms used to influence participants; dependence on lower-level normative legal acts; excessive weight of bylaws; the "dispersion" of many norms regulating similar groups of public relations, according to various legal acts.

To create a code, it is necessary to determine its structure - the number of sections and chapters. It is advisable to allocate the optimal number of sections - nine. They will cover all important areas of regulation. The first section should determine the general provisions of Russian law. The second section must be devoted to the rights of subjects: the Russian Federation, subjects of the federation, legal entities, individuals and their associations. The third section regulates the rights of small peoples living in the Far North. In the fourth section, the regulation of research and survey activities in the Arctic should be fixed. The fifth section should contain rules governing the legal status of economic activity. The sixth section combines the rules governing activities on the continental shelf in the Arctic and the exclusive economic zone in the Arctic, as well as the use of SMP. It is necessary to fix the environmental obligations of the Russian Federation and economic entities in the Arctic zone. The eighth will determine the state and international regulation of relations in the Arctic. Ninth entry into force.

To develop the code, it is necessary to conduct a legislative examination and, accordingly, cancel or make significant changes to a number of existing legal acts regulating relations in the Russian zone of responsibility in the Arctic: Federal Laws - "On the State border of the Russian Federation" of 01.04.1993 N 4730-1 (ed. of 27.12.2019) [6]; 30.11.1995 N 187-FZ (ed. of 28.11.2018) "On the continental shelf of the Russian Federation" (with ed. and extra, Intro. effective from 01.01.2019) [7]; of July 28, 2012 N 132-FZ "on amendments to certain legislative acts of the Russian Federation in terms of state regulation of commercial navigation in the waters of the Northern sea route" [8]. August 17, 1995 N 147-FZ "On natural monopolies" [9] (Collection of legislation of the Russian Federation, 1995, N 34, article 3426; 2003, N 2, article 168; N 13, article 1181; 2006, N 1, article 10; 2007, N 46, article 5557; 2011, N 29, article 4281; N 50, article 7343). Federal law of 09.07.1999 N 160-FZ (as amended on 31.05.2018) "On foreign investments in the Russian Federation" [10]. "On guarantees of the rights of indigenous peoples of the Russian Federation" dated 30.04.1999 No. 82-FZ (as amended on 26.07.2019) [11]; 17.12.1998 N 191-FZ (ed. of 27.06.2018) "On the exclusive economic zone of the Russian Federation" (with ed. and extra, Intro. effective from 01.01.2019) [12]; "On General principles of organization of communities of indigenous numerically small peoples of the North, Siberia and Far East of the Russian Federation" dated 20.07.2000 No. 104-FZ (ed. from 27.06.2018) [13] «Water code of the Russian Federation 03.06.2006 N 74-FZ (as amended on 02.08.2019) [14] «Forest code of the Russian Federation on 04.12.2006 N 200-FZ (ed. from 27.12.2018) [15]; "On the animal world" dated 24.04.1995 N 52-FZ[16]; "About bases of health protection of citizens in Russian Federation" dated 21.11.2011 N 323-FZ [17].

In order to conduct specialized scientific hearings and obtain the necessary conclusions from expert councils and independent scientific organizations, a consultation process is proposed, which will end with obtaining conclusions from the legislative and executive branches of power of the Russian state constituent entities, which will be the subject of the future system code "On state sovereignty of the Russian state in the Arctic".

As a Draft, we propose to consider the following structure of the code:

The first section: "General provisions of Russian legislation on the Arctic space". The first Chapter should be called "Basic principles and principles of regulation in the Arctic", and to present main article: the subject of legal regulation, goals and principles international and national regulation, basic concepts, legislation on state sovereignty of the Russian state in the Arctic, the participants of legal relations, the foundations of the legal status of economic entities in the Arctic sector of the Russian state, implementation (as reception) of international treaties of the Russian Federation, powers of the
Russian state in the field of economic and ecological relations, powers of the subjects of the Federation of 85 subjects.

Article 1. Main objective
1) creating the necessary important conditions for the implementation (as reception) of the rights of the Russian Federation to use the resources of the Arctic zone;
2) development and subsequent implementation of the state economic policy;
3) creating complete, reliable, timely and up-to-date information about climate and geological changes, conducting state monitoring in the Arctic area;
4) planning the progress and extension of territories, giving into account the needs for increasing the population of the regions of the Far North of the Russian Federation;
5) protection of evolution of the constitutional system, morality, health, rights and legitimate interests of citizens of the Russian Federation and indigenous peoples of the North, located in the Russian Federation, as well as to ensure the national security of the Russian Federation and public security, combating illegal economic activities and other unlawful phenomena;
6) defining the authority of authorities and law enforcement agencies to manage crisis situations.

Article 2. Regulatory principle.
1) freedom of business activity within the Russian Federation;
2) protection by the state of the rights of small peoples of the North and residence within the Russian Federation on the basis of legality and compliance with international law;
3) partnership of interests of the individual, society and the state purposes;
4) ensuring the national security of the Russian State and protecting other national interests of the Federation in the Arctics area;
5) availability of actions necessary for environmental monitoring in the Arctic zone.

In Article 4, "Basic concepts" should be disclosed, including such concepts as "Arctic space", "continental shelf of the Arctic space", "natural monopolies", "economic activity", "indigenous and small-numbered peoples of the North", "environmental monitoring of the Arctic space", "illegal economic and fishing activities in the Arctic space", "protection of biological resources".

Article 4 "Participants in legal relations" should be submitted in the following wording: Participants in legal relations in the Russian zone of responsibility in the Arctic and Arctic territories are state authorities of the Russian Federation, local authorities, officials of these bodies, as well as legal entities acting as participants in legal relations[23,24,25].

Article 6 "Application of international treaties of the Russian Federation" should have the content: If an international Treaty of the Russian Federation, ratified in accordance with the established and fixed procedure, establishes and fixed different rules than provided for in this Code, the rules of the international Treaty shall apply.

Article 7 "Powers of the Russian Federation in the field of relations in the Arctics zone" should be directed in the following wording:
1) establishing and fixing the foundations of the state policy in the field of legal relations regulation in the Arctics area of responsibility of the Rossija (Russian Federation) in the Arctics territories;
2) state management in the field of monitoring and accounting of survey and industrial activities of legal entities and individuals, foreign citizens and stateless persons, as well as the creation of relevant databases of state statistical observation in the field of ecology in the Arctics space[26];
3) implementation of measures to counteract illegal economic and fishing activities in the Arctic;
4) preparation and implementation of programs to support the small peoples of the Far North;
5) development and implementation of Federal programs for the development of the Arctics territories of the Russian Federation;
6) other powers assigned to the powers of the Russian Federation by the Constitution of the Russian Federation, this Code (Arctics Code), and Federal laws.

Article eight "powers of the subjects of the Russian Federation" should have the following contents: the authority of the constituent entities of the Russian Federation the propositions of
development of the region to determine the number of required quotas for domestic legal entities and associations of citizens.

A Federal law is also being developed and adopted: on the introduction of the Code "on state sovereignty of the Russian Federation in the Arctic".

3. Conclusion

Thus, after analyzing the socio-economic reality and legislation of the Russian Federation, we can propose to the conclusion that it is necessary to carry out large-scale work in the field of legislation, namely its codification. This type of systematization of legislation will help to eliminate gaps and contradictions, as well as reduce the volume of legal acts regulating this area by eliminating "duplicate" rules, which will simplify law enforcement activities.

In our view, a more precise and coordinated formulation of the concepts of "economic activity", "protection of biological resources", and "habitat of small and indigenous peoples of the North" had to contribute to the effective exploring and use of the enormous resources of the Russian Arctic territory, ensure economic and social progress for the population living there, increase border security, and increase transport accessibility to remote regions. The extensive use of the Northern Sea Route (SMP) for the progress, extension, amplification of the region and the transport reach of remote ports will provide an opportunity to increase transport corridors. Mutually beneficial cooperation between the Russian Federation and other countries will be aimed at solving global problems of our time in order to improve the living conditions not only of our contemporaries, but also of future generations.

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