Legal regulation of environmental safety in the Arctic region

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Abstract. This article discusses the formation principles and the content of the legal regulation model for ensuring the environmental safety in the Arctic region. Theoretical approaches to the definition of the internal and external aspects of the legal regulation model for ensuring environmental safety in the Arctic region are presented.

1. Introduction
The article discusses the formation principles and the content of the legal regulation model for ensuring the environmental safety in the Arctic region. Theoretical approaches to the definition of the internal and external aspects of the legal regulation model for ensuring environmental safety in the Arctic region are presented.

2. Objective
The objective is to formulate a legal regulation model for ensuring the environmental safety of the Arctic region. Formal-logical and comparative legal methods were used.

3. Results
Theoretical and legal approaches to the working out of the legal regulation model for ensuring the environmental safety in the Arctic region are defined.

4. Conclusions
The obtained results can be used in the process of improving the legal regulation for ensuring the environmental safety in the Arctic region.

In connection with the increasing anthropogenic load on the Arctic region, issues of ensuring environmental safety are becoming increasingly important.

It is well known that the Arctic is a “fragile” region with a unique ecosystem. This requires the definition of a set of legal measures to ensure environmental protection and environmental management. It is correctly noted in the scientific literature that ensuring environmental safety should be considered in the context of ensuring national security as a whole [2]. Meanwhile, ensuring the environmental safety in the Arctic region should be based not only on strategic documents of environmental development in general, but also on the documents aimed at ensuring the environmental safety of the Arctic region in particular.

Basic Principles of the State Policy on Environmental Development of the Russian Federation by 2030, approved by the President of the Russian Federation of April 30, 2012 claim that “the environmental situation in the Russian Federation is characterized by a high level of anthropogenic impact on the environment and significant environmental consequences of the past economic activity”
(section one). This situation is inherent to the Arctic region. In particular, the main environmental problems of the Arctic include “the unsatisfactory state of the atmospheric air of several industrial areas ..., the threat to the flora and fauna species diversity..., land degradation, including natural forage lands, transboundary pollution of the atmosphere and the ocean, radioactive pollution of the environment” [6]. Therefore, the improvement of the legal regulation for ensuring environmental safety is of particular relevance. Quite rightly, the need to form a “structurally integrated and consistent legislative system in the field of environmental safety and environmental management” is emphasized. Meanwhile, neither the current legislation nor the doctrine contains neither principles nor legal approaches to designing such a system. In our opinion, a systematic legal approach can only provide a model of legal regulation of environmental safety, including environmental management.

To our mind, the legal regulation model should be considered both internally and externally. The internal part of the legal regulation model is the content of the legal regulation, whereas the external part is a set of normative legal acts and legal norms contained in them [5].

The content of the legal regulation in the sphere of environmental safety is the concept of environmental protection and reflects the characteristics of the activity (features, principles, conditions and norms) and its logical structure (subjects, objects, forms, means, methods, regulation result) for regulating environmental management and environmental protection in the Arctic region.

Scientists understand by legal regulation the process of influencing social relations. The impact on participants of public relations can be both internal and external. However, many people associate legal regulation exclusively with the government regulation.

In our opinion, reducing the content of the legal regulation of relations to ensure the environmental safety in the Arctic region exclusively to the state regulation does not seem to be correct. There is no doubt that the state regulation of the public relations sphere should be predominant. At the same time, environmental protection, including environmental management, can only be provided on the basis of a public-private partnership. Therefore, local legal acts of nature users themselves can and should be an important source of legal regulation in the system of legal influence on public relations participants’ behavior. Therefore, a combination of regulatory legal acts of the Russian Federation, subjects of the Russian Federation, municipalities on the one hand, and local legal acts of users of natural resources on the other hand play an important role in determining the model of legal regulation for ensuring environmental safety and rational environmental management of the Arctic region.

The key to determining the content of legal regulation is the choice of legal means and methods as a tool for regulating social relations. Types of legal regulation means and methods directly depend on the sphere of legal regulation. Their combination constitutes the sectoral method of the legal regulation, which, together with the subject of the legal regulation, is the criterion for distinguishing branches of law [3] and creates a sectoral regime of the legal regulation. In the environmental-legal aspect considered in this article, the legal regulation model should be complex and provide for a combination of constitutional, environmental, administrative, criminal laws and other norms aimed at ensuring the environmental safety of the Arctic region.

The most important elements of the legal regulation model for ensuring environmental safety are the legal regulation objectives, since they “show the meaning of the very existence of legal methods” [4]. At the same time, it is necessary to understand that the goal is a planned result, therefore the goal(s) and the result are combined as ideal and material, as abstract and concrete. However, this does not mean that the goal(s) can be separate from real life. On the contrary, the goal(s) of the legal regulation should pursue the achievement of specific objectives. If we are talking about ensuring the environmental safety of the Arctic region, then the main goal is “to solve socio-economic problems that ensure environmentally oriented economic growth, preserve a favorable environment to meet the needs of current and future generations of citizens of the Russian Federation and the realization of the right of everyone to a favorable environment, as well as strengthen the rule of law in the field of environmental protection and ensure environmental safety” (Section 1 of the Russian Federation State Program “Environmental Protection” for 2012–2020). Consequently, the main criterion of the legal regulation objective for ensuring environmental safety is efficiency.
The effectiveness of the legal regulation for ensuring the environmental safety in the Arctic region is determined through a scientifically based combination of environmental, economic and social interests of people, society and the state in order to ensure sustainable development and favorable environment.

Thus, when defining the concept of legal regulation of a certain sphere of public relations, it is necessary to take into account the field of public relations as an object of regulation, subjects of regulation, legal means and methods of regulation, the purpose of regulation.

With regard to ensuring the environmental safety in the Arctic region, the legal regulation model for ensuring environmental safety is defined by us as follows: internally, the legal regulation model for ensuring environmental safety is a system of essential features and characteristics of the legal impact on the implementation of economic and other activities in the Arctic region in order to ensure economic growth while respecting the environmental safety requirements and rational environmental management; it should be based on the principles of consistency, complexity and sustainable development. Externally, the legal regulation model for ensuring the environmental safety in the Arctic region is a set of regulatory legal acts and norms governing the relations in the sphere of ensuring environmental safety and environmental management. Regulatory legal acts of the Russian Federation, constituent entities of the Russian Federation, municipalities and local legal acts are among the regulatory legal acts constituting the external part of the legal regulation model for ensuring the environmental safety in the Arctic region.

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