

Institutional approaches to the formation of regional legislation in the field of marine spatial planning

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Dear conference organizers! First, I express my gratitude for the fact that in the current difficult situation the traditional conference Days of the Baltic Sea is working.

Dear participants! I believe no one needs to be convinced that a comprehensive legal regulation of relations related to maritime spatial planning (MSP) is necessary. To do this, it is expedient to fix the fundamental principles of water management activities even at the stage of preparing a general concept for changing legislation.

First, it is necessary that the MSP scientifically combines the environmental, economic and social interests of a person, society and the state. In this case, the goal is to ensure sustainable, balanced development. Natural mechanisms for the reproduction of healthy habitats, biodiversity and renewable natural resources should not be destroyed.

For sustainable development and ecologically balanced use of marine areas, it is important that MSP tools are used not only in the interests of large state or transnational corporations, but also consider the interests of a particular region.

As practice shows, these interests do not always coincide.

Finding the optimal balance between nature management and environmental protection plays a key role in determining the location of enterprises that disturb marine ecosystems. The issues of regulating relations when choosing such a place are under the joint jurisdiction of both the Russian Federation and Russian regions.

At the same time, for residents of the constituent entities of the Russian Federation, it is not the fact that hazardous production is located in a particular place that is important. It is fundamentally important for residents to preserve the possibility of exercising their right to land use, water use, subsoil use, use of wildlife and other types of nature use. Therefore, it is important to develop regional legislation that takes into account the peculiarities of the regions.

The legislative process in the regions of Russia is actively developing. At present, the constituent entities of the Russian Federation have adopted a fairly large number of regulatory legal acts in the field of both nature management and environmental protection. For example, laws on environmental protection have been adopted in Yakutia, Tuva, Mari El, Dagestan, Buryatia, Khakassia, Kurgan, Ryazan, Perm regions. And in the Republic of Bashkortostan, the Environmental Code of this subject of the Russian Federation has been adopted and is in force.

I want to emphasize that the powers of state authorities of the subjects of the Russian Federation in the field of relations related to environmental protection also include participation in the implementation of state monitoring of the environment. The subjects of the Russian Federation have the right to form and operate territorial systems for monitoring the state of the environment. Such systems should be part of a unified system of state environmental monitoring on the territory of a particular region.

It should be noted that without conducting a comprehensive monitoring of the state of the natural environment and analyzing its results, it is impossible to determine either a pollutant or develop effective measures to protect and restore the natural environment.

Moreover, it is impossible to apply some methods of economic regulation. For example, to compensate for damage to the environment in the prescribed manner.

The results of integrated environmental monitoring can be the basis for establishing regional environmental quality standards. At the same time, regional norms should not be less stringent than federal norms. This authority is assigned to the subjects of the Russian Federation.

One of the main reasons why this monitoring is not carried out is the lack of funding. But by setting the right priorities in the process of forming the regional budget, this problem can be solved. It seems that when structuring the monitoring network, planning the instrumental and methodological framework, one should strive to identify specific environmental pollutants.

Thus, the existing powers of the constituent entities of the Russian Federation in the field of environmental protection make it possible to create their own regional regulatory framework. Such a base can and should consider the ecological features of the regions and correct the shortcomings of federal regulatory legal acts.

For example, within the framework of coordination with the federal executive authorities, the Legislative Assembly of the Leningrad Region could coordinate the proposals submitted by the Government of the Leningrad Region on the location of hazardous production facilities on the territory of the Leningrad Region, as well as nuclear facilities.

Such a division of powers will allow collectively, with the help of democratic procedures, to make an informed decision on the location of hazardous facilities. Such a solution will provide greater security and social acceptability.

The adoption of regional laws regulating the provision of environmental safety will make it possible to adequately ensure the rights of citizens and public associations to participate in the formation of policies in the field of rational nature management and environmental protection.

There is another regional regulatory instrument. In order to realize the right of citizens to participate in the formation of policies in the field of environmental protection and nature management, it is important to use the institution of a referendum as the highest direct expression of the power of the people. Holding a regional referendum, for example, on issues related to the placement of new facilities that pollute the natural environment, would not only allow the constitutional right of citizens to be exercised, but also give such a decision the highest legal force.

In accordance with the legislation of the constituent entities of the Russian Federation, issues related to the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation are submitted to a regional referendum (see, for example, Article 5 of the Law of the Leningrad Region "On the Referendum of the Leningrad Region").

To change the legislation should be prepared carefully. It is to be an event in public life. This means that at the first stage it is necessary to carefully inventory the regulatory legal framework, find out its negative and positive aspects, and determine the reasons for the weak efficiency. And only then it is worth starting the formation of a high-quality (federal and regional) base of legal regulation in relation to the goals of the MPP.

Thank you for attention!