



DECOMMISSION

INTERNATIONAL NETWORK OF NONGOVERMENTAL ORGANIZATIONS

DE- ECOLOGIZATION OF THE NORMS OF ENVIRONMENTAL PROTECTION AND NATURAL RESOURCES LEGISLATION, AND REDUCING THE ACCESS TO ECOLOGICAL CONTROL BY THE SOCIETY



Analitic report

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When characterising the modern environmental protection and natural resources legislation, it is possible to point out the general tendencies of its development. Along with certain positive tendencies (standardization, systematisation and others), there are also regressive elements to observe. Now, in specific branches of the legislation, there are changes towards a weakening of the requirements for environmental protection and an expanding space for uncontrolled environmental management.

Considering the constitutional principle of division of the government in the Russian Federation, guaranteeing non-interference to these or other branches of power from the activity of each other, it is necessary to separate the de-ecologization of the legislation and the de-ecologization of the public administration.

The process of de-ecologization of ecological and natural resources legislation is exemplified by the following observations;

- reduced powers of government inspectors in areas of environmental protection;
- dismantling of the Institute of Municipal Ecological Control, formerly exercising the environmental protection legislation, on January 1 2006,
- the new Forest Code of the Russian Federation fundamentally changed the conception of legal regulation from the Forest Code of 2006, in which norms regulating aspects of forest exploitation had prevailed,
- on June 3 2006, a new edition of the Water Code of the Russian Federation was accepted. The standards of the code reduced the size of protected water zones and weakened the legislative regimes protecting water objects.
- according to article 49 of the Town Planning Code of the Russian Federation there is no requirement to have completed a government assessment of project documents, with certain exceptions that are specified in the aforementioned article. In this way, project documentation on all capital construction (all buildings except temporarily functioning buildings like kiosks or other informal temporary buildings), and results from engineers' assessments in connection to this documentation have been excluded as objects of governmental ecological assessments from January 1 2007;
- as the legislation has changed its approach to the concept of ecological assessment, the concept



has been narrowed, changing the function of the Institute of Environmental Assessment and reducing the number of objects requiring environmental assessment a great deal. Besides this, the implementation of environmental assessments at the regional level has been transferred to organs of the federal power subjects of the Russian Federation.

The situation is further aggravated by the very low existence of fruitful law creation by the legislative organs of power in the Russian Federation. New laws reflect existing juridical literature. There is a lack of





much needed changes to legislation in the fields of environmental management and protection. At the same time, previous acts that were made have not yet lost its relevance, as, in many instances, the correct law-enforcement processes were never formed.

A tendency of de-ecologization of the legislation is taking place, which is influencing the approach to radioactive waste.





Firstly, it follows to confirm the unstable character of the development of federal legislation regarding environmental protection and management. This is a process of de-ecologization of the legislation. Secondly, at the present moment, there is an absence of a systematic approach on how to address the problems regarding radioactive waste. The absence of such an approach is also reflected in legislative regulation. Legislative norms, which should contain regulative approaches to radioactive waste, have not been developed. Existing legislative regulation that address radioactive waste has been subjected to a tendency of de-ecologization. This is severely inconsistent; it does not reflect the

interests of the present or future generations of Russian citizens, or the environment as a whole.

At present, the de-ecologization of environmental protection and its legislation is being aggravated by changes that are antidemocratic in nature.

Unfortunately it should be noted that the listed changes of the legislation (an incomplete list) are directed at weakening the influence of civil society on internal political life in Russia. Public control loses its function. This negatively affects the state of the environment, as decisions are made that bypass the interests of the Russian population and thus allows for uncontrolled exploitation of Russian natural resources.





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“Decommissioning”-International network of nongovernmental organizations, founded in 2003.

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Network’s mission - to promote socially and environmentally safe acceptable decommissioning of nuclear power units
develop project resource, taking into account the positive global experience and with the participation of all interested parties on the basis of democratic principles.



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