

# Legal aspects of the turnover of rare and endangered animal species listed in the Red Book of the Russian Federation

N Lisina<sup>1\*</sup>, V Erin<sup>1</sup> and E Trezubov<sup>1</sup>

<sup>1</sup> Kemerovo State University, 6 Krasnaya str., Kemerovo 650000 Russia

E-mail: lisina\_nl@mail.ru

**Abstract.** The article analyzes the legal aspects of the circulation of animals listed in the Red Book of the Russian Federation, their maintenance and rehabilitation in semi-free conditions. The authors suggest a number of ways to improve legislation in this area.

**Keywords:** animal species, Red Book, legislation, animals, rare and endangered species

## 1. Introduction

One of the most important principles of environmental protection enshrined in the Federal Law on Environmental Protection [1] is the preservation of biological diversity. Particular attention should be paid to the problem of the conservation of rare and endangered species of animals. In 2014, to solve this problem, the government of the Russian Federation approved the Strategy for the Conservation of Rare and Endangered Species of Animals, Plants, and Fungi in the Russian Federation for the period until 2030 [2]. The reasons contributing to the decline of the animal population include the destruction and reduction of the habitat as a result of human activities, the destruction of animals of special value, the spread of alien species and genetically modified organisms.

One of the main directions of state policy in the field of conservation of rare and endangered animal species is the improvement of the regulatory framework for the conservation of animal populations. In particular, the state policy in this area includes countering the illegal production, trafficking, and import/export of rare and endangered animal species into and out of Russia's territory, as well as their sustainable use.

## 2. Materials and Methods

In addition to the Strategy for the Preservation of Rare and Endangered Species of Animals, Plants and Fungi in the Russian Federation, strategies for the conservation of the Amur tiger, the Far Eastern leopard, the polar bear, the Sakhalin musk deer, the snow leopard, and the program to restore (reintroduce) the Persian leopard in the Caucasus have been adopted and are being implemented. It is also worth noting that the Environmental Security Strategy for the period until 2025 [3] provides for an increase in measures for the conservation of biological diversity, including rare and endangered species of plants, animals, and other organisms, as well as their habitats.

In relation to rare and endangered species of animals, plants and other organisms, a separate special legal regime is applied. For their protection and record keeping, the Red Book of the Russian Federation and the red books of its subjects are established [4]. The Red Book is a document that contains information on the status, distribution, categories of rarity status and threat status of extinction,

protection measures to preserve and restore the population of rare and endangered wild animals permanently or temporarily in our country. The main activities for maintaining the Red Book include the following: listing the representatives of the animal and plant world; accounting the objects of the animal and plant world; maintaining the state monitoring and state cadastre; adopting and implementing a set of measures for the protection and restoration; publishing and distributing the Red Book at least once every 10 years using electronic and paper media.

In the Russian Federation, there are 413 rare animal species. 155 of them are invertebrate species, 258 vertebrate species, including 41 cyclostomes and fish, 8 amphibian species, 21 reptile species, 123 bird species, 65 mammal species registered, as of the end of 2017. The largest number of rare and endangered animal species is concentrated in the Caucasus, southern Siberia, and the Far East. And their number decreases. The main reasons for the decline in the number of rare and endangered species are the anthropogenic impact, environmental pollution, degradation of ecosystems, and poaching. Insufficiently effective measures to combat poaching contribute to the expansion and prosperity of both domestic and world “black” markets for the circulation of rare animals and their derivatives [5].

Over the past few years, the number of environmental crimes remains virtually unchanged, about 24 thousand. However, the number of crimes related to illegal hunting is increasing. If 1928 crimes were recorded in 2015, then it was 1936 in 2017 [6]. Over the past 2 years, the number of cases of administrative offenses related to the destruction of rare and endangered species of animals and plants, also increased. If 194 cases were considered and 134 persons were subjected to punishment in 2016, then 374 cases were examined and 219 persons were subjected to punishment in 2017 [7]. Thus, we see an increase in the cases of destruction of rare and endangered animal species and high rates of their removal from the biosystem. These offenses are investigated by specialized law enforcement and supervisory authorities in cooperation with other authorities [8].

### 3. Results

Taking into account the fact that the number of rare and endangered species of animals listed in the Red Book is very small and has a stable tendency to decrease, the legislator provided for the possibility of keeping and breeding objects of the animal world in semi-free conditions and artificially created habitat.

The Federal Law on the Animal World [9] allows this, but only with the permission of specially authorized bodies for the protection, control, and regulation of the use of objects of the animal world and their habitat (in particular, the Federal Service for Supervision of Natural Resources). Keeping and breeding wild animals in captivity is possible only for the purpose of their conservation and reproduction, for scientific and cultural and educational purposes. More than this, these animals should belong to the species listed in the Red Book of the Russian Federation and are subject to the Convention on International Trade in Endangered Species of Fauna and Flora [10]. In accordance with the established procedure, an applicant indicates the following to obtain a permit: a type of use, list of species of wild animals, an expected period, and information about the conditions of detention. The period of consideration and obtaining permission or refusal is 30 days.

Considering the prevailing social relations, at present, the fulfillment of the conditions of current legislation is not always possible. For example, the employees of the Clinical Center for Biodiversity Conservation of the Kemerovo State University face a difficult situation. The state bodies and individuals began to turn to this center with the wounded animals listed in the Red Book they found in critical condition, threatening the animals' health and life. As it turns out, many of these animals are abandoned by poachers in the forest for various reasons, or damaged by automobile and other means [11]. In order to rescue the animals being delivered, the center employees are forced to take wounded and exhausted animals. Thereby, they put their position in the “indefinite legal field,” since there is no time to apply to state bodies and receive all the necessary documents (if necessary, provide emergency veterinary care).

A similar situation developed in the Bryansk region, where the ornithologist nursed sick animals listed in the Red Book and did not have an appropriate permission. At the same time, zoos and animal

help centers also could not accept these animals due to the lack of permission and the availability of documents confirming the legality of their ownership [12].

#### 4. Discussion

In the current legal conditions, a number of difficult questions arise. First, given the saturation with the wondered animal, it is necessary to clarify whether the veterinary centers operate within the legal framework or not. Second, how it is possible to allow a Red Book animal under the threat of death or serious health consequences to wait for special regulatory permissions? Unfortunately, the current national legislation does not give a definite answer. More than that, the existing rules for the circulation of rare and endangered species of objects of the animal world do not take into account the cases spread throughout the country, such as the forced rescue of the Red Book animals by similar centers.

Also, the current version of Article 8.35 of the Code of Administrative Offenses of the Russian Federation [13] does not establish any exceptions regarding the subject structure of the actions focused on the extraction, storage, transportation, collection, maintenance, and other types of actions without proper permission or with violation of the conditions stipulated by the permit, or with violation of other established procedure. If, for example, these actions are committed by veterinary centers in order to emergency rescue animals listed in the Red Book.

However, it should be recognized that sustainable environmental management is also a humane use of the components of the natural environment. The goals of a balanced and harmonious existence and development in the “nature-society” sphere cannot be achieved without the humanization of the natural resource legislation, which presupposes a humane attitude of people to objects of the animal world.

#### 5. Conclusion

Based on the research results, we can conclude that the authorization procedure for obtaining permits for the circulation of wild animals listed in the Red Book of the Russian Federation needs to be adjusted and corresponding changes. In our opinion, one of the possible scenarios in this situation might be:

- Creating a special legal regime for keeping the wild animals listed in the Red Book of the Russian Federation for research centers and specialized educational institutions (including veterinary centers associated with them). Such a legal regime should provide for a simplified procedure for obtaining permits, including for the purpose of providing emergency medical care to animals;
- Replacing the permissive procedure with a notification one, which provides for the legality of the fact that a person has a wild animal listed in the Red Book of the Russian Federation from the moment of sending a notification to an authorized state body.

#### References

- [1] State Duma of the Russian Federation 2002 Federal Law on Environmental Protection (January 10, 2002 No. 7-FZ) *Collection of the Legislation of the Russian Federation* **2** p 133
- [2] Government of the Russian Federation 2014 Order on Approval of the Strategy for the Conservation of Rare and Endangered Species of Animals, Plants and Fungi in the Russian Federation for the Period up to 2030 (February 17, 2014 No. 212-r) *Collection of the Legislation of the Russian Federation* **9** Article 927
- [3] Presidential Executive Office 2017 Decree of the President of the Russian Federation on the Strategy of the Environmental Security of the Russian Federation for the Period up to 2025 (April 19, 2017 No. 176) *Collection of the Legislation of the Russian Federation* **17** Article 2546
- [4] Ministry of Natural Resources of Russia 2016 Order on the Approval of the Red Book of the Russian Federation (May 23, 2016 No. 306, Registered in the Ministry of Justice of Russia August 2, 2016 No. 43075) *Bulletin of Regulations of Federal Executive Bodies* **35** pp 12-17
- [5] Ministry of Natural Resources of Russia 2018 The State Report on the State and Protection of the Environment of the Russian Federation in 2017 (Moscow, Russia: Ministry of Natural Resources of Russia; Cadastre Scientific and Production Enterprise)
- [6] Rosstat 2018 *Environmental protection in Russia. 2018: A statistical compilation* (Moscow, Russia)

- [7] Agency of Legal Information 2017 *Statistics: administrative proceedings* Available at: <http://stat.апп-ппс.рф/stats/adm/t/31/s/68> (Accessed 02 03 2019)
- [8] Shelestukov V, Erin V, and Pavlov G 2018 *Specialized Prosecutor's Offices of the Kuzbass in regional coal mining and environmental safety protection* Available at: [https://www.e3s-conferences.org/articles/e3sconf/abs/2018/16/e3sconf\\_iims2018\\_02029/e3sconf\\_iims2018\\_02029.html](https://www.e3s-conferences.org/articles/e3sconf/abs/2018/16/e3sconf_iims2018_02029/e3sconf_iims2018_02029.html) (Accessed 02 03 2019)
- [9] State Duma of the Russian Federation 1995 *Federal Law on the Animal Kingdom* (April 24, 1995 No. 52-FZ) *Meeting of the Legislation of the Russian Federation* **17** Article 1462
- [10] Official UN website *Convention on the International Trade in Endangered Species of Fauna and Flora* (March 3, 1973) Available at: [https://www.un.org/ru/documents/decl\\_conv/conventions/cites.shtml](https://www.un.org/ru/documents/decl_conv/conventions/cites.shtml) (Accessed 02 03 2019)
- [11] Center for Biodiversity Conservation (2019) *The Veterinary Clinic of KemSU* Available at: <https://biodiversity.kemsu.ru/> (Accessed 02 03 2019)
- [12] Ivanova A 2019 *For the rescue of birds – a prison: amateur ornithologist is tried for compassion for the feathered* Available at: <https://www.vesti.ru/doc.html?id=3120961> (Accessed 02 03 2019)
- [13] State Duma of the Russian Federation 2002 Code of the Russian Federation on Administrative Offenses (December 30, 2001 No. 195-FZ) *Collection of the Legislation of the Russian Federation* **1** (part 1) Article 1