

Legal regulation of the cross-border environmental management of the Russian Federation with the member states of the Eurasian Economic Union

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Abstract. The article discusses aspects of legal regulation of cross-border environmental management of the Russian Federation with the member states of the Eurasian Economic Union. The article analyzes the international legal regulation of using and protecting natural resources between the countries of the EAEU, namely the Treaty on the Eurasian Economic Union and bilateral agreements as sources of regulating cross-border natural resources.

Keywords: legal regulation, cross-border environmental management, natural resources, agreements

1. Introduction

In the second half of the 20th and the beginning of the 21st century, the fundamental geopolitical processes in the world are associated with the creation of regional organizations to achieve various goals. The Eurasian Economic Union (EAEU) was established on January 1, 2015. Its creation has become necessary for the comprehensive modernization, cooperation and competitiveness of the national economies of the Russian Federation, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, and the Republic of Armenia.

The EAEU ensures the freedom of movement of goods, services, capitals, and labor, as well as a coordinated or unified policy in the sectors of the economy. Based on the geographic location of the EAEU member states, problems related to the regulation of cross-border environmental management arise in the border areas of most of them.

As part of the development of Eurasian economic integration, long-term goals aimed at protecting the environment were outlined back in 2012. They included improving environmental policy, protecting and rationally using the natural-resource potential, harmonizing national environmental legislation with international legal acts. Currently, the legal framework for a strategic partnership in the field of environmental management in the EAEU member countries has been created, but the problem of legal regulation of the cross-border environmental management remains important and needs to be addressed as a matter of priority.

2. Materials and Methods

The general theoretical and methodological basis of the research includes the works of P. Ya. Baklanov [1], D. S. Boklan [2], B. A. Krasnoyarova [3], and a number of other authors in the field of international environmental law and regulation of cross-border environmental management.

The Treaty on the Eurasian Economic Union [4], bilateral agreements between the EAEU countries in the field of the cross-border environmental management formed the basis of this study.

The methodological basis of the research consists of contemporary general scientific methods of cognition, as well as specific private law methods, such as systemic, formal legal, comparative legal, and others.

3. Results

The cross-border environmental management systems' functioning is based on the availability of transboundary (shared) natural resources among the states: water resources, mineral deposits, areas of migratory animals, and ecosystems in general.

Table 1. Some international agreements of the Russian Federation in the field of cross-border environmental management and environmental protection with the EAEU member states.

Signatories	Agreement	Signing date	Type of natural resource
	Agreement between the Government of the Republic of Belarus and the Government of the Russian Federation on cooperation in the field of environmental protection	07/05/1994	Border ecosystems
Russia and Belarus	Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on protection and rational use of cross-border water bodies	10/25/2002	Cross-border rivers: Neman, Dnieper, Zapadnaya Dvina
	Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus on creation of a cross-border specially protected natural area "Zapovednoye Poozerye"	09/30/2017	Border ecosystems ("Zapovednoye Poozerye" Cross-border biosphere reserve)
	Agreement between the Government of the Russian Federation and the Government of the Republic of Kazakhstan on cooperation in the field of environmental protection	12/22/2004	Border ecosystems ("Bolshoy Altai" Cross-border biosphere reserve)
Russia and Kazakhstan	Agreement between the Government of the Republic of Kazakhstan and the Government of the Russian Federation on joint use and protection of cross-border water bodies	09/07/2010	Cross-border rivers: Bolshoy Uzen, Maliy Uzen, Irtysh, Ural, Tobol, Ishim, Volga (eastern parts of the delta)
	Agreement between the Government of the Republic of Kazakhstan and the Government of the Russian Federation on prevention and suppression of forest and steppe fires in border areas	06/02/2012	Border forest ecosystems
	Agreement between the Government of the Russian Federation and the Government of the Republic of Kazakhstan on conservation of the ecosystem of the cross-border Ural River Basin	08/03/2017	Ecosystems of the cross-border Ural River Basin

Special relations in the field of legal regulation of the cross-border environmental management have developed between the Russian Federation and the EAEU states. This is due to such objective factors

as: presence of a common border, protected natural territories and valuable natural ecosystems (objects) being located on the border areas, presence of cross-border water bodies, distribution of valuable animals in cross-border territories, etc.

Relations with regard to the transboundary use of natural resources can develop in the Russian Federation only with the Republic of Belarus and the Republic of Kazakhstan, since there is a common border with these countries.

Our research clearly indicates that aspects of cross-border environmental management are governed by bilateral and multilateral treaties and agreements (Table 1). From the perspective of legal regulation, in recent decades, the practice of concluding framework agreements defining the general principles of mutual relations of states with respect to transboundary resources has emerged. Their specification is carried out by adopting additional protocols on specific issues of cooperation or agreements on specific natural objects and resources. The Treaty on the Eurasian Economic Union [4] establishes such principles as “environmental policy,” “harmonization of regulation of environmental aspects,” “reduction of harmful effects of transport on the environment and human health,” etc. There is no special section regulating relations between the EAEU countries on cross-border environmental management.

Assessing the degree of interaction of the Russian Federation with the EAEU countries in the field of cross-border environmental management indicates the need for a systematic approach in the organization of natural resource management. Despite significant progress in solving a number of problems in the EAEU countries, the creation of a new format of interstate cooperation should intensify the development of integrated strategies to achieve sustainable environmental management in the cross-border territories. The Russian Federation has the highest degree of interaction in the field of the cross-border environmental management and environmental protection with the Republic of Kazakhstan (the longest border) and the Republic of Belarus. The mentioned intergovernmental agreements testify to this fact. Forms of cooperation in the regulation of cross-border environmental management with the Republic of Armenia and the Kyrgyz Republic are indirect, since there is no common border with the Russian Federation with these states.

4. Discussion

The outlined objectives of environmental policy, implemented in the framework of developing Eurasian economic integration, include aspects of rationally using the natural resource potential. In general, at present, the legal framework for a strategic partnership in the field of environmental management in the cross-border areas of the EAEU member countries has been created. However, the problem of legal regulation of cross-border environmental management in the framework of the EAEU Treaty requires significant refinement.

5. Conclusion

As a result of developing cooperation of the Russian Federation with the border states (Belarus, Kazakhstan), a number of agreements regulating the issues of environmental management and environmental protection in transboundary territories were prepared and implemented. The main areas of interaction are the creation of cross-border specially protected natural territories; preservation of forest ecosystems from cross-border fires; cross-border water management.

The EAEU Treaty is not a direct source in regulating the cross-border environmental management in the member states of the Eurasian Economic Union. One of the ways to solve the problems of environmental management and environmental protection in the cross-border territories of the EAEU countries is to develop a special section in the EAEU Treaty that reflects these aspects of interaction between the participating countries.

References

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