Advances in Economics, Business and Management Research, volume 131
"New Silk Road: Business Cooperation and Prospective of Economic Development" (NSRBCPED 2019)

Is Modern Law Ready to Solve the Environmental Migration Problems? Assessment of International, Foreign and Russian Experience–Socially Dangerous Acts and Their Legal Effects: General Characteristic

Umnova-Koniukhova Irina Anatolievna
Department of constitutional and legal studies of the Russian state University of Justice
Department of environmental law
RUDN University
Moscow, Russia
kafoppd@rambler.ru

Semenovskiy Igor Dmitrievich
Department for legal regulation of economic activity of Financial University under the Government of the Russian Federation
Moscow, Russia

Vakula Marina Anatolyevna
Department of environmental law
RUDN University,
Moscow, Russia

***Abstract*—The article deals with the modern theoretical and scientific-practical problems of environmental migration legal regulation. Raised topical issues of environmental migration as a new direction of legal regulation. Carried out the assessment of environmental migration solving problems at the level of international law and national law. The authors assess international legal doctrine of environmental migration and environmental migrants; express their opinion on the prospects of the improvement of the environmental migration international legal regulation. Compared the experience of foreign countries and Russia in the legal solution of the ecological migration internal problems. Article results emphasized the importance of the determination of the environmental migrants legal status, the formation of common international legal standards and coordination of legal activities of the states in the field of environmental migration.**

Keywords: environmental factors of migration, climate change, environmental migration, international law doctrine, legislation in the field of environmental migration, environmental migration in the Russian Federation

I. INTRODUCTION

The intensification of migration processes, which increases the uneven resettlement of people on the planet and the growing burden on the infrastructure of the so-called prosperous countries has stood out among the threats and challenges to the modern human development in the recent decades. The environmental conditions of human's life encouraging relocation and mass movements of people is a special little-known factor causes migration. The environmental factors of migration include habitat degradation, unsustainable nature management, polluted environment, deterioration of sanitary and epidemiological situation, natural disasters, other environmental cataclysms and related man-made disasters. All these factors amplify in the modern period in the conditions of the significant climate change on the planet caused, in particular, by global warming.EASE OF USE.

The environment becomes increasingly vulnerable, the risks of the natural disasters – floods, hurricanes, long droughts, etc – continue to increase. The number of such natural manifestations is growing every year. With a high confidence we can already determine the territories of high risk of global changes.

It is believed that human civilization during its existence destroyed more than 60% of natural ecosystems on the land. If at the turn of XIX-XX centuries totally destroyed ecosystems as a result of economic and other activities occupied 20% of the land, by the end of the twentieth century, this figure was already about 63.8%. The man with his consumer attitude to nature and flawed and dangerous psychology of the conqueror of the Universe is at the center of the global environmental degradation, which must be overcome in the developing of the production and society as a whole [1].

Current statistics show that the damage caused by dangerous weather and climate events is growing worldwide. The Report of the Roshydromet Climate center on the climate risks in the territory of the Russian Federation in 2017 demonstrates that 90% of the most severe economic losses occur not due to such natural phenomena as volcanic eruptions, tsunamis and earthquakes, but because of more «ordinary»: floods, strong winds, heavy rains, hail, droughts [2].

The World Meteorological Organization notes that the global average sea level for 2018 was the highest in the

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history of observations, and the last four years have become the warmest in the history of observations [3]. According to the International Organization for Migration, as of March 2019, more than 2.3 million people out of 21.8 million temporarily displaced persons, changed their place of residence due to natural disasters, and this figure does not take into account other indirect factors [4]. At the same time, scientists note that the trend towards an increase in the number of natural disasters in the XXI century will intensify.

According to the forecasts, by 2050, about 200 million migrants in the world will need protection due to climate change[5]. Some experts point out that the relationship between migration and the environment is not so evident. Indeed, the causes of international migration remain heterogeneous and complex and they require consideration of all reasons and conditions of this phenomenon.

That is why at the Nansen conference on climate change and displacement in the 21st century (2011, Oslo), it was emphasized that in terms of protection of the population there is no good reason to distinguish environmental or other factors that have led to migration[6]. However, in conditions of significant growth of climate change and related processes of climate migration, the world community is forced to discuss environmental migration issues as a separate agenda.

The International Organization for Migration predicts that the trend of further growth in migration flows will be largely due to demographic inequality and the effects of the environmental change [7]. According to a report of the large industrial risks insurer Allianz Global Corporate & Specialty SE, the damage due to unpredictable weather events significantly exceeds the amount of losses annually caused by natural disasters. For example, according to the company's estimates, the consequences of routine weather variation for the EU economy may be about 406 billion euros (561 billion dollars) per year [8].

Almost no continent remained unaffected by these phenomena, which in its turn caused the processes of the «climate migration.» Migration caused by climate change, especially increased in the small island states (Kiribati, Maldives, Tuvalu); the countries located in the deltas of large rivers (Bangladesh, Egypt, Nigeria, Vietnam) and in the African countries affected by desertification.

As known, Europe has become the center of reception of modern migrants. The enormous influx of refugees to this continent from Africa, the Middle East and the Asia-Pacific region is caused not only by armed conflicts, color revolutions and coups, but also by droughts and floods. Particularly vividly the trend of climate migration is manifested in flows of refugees from the Asia-Pacific region. As early as 2010, the Asia-Pacific Regional Preparatory Meeting for the Global Forum on Migration and Development noted that the Asia-Pacific region is one of the largest sources of migration in the world. It accounts for at least a quarter of all international migrants [9].

Meanwhile, in Europe itself, climate change may cause increased intracontinental migration. For example, given in mind that 40% of the territory of the Netherlands is located below sea level, the life of the Dutch is an endless struggle with the sea for every scrap of land. At present time, because of the rising water level, the country is making efforts to rescue from floods and is focused on building dams between the Frisian Islands that frame the northern coast of the country.

II. METHODS

In the light of the current trends, the international legal definition and differentiation of concepts related to environmental migration – «environmental migrant», «environmental refugee», «climate refugee» and others have significant scientific and practical importance. These issues are becoming increasingly urgent and actively discussed by legal scholars from different countries [10].

The concept of «environmental refugees» appeared in the 1970s. The important role in the promotion of this concept was played by famous environmental analyst Lester R. Brown [11]. However, the most common definition of «environmental refugees» was suggested by Essam El-Hinnawi. In a report drafted by El Hinnawi for the United Nations environment Programme (UNEP), he identified environmental refugees as «those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life» [12]. As an «environmental disruption» in this definition he meant any physical, chemical, and/or biological changes in the ecosystem (or resource base) that render it, temporarily or permanently, unsuitable to support human life [13].

Researchers identify three types of environmental refugees in this definition:

- first, those who were temporarily displaced as a result of natural disasters or man-made catastrophes;
- second, the refugees are forced to constantly move due to drastic environmental changes, such as the construction of dams;
- third, those who migrate due to the gradual degradation of the environment [14].

Along with this, there was included in the classification an additional small category of people who were displaced by the destruction of their environment due to armed conflicts.

Taking into account these theoretical postulates, the UNEP formally established the concept of «environmental refugees» in 1985. However, it is important to note, that El-Hinnawi definition continues to be used not only in UNEP documents, but also with some modifications – by lot of authors dealing with the issue [15].

With that in present time the definition of «environmental refugees», formulated by specialists of Oxford University Norman Myers and Jennifer Kent is becoming more and more widely known. These authors refer to environmental refugees as those who are unable to obtain safe living conditions in their native lands due to environmental causes. The leading causes of the creation of environmental displacement include «environmental factors of unusual scope, notably droughts, desertifications, deforestations, soil erosions, water shortages and climate change, as well as natural disasters such as cyclones, storm surges, and floods» [16]. Developing a common approach, M.M. Kenig-Witkowska notes that the term «environmental

refugee» is a legal concept used in international law to determine inter-state and intra-state migration, caused by both environmental change and human activity. This term covers those individuals, whose moving was caused by both extreme events (floods, volcanic eruptions, tornadoes, earthquakes, etc.) and slow-moving processes (desertification, flooding of islands or land areas on continents) [17].

Along with supporters of the concept of «environmental refugees» proposed by El-Hinnawi, appeared a group of experts, which became criticize this approach in several aspects. For example, Diane Bates, a researcher in environmental sociology, believes that «El-Hinnawi does not provide general criteria that distinguish environmental refugees from other categories of migrants. Moreover, he does not explain the differences between the types of environmental refugees» [18].

Taken into consideration the theories of E. El-Hinnawi, D. Kent and N. Myers, D. Bates proposed the classification of environmental refugees according to the following criteria, which cause them to appear:

- disasters – unintended catastrophic events (natural or man-made);
- expropriation – intentional destruction of the environment up to its unsuitability for living (for development purposes or ecocide);
- deterioration of the situation – a gradual change in the state of the environment, causing the migration of the local population (pollution or devastation).

D. Bates understands as environmental refugees people who «migrate from their place of permanent residence due to changes in their environment». At the same time, she proposes to make distinguish between people who are victims of disasters and expropriations, who are actually unable to stay in their place of residence (environmental refugees) and those who have the freedom to choose where to stay (environmental migrants).

Thus, Bates expands the concept of environmental refugees, and that, in our opinion, complicates their separation from other types of environmental migrants. Some Russian scientists adhere to similar positions, additionally expanding the list of causes for environmental migration [19].

A separate controversy among scientists causes the question of whether it is true to call «environmental refugees» people resettled due to climate change. Despite the fact that N. Myers proved that the concept of «environmental refugees» includes the concept of «climate refugees» [20], there is still no clear definition of the latter [21]. From time to time, the term «environmental refugees» is replaced by the term «climate refugees» without any detailed specification [22].

One of the first official international legal definitions of the environmental migrants was given in Geneva in 1996 at the Regional Conference to address the problems of refugees, displaced persons, other forms of involuntary displacement and returnees in the countries of the Commonwealth of Independent States and relevant neighbouring States. According to it, «environmental migrants are persons who are obliged to leave their place of permanent residence and who move within their country, or across its borders, due to severe environmental degradation or ecological disasters» [23].

The report of the Global Commission on international migration defines environmental migrants as people who have been displaced by environmental disasters. Thus, «environmental migration» is considered as a form of forced migration. This definition of environmental migration is also increasingly being used in international forums on improving the legal regulation of international migration [24].

A comparative analysis of the main components of the legal status of environmental migrants and forced migrants (refugees and internally displaced persons) allows us to identify many similarities. For example, in both cases, well-founded fears for life and health are the cause of migration [25]. The notion of «...because of well-founded fears...», which is one of the most important elements of the definition of refugee, means that a person is experiencing subjective fears, and this situation is based on the objective situation. As an objective situation, it may well be considered such cases as an environmental disaster, the gradual deterioration of the environmental situation in the place of permanent residence of environmental migrants, the worsening situation in the country of origin of a refugee or the residence area of an internally displaced person [26].

In our opinion, in the case of identification of the concept of environmental migrant, based on the choice of one of the two categories – refugee or internally displaced person, the most legally protected category of environmental migrant is the concept of «environmental refugee». Such an understanding implies a definition of the more serious consequences of the responsibility of the public authority and of the broader system of legal capacity of the environmental migrant.

The term «environmental refugees» was proposed in November 2005 by the UN University. The introduction of this term was needed due to the increase in the number of environmental migrants. The UN University doctrine identifies six typological factors of environmental migration: elementary destruction (cyclones, volcanoes, earthquakes and other natural disasters); biological destruction (insects, pests, flora); man-made destruction caused by the interaction of environmental and human actions over a long period (deforestation, land degradation, soil erosion, desertification, etc.); accidental destruction as byproducts of the industrial revolution (for example, poisoning when using chemicals, etc.); destruction caused by development and urbanization; destruction caused by war [27].

Currently, international law attempts to broader differentiate the categories of environmental migrants on the basis of to the resettlement causes according to different criteria (scale, duration, etc.). At the 2008 Bonn Conference on migration related to the state of the environment, there was no consensus on many issues on its agenda. At the same time, there was reached an agreement not to use the term «environmental refugee» in relation to the considered subject matter and not to get bogged down in debates regarding other definitions due to the transition to practical actions that help migrants. In addition, the following

categories of environmental migrants were identified at the Conference:

- environmental migrants in emergency situations who run from dangerous environmental impacts in order to save their lives;
- environmental migrants who forcibly leave their permanent place of residence in order to avoid the inevitable and serious consequences of environmental degradation;
- environmental motivated migrants who have the opportunity to leave their place of residence with a constantly deteriorating environmental situation in order to find the best place to live [28].

As the above-mentioned and other international conferences materials and positions constitute a layer of so-called «soft» or «recommendatory» international law. So, it is important to note that the generally accepted definition of «environmental migrant» has not been given. 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol give just some mentions of the categories of «environmental migrant» and «environmental refugee». So, it is obvious that the recognition of the category of «environmental refugee» has more serious consequences and predetermines the status guaranteed by law. But the conventional law on refugees does not distinguish the categories of «refugee» and «environmental refugee». Thus, the provisions of these acts make it impossible to recognize the category of environmental refugees from the point of its proper legal construction as a legal subject with its specific capacity, and therefore the fact of environmental degradation cannot be qualified as persecution or the threat of persecution [29].

Issues of the environmental refugees recognition have been discussed in the UN forums, the Council of Europe, the European Union. In particular, the adoption of international law norms that would comprehensively resolve the problems of environmental refugees and their legal status is being discussed. For example, it is proposed to adopt a new Protocol to the 1992 UN Framework Convention on Climate Change, to amend the 1951 Convention relating to the Status of Refugees 1951, etc. There were also proposals for the adoption of a special act. In 1999 was created the UN Disaster Risk Reduction Office. Its purpose is to facilitate the implementation of the UN International Strategy for Disaster Risk Reduction.

In September 2016, the UN General Assembly adopted the New York Declaration, which required to draft by 2018 a global act for regulation the movement of large groups of refugees and migrants. In September 2018, UN Secretary-General Antonio Guterres warned that climate change could spiral out of control, and this would have dire consequences for the economy, peace and security.

In our opinion, the EU law is the most developed legal system on the environmental migration issues around the world. The Lisbon Treaty provides the legal basis for harmonization the existing practices of EU member states in the field of environmental migration according to the principle of reciprocity (Art. 4, 11, 67, 79, 191-194 of the Consolidated version of the Treaty on the Functioning of the European Union). From the EU secondary law point of view and its prospects, questions of environmental refugees are mostly governed by two directives. The first one is Council Directive 2001/55/EC of July 20, 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereo. The second one is Council Directive 2004/83/EC of April 29, 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

According to M.M. Kenig-Vitkowska European Union may and should play a leading role in the international community by launching policy initiatives related to «environmental migrants». At the same time, in our opinion, the European Union as a whole is not the region that is currently the point of environmental migrants departure. At the same time, taking into account the ever-increasing burden of Europe on receiving migrants, this opinion deserves attention. There is also formation of other zones of migrants concentration formed, including the Russian Federation, and especially its large industrial centers located. The Asian stream (citizens of the Central Asia countries, China, Vietnam, etc.) to the European part of Russia has given rise to many problems, the solution of which already goes beyond the framework of domestic measures of migration legal regulation. Along with economic and social conditions, there increases the risk of creating environmental factors for such migration. For example, the pollution of the Mekong River due to the large-scale use of chemicals by US troops in the middle of the 20th century, and the flooding of land in the river deltas in Vietnam, can provoke even greater migration from this country, already caused by environmental causes. The high level of atmospheric pollution in the urbanized zone of China should also be considered as one of the factors of Chinese migration to Russia. In this regard, in our opinion, the matter of high importance is the drafting and promotion of strategies for regulating environmental migration within the CIS, SCO, ASEAN, BRICS and other international organizations and unions of the Eurasian space and the Asia-Pacific region. A prominent place in these documents should be given to identifying the causes of environmental migration within a particular region, association, or a specific group of countries.

Accession to the directives and other acts of the European Union, the application of the methods of recommendations in the domestic legal consciousness and legal practice, reliance on «soft power» are designed to gradually oust and then replace the traditional coercion inherent for centuries to the national legal systems. The «softness» of the international principles in the environmental sphere can be transformed into specific requirements of national law, which depends on the will of the legislator, socio-economic conditions and the readiness of political elite of the state to follow international recommendations and to take into account foreign experience. Harmonization of the norms, standards and other regulatory instruments between supranational associations and concrete states in various spheres is an objective need for solving acute issues of our time.

One of the main tasks of establishing cooperation and overcoming the contradictions of environmental national

policies is a combination of the global environmental protection principles, rational use of natural resources and ensuring the sovereignty, integrity and sustainable development of concrete states regardless of changing circumstances of development and turbulence in international relations [30].

In this context, from our point of view, the universal and regional international legal regulation of environmental migration should include not only the formation of doctrinal concepts and elements of environmental migration (including its subject, object, content of international legal protection, etc.), but also the assessment of risk factors, consequences and most importantly - the definition of mechanisms to counteract undesirable migration processes.

Thus, international legal measures to reduce the anthropogenic impact on the environment and encourage the use of the best available technologies are important. 2015 Paris Agreement under the UN Framework Convention on Climate Change, which regulates measures to reduce carbon dioxide in the atmosphere since 2020, is aimed to this purpose. At the end of 2018, the 24th Conference of the Parties to this UN Framework Convention adopted the basic rules for implementing the Paris Agreement.

Another direction is the creation of conditions for comfortable living in the territories affected by climate change, consideration of climate factors in the planning of development, as well as organization of internal resettlement.

The third direction is an investment in the knowledge of local climate migration, including the study of climate change and extreme climate events with using promising approaches to the analysis of climate-forming factors, the formation of a list of territories and water areas with the highest level of natural and man-made risks, modeling of climate and hazardous hydrometeorological processes. The implementation of these measures according to a World Bank report published in March 2018, can help reduce by 80% the number of people forced to migrate due to climate change. According to the World Bank report published in March 2018. the implementation of these directions can help to reduce by 80% the number of people forced to migrate due to climate change [31].

III. Results

The lack of codification of international environmental law in the field of environmental migration affects to the degree of their implementation in the states of Eastern Europe, South America, and Asia. Fact is that there is no relevant adopted document of an international level regulating environmental migration issues. That is why states that are more affected by the consequences of environmental crises and climate change, without waiting for a coordinated international position, attempt to legislatively regulate migration issues because of the deteriorating environment.

In 2000 the Asian Disaster Preparedness Center established the Regional Consultative Committee on Disaster Management. 26 Central and Southeast Asian countries became its members. Within the framework of this forum, the states adopted the «Charter on Disaster Risk Reduction». This document considers forced climate migration as one of the factors that increase the risks connected with weather and climate change. The Charter prescribes the cities of these countries to create centers to address the problems of climate migrants so that they fit into a new place as harmoniously as possible.

As of April 2019, 162 from 193 Constitutions of the UN member states contain provisions relating to environmental issues. The phrase «natural disasters» are contained in 32 Constitutions.

Some EU member states, for example Finland, have developed a legal mechanism relating to the recognition of temporary protection in a «environmental catastrophe» situation. Others, in particular, the United Kingdom, recognize ad hoc protection in such situations, the interpretation of national law in Lithuania and Latvia allows to use of temporary protection [32].

The practice of many countries experiencing high migration pressure shows that migration rates often outstrip the ability of states to regulate migration flows and respond to their consequences. If people have a chance to get new perspectives of their well-being, then, most likely, they will remain in their homeland and will not go anywhere. Let's consider, for example, the problem of sea level rise in the Netherlands. If the government did not have sufficient resources to build dams, then people would simply be forced to emigrate. But not all countries facing the threat of climate change have such resources. At the moment, states manage this problem exclusively in a reactive way, that is, only after a natural disaster. At the same time, for the majority of modern states, the implementation of an effective migration policy today is increasingly becoming a national priority.

Among the environmental policies of the Atlantic States, attention should be paid to the organization and activities of regulatory, law enforcement, environmental authorities of these states as well as to increasing of the citizens and society responsibility for maintaining the environment proper quality. There we also should note modernization of normative and technical regulation («technical legislation») in the field of environmental protection corresponding to the achievements of scientific and technological progress, the introduction of the best available technologies.

It is appropriate to pay attention to the fact that according to the EU documents, a Federal state, for example Germany, is responsible to the other countries for the proper environmental behavior of its federative entities (lands), from which it can fully ask for deviations from international requirements and standards. In the United States, the Environmental Protection Agency and its officials have very significant administrative powers with respect to users of natural resources, regardless of their organizational and legal form, ownership and activities [33].

The greatest risks of lifestyle changes under the influence of climate change are expected for the most vulnerable part of the population of the states - indigenous peoples, whose way of life and traditional economic activities (fishing, reindeer herding, agriculture, etc.) are directly dependent on climatic conditions. Due to more frequent thaws, a layer of ice forms on the ground, which limits the access of the reindeer to lichens under the ice crust. Other example - intensive human activity. It led to the fact that for the Baikal Fisheries Basin in 2017 were imposed restrictions on the catch of Baikal omul not only for organizations and ordinary citizens, but also for

representatives of indigenous and minority peoples, traditionally living on lake Baikal and the Baikal natural territory [34]. Purpose of the restrictions is to prevent the disappearance of the Baikal endemic.

Thawing of permafrost, changes in the spread of snow cover, the earlier melting and more late river ice formation observed in recent years disrupt the traditional migration routes of reindeer between winter and summer pastures. Climate warming and a decrease in the ice cover of the northern seas, changes in the migration routes of wild deer and their forage base, a decrease in the number of marine animals can result in a reduction in the traditional industries of the indigenous peoples of the Arctic.

In a number of countries have already been taken adaptation measures to resettle indigenous and minority peoples into special settlements [35]. However, this forces them to change their lifestyle, which leads to psychological stress, and subsequently very few of these people will be able to return to a complex and well-thought model of nomadic reindeer herding and cultural traditions.

There are also features of the environmental policies of the BRICS countries, conditioned to the environmental and legal specifics of various continents and countries that differ in their coastal characteristics, levels and patterns of social, economic and legal development, that are affecting the organization of rational consumption of natural resources, attitudes towards them in society.

Only Russia and Brazil account for 40% of the world's forest land, and they have a decisive impact on the oxygen production and the state of the planet's climate. The presence of oil, gas, coal and other various minerals, as well as emissions of harmful substances into the atmosphere influence in a large degree to the regional and world environment system. In 2009 BRICS members formed the Basic system for coordinated activities on climate change issues. BRICS countries also discuss a proposal on the harmonization of the environmental legislation of the five countries, including the determination of the objectives, scope, depth, methods, competence on the environmental issues of special bodies on the Basic platform [36].

Optimization of environmental policies is not achieved by itself. To achieve constructive results requires a serious and deep increase in the environmental legal culture of the citizens, proper preparation of environmental decision-making officials of public authorities, appropriate environmental education of entrepreneurs and other citizens. Also needed increasing the guarantees of everyone's right to good environment (that almost universally proclaimed, but not always realizable), ensure the responsibility for the offenses in the environmental field, where the latency is considered to be the highest among other offences.

IV. Discussion

Russia is doomed to massive migration flows as a country with a low population density and a large territory compared with the surrounding countries, as well as the wealth of natural resources and labor needs for economic development [37]. Such a far from fantastic scenario means that the factor of climate migration will turn into threat to the national security of Russia. The insecurity of environmental migrants and the lack of legal boundaries for environmental migration will create additional social tensions, overloading the management system in densely populated areas of the country, creating a shortage of resources.

According to the estimates of modern experts for the countries of the Commonwealth of Independent States, the obstacles to migration processes on Russian territory are much less. The common history, long-established cultural and often kinship ties, common traditions, lack of linguistic barriers in communication create an objective ground for the active movement of the population, and a heterogeneous level of economic development gives rise to migration processes. If the population of these countries affected by climate and environmental disasters is put in hopeless conditions of existence, it will tend to move to areas with a more favorable climate and ecology, and not least - to Russia.

The risk of climate migration to Russia from the regions of Central Asia is significantly high, in particular, due to the growing shortage of water resources. For example, the shallowing of the Aral Sea in the Amudarya delta led to a sharp deterioration of the ecological situation, desertification and salinization of the soil, which really threatens the health of the population living in this territory. Former coastal villages and cities are now more than 70 km from the coastline. The situation is aggravated by the terrifying quality of drinking water, which in Uzbekistan contains salts and is contaminated in Karakalpakia, it has a high content of metals that cause a number of diseases [38]. This situation to some extent causes socio-economic and political problems in all central Asian republics (Kazakhstan, Uzbekistan, Turkmenistan, Kyrgyzstan, Tajikistan).

The example of the Caspian Sea, which has lost the possibility of full self-regulation and self-purification, is also indicative. Coordinated measures to change the situation are currently being taken by the leadership of all five Caspian countries - Russia, Iran, Kazakhstan, Azerbaijan and Turkmenistan, whose population is suffering from the adverse consequences in the environment sphere. The Convention on the Legal Status of the Caspian Sea of August 12, 2018 pays special attention to environmental issues. One of the principles that will be followed by the parties to the agreement when carrying out activities in the Caspian is the responsibility of the party that allows pollution for the damage caused to the ecological system of the Caspian Sea [39].

A large part of migrants in Russia account also with flows from the Asia-Pacific region and Africa. Environmentalists say about the likelihood of flooding of part of the territory of densely populated countries in these regions, the most vulnerable to climate change, which will provoke a powerful socio-economic crisis. It can be assumed, for example, that Vietnam will face the unprecedented in its and world history problem of forced climate migration of population from coastal areas given the size, growth rate and population density of the country.

As for the scale of Russian internal flows of migrants, driven by the deterioration of the ecological living conditions and economic activity in certain regions, the available expert estimates are characterized by great uncertainty and variation. According to some estimates, for

Russia they will not exceed the order of hundreds of thousands of people [40].

One of the predictions is connected with the outflow of people from industrial regions. The environmental situation in a number of industrial regions of Russia, where most of the country's population lives, is characterized by a high level of anthropogenic impact on the environment (including water bodies, especially used for drinking and household water supply of citizens, atmospheric air, land and forest resources, objects of the flora and fauna).

The living and activities conditions of the population largely depend on the proper state of the environment and its quality. In a number of Russian regions, the environmental situation is further complicated by the environmental consequences of past economic activities of enterprises. This is especially true for such old industrial regions as the Sverdlovsk and Chelyabinsk regions. For example, by the beginning of the XXI century more than 8 billion tons of industrial waste has been accumulated in the Sverdlovsk Region. In addition, annually at the industrial enterprises of the region are generated another 175 million tons of production waste, which are stored in dumps, occupying more than 60 thousand hectares of land [41].

There is a high probability of growth of ecological migration from the North of Russia. According to estimates of Roshydromet, the climate warming in Russia is about 2.5 times more intense than the average in the world: in the period 1976-2016 it was 0.45º C for 10 years. The highest rate of growth of average annual temperature is observed on the coast of the Arctic Ocean, especially in the Asian part of Russia (for example, on the Taimyr – more than +0.9 ° C/10 years).

Russia as a whole has a responsible approach to the problems of reducing the negative impact on the environment of industrialized territories and is ready to take part in international agreements aimed at these goals. On December 17, 2009 the President of the Russian Federation signed the Climate Doctrine of the Russian Federation. It noted that the problems connected with climate change, in particular the balance between economic efficiency and social justice, the elimination of potential conflicts of interest due to extreme manifestations of climate change, cannot be solved using only scientific methods. In the development of the Climate Doctrine, were adopted government acts and ministry decrees governing measures to reduce greenhouse gas emissions, as well as established an appropriate system for monitoring, reporting and checking greenhouse gas emissions. In 2015 environmental legislation was amended to gradually introduce the best available technologies.

In 2016 Russia joined the Paris agreement on combating climate change. The Government of the Russian Federation has approved a plan for the implementation of a set of measures to improve state regulation of greenhouse gas emissions [42]. Now takes preparing actions for ratification of the Paris Agreement, in fulfillment of which Russia is also taking legislative and other measures aimed at its implementation.

In the Russian Federation separate legal norms relating to legislative regulation of various aspects of environmental migration are scattered under different laws and other regulatory acts. Among them such important as the federal laws «On Security» № 390-FZ from December 28, 2010, «On the Protection of Population and Territories from Emergencies natural and man-made character» from 21.12.1994 № 68-FZ, etc. In addition to the specified regulatory laws there are also legislative acts of the Russian Federation aimed at legal regulation on the elimination of the consequences of concrete accident risks, hazards that are particularly significant environmental damage and caused the migration of the population, - acts of the so-called Chernobyl group. These laws concern both the catastrophe at the Chernobyl NPP and the consequences of nuclear tests at the Semipalatinsk test site, the accident at the Mayak production association.

In 2014 with adoption of the Federal Law «On Strategic Planning in the Russian Federation» № 174-FZ of June 28, 2014 was formulated a new qualitative level of public government at the legislative level. This law created a framework and conditions improvement of regulatory policy in terms of goal-setting, forecasting, planning and programming the socio-economic development of the Russian Federation. It also gave the basis to create a coherent and mutually consistent system of state planning and building an effective economy in the legal environmental context.

Now, the Russian Federation has adopted strategic planning documents aimed at ensuring the country's environmental safety, protecting the population and territories from natural and man-made emergencies, and planning environmental and energy-efficient measures. These documents are the National security strategy of the Russian Federation, the Concept of long-term socio-economic development of the Russian Federation for the period up to 2020, the Strategy for the environmental security of the Russian Federation for the period up to 2025, the Basics of the state policy in the field of the environmental development of Russia for the period up to 2030.

The National security strategy of the Russian Federation provides the protection of the population and territories from natural and man-made emergencies. The fundamentals of the state policy in the field of environmental development of Russia for the period until 2030 and the Action Plan developed by the Government of the Russian Federation for their implementation, repeatedly stating the need to develop a system for ensuring environmental safety, envisaging environmental and energy efficiency measures planning.

The Concept of state migration policy of the Russian Federation for 2019-2025 mentions such types of migration as labor, educational migration, migration to a permanent place of residence, and others. At the same time, the issues of climate and ecological migration in the planning of regional development require further study and formalization. There is still no such category in Russia as eco-migrants in legislative acts.

The Russian Federation has adopted a block of legislative acts to create conditions for reducing the migration outflow of the population from Siberia and the Far East, including in connection with changes in traditional environmental management conditions caused by climate change. In particular, the Law on the so-called «Far Eastern hectare» [43] is aimed to resolving issues of securing citizens' residence in the Far Eastern Federal District

through the establishment of special base and the procedure for providing to the citizens a free land plot of up to one hectare, as well as simplifying administrative procedures. The law pursues, among other things, the goal of reducing the displacement of the population of Siberia and the Far East, where the climatic conditions have deteriorated, to the central part of the country.

In the Russian Federation created special conditions to protect the rights of indigenous and minorities people of the North, Siberia and the Far East, for which climate change makes it increasingly difficult to preserve their social, economic and cultural characteristics of life. In particular a law enforces the guarantees of preserving the traditional places of their residence, as well as methods of hunting and fishing, which for centuries have been the basis of these peoples' activities [44].

The Strategy on hydrometeorology and related areas for the period up to 2030 (taking into account aspects of climate change) states that the Russian Federation is a country of moderate hydrological risks - less than 2.5 percent of the Russia's territory is exposed to the negative effects of water. In order to prevent negative impacts of water on the population and reduce migration adopted the Decree for establishing flooded zones and flooding. According to this act the boundaries of such zones are fixed in territorial planning documents, urban zoning and territory planning documentation in accordance with legislation on urban planning activities. The Water Code of the Russian Federation within the boundaries of the zones of flooding states the impossibility of building and construction without special protective measures to prevent the negative impact of water.

The issues of investing in knowledge about local climate migrations are settled in Russia only at the level of strategic documents. For example, the strategy for the development of the Arctic zone of the Russian Federation and ensuring national security for the period up to 2020 envisages the conduct of comprehensive scientific research on the study of natural hazards, the development and implementation of modern technologies and methods for their prediction in a changing climate.

The forecast of the scientific and technological development of the Russian Federation for the period until 2030 indicates that one of the measures to ensure environmental safety is to study climate change and extreme climate events using promising approaches to the analysis of climate-forming factors.

V. Conclusion

Taking into account the above, the following main directions for solving the problems of environmental migration legal regulation can be identified.

At the international and domestic levels, it is necessary to consolidate the special legal status of environmental migrants - people forced to change their place of residence as a result of an environmental catastrophe or as a result of adverse environmental changes. In addition, it is important to institutionalize the necessary set of legal norms for forecasting, reacting and accompanying the processes of ecological migration.

It is necessary to improve by the international community the legal framework for the provision of humanitarian assistance to countries suffering both from the outflow and the influx of environmental migrants. It is advisable for modern states to create a system of legal preferences for potential environmental migrants in order to prevent the outflow of population from regions most at risk or already affected by disasters.

On the basis of forecasting migration flows and analyzing its causes, it is necessary to create an environment that would itself select a socially positive element in the migration wave, turning it to the benefit of the receiving state, cutting off or minimizing negative factors.

In the interests of the world community and individual states, it is advisable to create a unified system of legal regulation and counteraction to environmental migration, coordinate activities in this area. It will contribute to more efficient management of interstate population movements, minimize the risk of potential threats, assisting to the development and progress. A key role in these tasks can be played by the International Organization for Migration and the United Nations Office for Disaster Risk Reduction.

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