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**PROBLEMS OF LEGAL SUPPORT FOR TRANSITION TO A
GREEN ECONOMY IN RUSSIA**

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Abstract

The paper is dedicated to studying issues in legal groundwork necessary for transition to green economy due to an urgent need of the global civilization in forming environmentally safe space and reducing negative impact to the environment. Problems have been identified in legal groundwork related to the task of cutting greenhouse gas emissions, deceleration of global climate change, transition to sustainable development standards, reduction in the volume of industrial and household waste. It worth noting that in its current form neither federal nor regional legislation are capable of ensuring transition to the green economy. Justifications are given to the need in a clear concept of legislative regulatory measures, legal fixation of various industrial norms aimed at coordination of both environmental and economic public relationships. A need in radical review and substantial development of taxation, banking and budgetary legal frameworks is stated, aiming to, first, support and implement general legal norms of economic regulation contained in environmental protection legislation and those concerning natural resources; second, to properly fix in the legislation the plurality of financial sources of environmentally significant activities.

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1. Introduction

Development of the modern civilization led to increased impact on the nature. In recent decades, it has become a problem at both national and international levels. There are about 4 billion tons of industrial and consumer waste produced annually, of them about 55–60 million tons are municipal solid wastes. There is a persistent radioactive pollution, including the one having resulted from past nuclear weapon tests. Global challenges in economic security also include repercussions of climate change, increased consumption of natural resources in the context of their diminishing stocks, reduction in biodiversity, etc. (Blanco & Razzaque, 2012).

2. Problem Statement

In this day and age, there is an acute need for scientifically grounded analysis of various approaches to development and implementation of green economy legal regulation, classification of the green economy principal elements with respect to the Russian legislative framework, relations between the green economy and the concept of environmental human rights, as well as introduction of a concept of environmental entrepreneurship, and its role in attaining the goals and objectives of the green economy.

3. Research Questions

The subject of this research covers legal issues in provision of transitioning to the green economy, legal framework related to high-priority tasks in transitioning to the green economy as they are posed to the country. They may be: 1) increasing the efficiency in resource use and management (water, land, biological and other resources); 2) upgrade of existing and construction of new infrastructure; 3) increasing the well-being of population and quality of the environment by means of viable ways of reducing the pressure on the environment; 4) improving national security, including the environmental security with the aim of implementing the human right to a beneficial environment.

4. Purpose of the Study

In the Russian law, the matters of green economy are still at an early stage of their formation. Establishment of the green economy in the Russian Federation will be largely defined by a legal framework being formed in accordance with the *Longterm Development Strategy of the Russian Federation for the period of up to 2050*. Despite legislation in the area in consideration is being actively developed, the required economic effect is yet to be seen, which is mainly due to domination of administrative measures. From analysis of regulations concerning various aspects of the green economy, this paper sets a goal: to expose gaps in legal regulation and prepare recommendation with the aim of further improvement of the current legislation.

5. Research Methods

Methodologically, this research is based on a systemic approach, which is being applied here in the context of materialistic worldview and dialectic materialism as an overarching method of research. The systemic approach is implemented by means of application of several mutually complimenting methods, namely: analysis, synthesis, system-elementary, system-functional, system-communicative, system-integrative and system historical methods. The study employs an interdisciplinary approach allowing bringing together advances in economic, political and legal sciences. Among particular methods of legal science, legal and technical method, interpretation of law and legal comparison found their application in this research, thus allowing for formulation of a scientifically justified structure of legal regulation of the green economy.

6. Findings

In September of 2000, UN General Assembly adopted the Millennium Declaration. The Declaration voices concerns about security of further global development and admits that progress is attainable only on the foundation of sustainable development principles, while economic growth shall be focused on resolving poverty-related issues and provision of human rights, including the right to environmental security.

Environmental problems spark concern in the European Union. For instance, in 2009 the ECE environmental policy committee adopted a decision to evaluate existing assessment of European environment. This Pan-European Evaluation of Environmental Assessments was conducted by the European Environmental Agency under management of a special team with the aim of facilitating developing a report for the Astana Conference. Global climate change and its consequences are a pressing issue for countries around the globe (Blanco & Razzaque, 2012). Responsibility of the Russian State to the world as a whole in the environmental area is increasing. However, the issues in legal support of the green economy have not yet received a comprehensive legal framework either at a constitutional or at sector-specific levels. Due to that, the problem of developments aimed to cover these gaps, search for solutions in this area and attaining a balance between environmental, commercial and civil law appears a topical issue.

Environmentalization of economic evolution creates a new branch of scientific knowledge—green economy—based upon a strong correlation between the problems in economics and those in the environment. The problems with wide adoption of the principles of the green economy are of high priority, as it is one of the factors that ensure further dynamics in national development.

Analysis of existing definitions shows that while some authors see the green economy as a part of environmental protection, others hold them equal, while yet another group includes with the green economy not only environmental security and environmental protection but rational use of natural resources and environment quality improvement as well. All the while, authors in the fourth group present their opinion that provision of the green economy standards is an activity that takes place in parallel to the environmental protection. Thus, there is still no non-ambiguous definition for this category.

For example, Mateos Rodriguez Aurora defines environmental (green) economy as a science of wealth (including its distribution) plus natural resources. Let us analyse these two components. From the point of view typical of the first position, we are in the area of environmental economics. From the point of view typical of the second position, we are in the area of ecological economics. The former relates to greening of the neoliberal economics, while the latter emphasizes the limits to growth defined by boundaries of the environment and its resources. Both are components of the concept of ecological economics. One of them is soft sustainability, where economy is linked to the environment, while the other is hard sustainability, ecological (green) economics (Mateos, 2021).

Within the conception of Zhusupbekova (2015), green economy is, first, an economy aimed at improving population well-being by means of efficient use of natural resources. Second, it is recycling and reuse of solid waste. Third, it is rational use of those natural resources that are on the brink of disappearance. Fourth, it is thrifty consumption of natural resources. Fifth, it is use of clean and green technologies. Zomonova (2016) understands green economy as a dynamic process of economy transformation in a direction of low-carbon development, increased resource efficiency and improved well-being of population through application of technologies and innovations creating new jobs while simultaneously reducing environmental risks in the long-term. Deteriorating environmental situation negatively impacts not only exercise of constitutional right to beneficial environment, but standards of green economy of the Russian State as well. Economic development of the country proceeds without taking environmental factors into account. Thus, improvement in the governmental system of environment quality regulation and environmental living conditions shall be pegged to the principal directions of ensuring provisions of green economy standards and environmental protection. High-priority directions of development of the modern law-bound and social Russian State include determining national interests, ways and means for their achievement in the context of ensuring national security, of which environmental security is a vital component. Among such steps there is an aspiration to move from a traditional model of economic growth—so-called brown economy—to green economy (Bobilev, 2012). All the developed countries are aspiring for transition to an economic model which is not limited to innovation-driven economic growth, but rather the one facilitating and aiming for the most efficient use of natural resources, reduction of poverty and resolution of socio-economic and environmental problems. Despite the fact that the need to transition to sustainable development and green economy standards have been discussed for several decades at the federal level, there has not been yet any significant progress in this area. There are issues in developing legal foundations of the state regulatory policy in regions, leading to fragmented and inconsistent solutions, low activity of authorities and public management institutes in their implementation.

The material foundation of the transition to sustainable development is formation and development of a specific environmentally-oriented sector within the economy (green economy) based on application of clean resource-efficient technologies (Green Economy Accord, 2015). At the same time, development of the green economy is still inactive and non-uniform, despite the presence of societal demand for its advanced growth, all the while several separate directions of the Green Growth are weakly related to each other and demonstrate non-systemic development, even being supported by state policy measures.

Annual reports on environmental situation published by the Ministry of Natural Resources and Ecology of the Russian Federation record continuous deterioration in conditions of Russian natural objects and complexes. There may be many explanations for such a situation related to insufficient financing, personnel issues, insufficient powers of environmental authorities, etc. Without calling such explanations into questions, it should be noted that the causes of environment deterioration are of a complex nature and are not being duly resolved. One of the causes is a concept of ensuring the green economy standards in Russian regions which is inadequate to the current reality. The current Federal Law On Environmental Protection dated January 10, 2002 no. 7-FZ is just a somewhat updated copy of the law of the Russian Socialist Federal Soviet Republic On Environmental Protection dated December 19, 1991. However, the concept of legal protection of nature in this law, while progressive for 1990s, has become obsolete. It shall be taken into account that the measures of economic regulation in this law are intermixed with organizational measures (program development, prognostics, development and implementation of various measures, etc.) which also include topics related to legal accountability (compensation of environmental damage), witnessing to a lack of clear concept of economic regulation of environmentally significant activity (Ignatieva, 2021).

Today, instruments of the green economy in the Russian law are largely reflected in:

- a) taxation related to environmental management;
- b) development of energy efficiency and energy saving.

At that, both stated directions are closely related as together they shall stimulate activities aimed at rational use of natural resources.

Analysis of the Russian legislation in the area under consideration demonstrates that the system of economic stimulation measures is represented non-uniformly through the legislation: if regulation of fee collection over natural resource use is a long-present fact of the Russian law, such measures as concessional lending on condition of implementation of best available technologies, recyclable material use, non-conventional energy or as a stimulus for other efficient measures of environmental protection, or as support for entrepreneurship, innovation and other activities (e.g., environmental insurance) aimed at protection of the environment as per current legislation cannot be fully implemented and become efficient without introducing changes into regulations of other branches of legislation, namely, budgetary legislation, tax code, banking regulations, investment regulation, etc.

The current legislation is very limited in taking into considerations existing specificity of various Russian regions, thus there is a need in adopting a model federal law On State Policy in Implementation of Green Economy Standards in Regions of the Russian Federation, prepared with more modern theoretical and methodological positions in mind. Such a law shall reflect all the current threats to environmental security, which are often ignored by the existing environmental legislation. Among them there are environmental threats from modern and emerging technologies (nanotechnologies, biotechnologies), a need to combat global climate change, actual (not limited to declarations as it is currently) fight against accumulated environmental damage and a number of other. When preparing such a legislative draft, one shall take into account the contemporary concepts of interaction between the society and the nature, which are virtually never discussed within the framework of the Russian legal doctrine, including the concept of sustainable development and that of circular economy. Development

and adoption of the concept of legal support of the green economy is another important aspect. There is a need in reviewing struggle against classical environmental threats related to waste management, requirements to specific business activities, a need in declaring environmental catastrophe areas, etc. Solution of such tasks will require more than adoption of new legal norms, it will require setting up new objectives to organizational protection of the environment (re-evaluation of environmental management system and redistribution of authority therein), economic arrangements of the environmental protection (development of environmental entrepreneurship, environmental legal contracts (audit, insurance), tax incentive; ideological arrangement of the environmental protection related to development of environmental education (elementary, secondary and tertiary), environmental outreach and mentoring, formation of new standards of environmental culture in Russia. Discussions concerning the new concept of green economy standards shall be open, with broad public participation. However, the issues of legal regulation of environmental relationships have significant specificity, thus requiring conducting a series of educational and mentoring measures aimed at different social, age, educational and other groups of population in order to bring them into the discussion of permits, prohibitions and limits that shall be installed in the area of rational use of natural resources and environmental protection.

7. Conclusion

Our research leads to the following conclusions.

For the purpose of long-term strategic planning, there is a need in systematizing and subsequent taking into account of the following elements: foundational role of the state in organization and management of the green economy, a need in a unified and structured system of governmental planning, long-term nature of such elements of planning as environment and natural resource management. In this case, environmental goals and requirements represent a necessary component for the socio-economic planning. It is essential to improve the legislation in the area of environmental protection and natural resource management, as well as institutional systems tasked with providing environmental security;

2 Economic stimulation of activities in waste management shall be performed by means of reduction in fees for waste disposal.

3 Setting up of tax preferences and other incentives aimed at legal entities and citizens providing protection, reproduction and sustainable use of animal resources, as well as protection and improvement of habitats, provision of preferential loans to legal entities to cover activities in reproduction and protection of animal resources, bonuses for officials and citizens involved in animal protection for identification of violations of the federal law of the Russian Federation on protection and use of animal resources.

4 There is a need to adopt a model federal law On State Policy in Implementation of Green Economy Standards in Regions of the Russian Federation, prepared with more modern theoretical and methodological positions in mind.

Development and adoption of the concept of legal support of the green economy is another important aspect in implementation of governmental policy in this area/ Such a concept shall be aimed at creating a system of environmental audit, promoting awareness of population and organizations on condition of the environment and its pollution, implementation of complex environmental permits with

respect to environmentally hazardous production facilities implementing best available technologies, creation and development of a system of environmental funds.

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