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LEGAL ISSUES



A FUNCTIONAL DESCRIPTION OF THE MODEL FOR THE PROTECTION OF THE ENVIRONMENTAL INTERESTS OF THE RUSSIAN FEDERATION IN THE BALTIC SEA REGION

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This article identifies the objective conditions of the conflict between the interests of development and those of environmental security. The latter are given added urgency when, within the same ecological unit, one country needs to develop and another to protect its environmental interests. The borders of the countries and regions, the economies of which affect the safety of Russia's interests in the Baltic, do not coincide with the boundaries of the ecosystems. This calls for a study of the legal protection of Russia's environmental interests in the Baltic Sea region. There is no legal mechanism for ensuring a balance between the interests of development and those of environmental security of the countries that have shorelines along the Baltic Sea. Thus, it is necessary to give a functional description of the regional model for the legal protection of the environmental interests of the Russian Federation in the Baltic region. To this end, we identify the juridical content of the environmental interests of the Russian Federation. We consider the possibilities of the legal protection of the environmental interests in the national and international jurisdiction. The interests are divided into two groups respectively. We reveal the essence of the environmental interests of the Russian Federation in the Baltic Sea region. We analyse the case of the Russian regions located within the Baltic Sea catchment area to test an approach to identifying the region's boundaries. This approach may be used in modelling the regional level of the legal protection of Russia's environmental interests in the Baltic region. We identify the environmental interests of the Russian Federation in the Baltic Sea region, as

well as the forms of legal protection of the country's interests in this territory. We describe the elements of the system of the legal protection of Russia's interests in the Baltic region and examine the functions of these elements.

The result of this study is a functional description of the model of legal protection of the environmental interests of the Russian Federation in the Baltic region. This model may be used to strengthen the links between the elements of the protection of the legitimate interests of the Russian Federation in the Baltic region.

Keywords: international law, public interests, environmental interests, regional model, Baltic Sea region

Introduction

The national borders of many countries follow the natural divisions between land and water, which often do not coincide with the boundaries of ecosystems. Human occupation of land has an inevitably adverse impact on the contiguous water bodies. The areas affected by the economic use of coastal resources may go far beyond the territorial waters of the state benefitting from these resources [1]. In a meeting with the heads of international prosecution services, which focused on combat against environmental offences, the Prosecutor General of the Russian Federation, Yuri Chaika stressed that climate change, biodiversity reduction, water and air pollution, and deforestation had become transnational problems. Chaika emphasised that international cooperation was complicated by the differences among national legislations on environmental protection and environmental response measures [2].

The Baltic Sea is where the interests of the countries lying on its shores meet. Nine countries have shorelines along the Baltic Sea — Russia, Germany, Poland, Denmark, Sweden, Finland, Estonia, Latvia, and Lithuania. The territories of these countries, in part or in whole, constitute the Baltic region. According to some definitions, the region includes the administrative units not only of the countries bordering the sea but also of those whose geological and hydrographic features affect the Baltic ecosystem [3].

The legitimate economic development interests of each Baltic region country are associated with growing human impact on the environment [4]. One country's deteriorating environment threatens the environmental interests of all the other states within the ecosystem. Environmental protection has become a common regional problem.

Important natural protection agreements have been concluded under the aegis of the United Nations to protect the environmental interests of the Baltic region states. Nadezhda K. Kharlampyeva cogently argues that the use of the European regional agreements in environmental rule-ma-



king and the associated international collaborations can be translated into other regions, whereas the ‘Baltic Sea region can provide a model for regional marine environment protection’ [5].

However, the objective need for Russia to protect its environmental interests within the Baltic region is at odds with the absence of a regional system for their protection. These circumstances narrow the object and topic of research and predetermine its aims and objectives.

The topic of this research is the social relations in the legal protection of public rights and legitimate interests.

The object of this research is the systemic properties of the ideal model of legal protection of Russia’s environmental interests in the Baltic region.

This study aims at modelling a regional level of the system of legal protection of Russia’s environmental interests in the Baltic region, as well as at identifying the elements of this system and describing their functions.

To this end, we set and fulfil the following objectives. We determine the environmental interests of the Russian Federation in the Baltic region, identify the forms of legal protection of Russia’s environmental interests in the Baltic, and describe the elements of the system for protecting the country’s interests in the region and the functions of these elements.

1. Methodology

In terms of law, interest can serve as an incentive in creating legal norms. Social relations never arise without interests [6]. The generic category for the concept of ‘the environmental interests of the Russian Federation’ is that of ‘public interests’. Public interests include the interests of society, interests of the state, and national interests [7]. The vagueness of the boundary between private and public interests is the result of the interests of a person and society converging in the interests of the state. This ensures the balance between private and public interests in each legal norm based on the Constitution of the Russian Federation [8]. In the Constitution, the category of interest is applied exclusively to a person. The categories of ‘interests of society’ and ‘interests of the state’ are widely applied in strategic planning documents within the generic category of ‘national interests’.

Note that the laws of the Russian Federation do not establish a direct connection between a legitimate interest and a legal norm. ‘the research methodology based solely on the acknowledgement of the secondariness of consciousness and the primacy of being (a result of the objective properties of Soviet society and the official doctrines prevalent during the historical period when the USSR existed) precluded the inclusion of public

interest into the scope of law, only permitted the discussion of its reflection in law' [9]. Historically conditioned, this approach to the legal category of 'interest' may cause the regulation of social relations to fail, if the goals specified in strategic planning documents as public interests are incoherent with the legal categories used in the legal regulation of these legal relations.

The connection between interest and law in this aspect have been tackled by addressing the category of 'legitimate interest' in the works of the followers of Aleksandr V. Malko's school of thought [10]. Nevertheless, legitimate interests are considered in the constitutional-legal aspect of the legitimate interests of a person and they have more to do with private legal relations. At the same time, legitimate environmental interests are rather a characteristic of public legal relations.

A major public interest as regards the interactions between society and nature is the preservation and restoration of a favourable condition of the environment relating to the quantitative measures of the cleanliness of soil, purity of air, and purity of water [11]. The convergence of private and public legitimate interests is clearly seen when it comes to environmental protection and environmental security provision. The Russian researchers usually either identify these activities [12; 13] or draw a clear line between them [14; 15]. However, the object of these activities is always the human being. Environmental protection is aimed at creating a favourable environment for human beings [16], whereas environmental security seeks to ensure the environmental security of human beings [17]. The English word 'environment' closely corresponds to the term *prirodnaya sreda* (literally, 'natural environment') used in the conceptual framework for the Law of the RSFSR of December 19, 1991, No. 2060-1 'On Environmental Protection' [18, pp. 146—160]. The interpretation of Article 1 of the Federal Law of January 10, 2002, No. 7-FZ 'On the Environmental Protection' stresses the difference between *okruzhayushchaya sreda* (environment) and *prirodnaya sreda* (the former includes man-made objects). This circumstance complicates the law enforcement practices, particularly, the determination of the elements of an environmental offence [19].

We maintain that the category of 'environmental security provision' cannot be isolated from that of 'environmental protection', since the protection of environment from human impacts is aimed at achieving the environmental security of humans. For example, the radioactive pollution caused by the Chernobyl disaster created an unfavourable environmental situation for humans. However, freed from human interference, the exclusion zone turned into a favourable natural environment for the restoration of earlier disturbed bicoenoses. Russia's environmental interests are closely connected with the economic interests of the country [20].

The traditional forms and methods of industrial, agricultural, and other types of production are associated with the environment deteriorating as a result of growing production. Vice versa, the quality of the environment improves as production falls. In many regions, after a reduction in production, the environmental situation stabilised and reached safe levels. The use of the most advanced production technology reduces the dependence between production and damage to the environment. At the same time, advanced technology can be introduced only when there are sufficient economic opportunities.

The strategic planning documents suggest that reducing or terminating production cannot be considered an environmental interest of the Russian Federation, since the generic term for 'environmental interest' is 'national interest'. At the same time, the discontinuation of environmentally harmful production by the states comprising the same ecosystem is very much in line with Russia's environmental interests.

We argue that the environmental interests of the Russian Federation are the legitimate interests of a person, society, and the state relating to their protection exclusively from environmental offences. The legal protection of environmental interests can be carried out within the limits of both national and international jurisdiction. Russia's environmental interests specified in the strategic planning documents are included in the structure of the legal norms of the Russian Federation. These interests are protected by the national laws. The environmental interests of the country can be protected outside its territory only within its continental shelf and special economic zone, after the implementation of the relevant rules of international law.

In the structure of a legal norm, the environmental interests should be distinguished from environmental laws (Table 1). Unlike environmental law, a legitimate environmental interest is subject to dynamic changes under the influence of external and internal features of a corresponding system. This leads to a conflict between the goals of a legal norm and its formal expression in the disposition of a legal norm.

Table 1

**The properties of environmental law
and a legitimate environmental interest**

	Environmental law	Environmental interest
Hypothesis	Is not mentioned as such	Is the goal of the new legal norm
Disposition	Specified in relevant regulations	None
Sanction	Criminal penalty	Only if it formally coincides with the disposition of a relevant legal norm

National law ensures the quality of the environment by legal regulation, which consists in the development, adoption, and enforcement of the legal norms that rest on the environmental requirements. The protection of the environmental interests of the Russian Federation, which correspond to the country's legitimate interests, can be carried out within international jurisdiction. These conditions are also met if the norms of international law are implemented in the laws of the countries located within the same ecosystem or if the violated legitimate interests are protected in a court with international jurisdiction.

Thus, the system for the legal protection of Russia's environmental interests comprises two independent levels of the protection of the country's environmental interests. These are the national and supranational levels.

At the national level, the environmental interests of the Russian Federation are protected by a legal norm, in which the environmental interest is encapsulated in the legal norm's hypothesis. Enforcement norms aimed at protecting the legal interests are embedded in the legal norms of the Russian laws and identified in Chapter 26 of the Criminal Law of the Russian Federation. These norms apply across the Russian Federation and the country's jurisdiction on the continental shelf and in the exclusive economic zone.

The supranational level ensures the protection of the environmental interests of the Russian Federation. This occurs when the countries, the territories of which belong to the same ecosystem, implement the norms of international law corresponding to Russia's interests in their legislation or conclude agreements on submitting disputes regarding the violation of environmental interests to a court with international jurisdiction.

International legal norms relating to the protection of the environmental interests of the Russian Federation comprise the norms and principles of international law, which are produced by the functioning of international foundations and organisations.

In the Baltic region, such an international organisation is the Helsinki Commission (below, HELCOM), which works on the protection of the marine environment of the Baltic Sea.¹ The propositions regarding the implementation of the HELCOM norms² by the Russian Federation require a systemic approach to the environmental security of the Baltic region and a systemic-functional characteristic of the model for the legal protection of Russia's environmental interests in the Baltic region.

¹ Communication Strategy: As adopted in HELCOM Annual Meeting 2014, available at: <http://www.helcom.fi/Lists/Publications/HELCOM%20Communication%20Strategy.pdf> (accessed 20.04.2018).

² Towards a healthier Baltic Sea — Implementation of the Baltic Sea Action Plan in Russia. *HELCOM: official site*, available at: <http://www.helcom.fi/Lists/Publications/BASE%20Final%20Report%20-%20implementation%20of%20BSAP%20in%20Russia.pdf> (accessed 20.04.2018).



Sergey A. Kondratyev emphasises the absence of a centralised, integrated science-based national system for the protection and sustainable use of the Baltic Sea and its catchment area [21]. Despite the wide variety of Russia's environmental interests in the Baltic region, the sea itself plays the key role in their formation. The physical properties of a water body limit the number of sources that affect the security of the environmental interests of the Baltic region states. Therefore, the object of research does not include the environmental interests relating to the protection of forests and animals in the Baltic region.

To identify the boundaries of the area of protection of Russia's environmental interests in the Baltic region, it is important to list the agents influencing the security of environmental interests in the Baltic region.

Andrey P. Klemeshev distinguishes among several approaches to the definition of the Baltic region, depending on the distance from the sea and the effect of the sea on the socioeconomic development of the territories. These approaches translate into a narrow, expanded, and broad definition. The area of the protection of Russia's environmental interests is identified using the broad definition of the Baltic region. It is a territory that lacks clear boundaries and is affected indirectly by the Baltic Sea [3].

For the purpose of this study, the Baltic region is defined as the catchment area of the Baltic Sea (Fig. 1). This area is four times that of the Baltic Sea³ (420 000 km²).

The catchment area includes both the territories of Russia's regions having shorelines along the Baltic Sea (Saint Petersburg and the Leningrad and Kaliningrad regions) and parts of the Pskov, Novgorod, Tver, Yaroslavl, and Vologda regions, and the Republic of Karelia.

The economic development of many of these regions precludes wastewater treatment in necessary volumes. This leads to the contamination of the Baltic Sea. According to the Government of the Kaliningrad region, most local rivers are classified as either contaminated or polluted.⁴ A potential cause of contamination is the discharge of contaminated waters into surface waters. Rosstat data⁵ suggest that the discharge into surface water bodies accounts for at least 4.7% of the total wastewater discharge in the Leningrad region (Fig. 2).

³ First version of the 'state of the Baltic sea' report — June 2017: to be updated in 2018. *HELCOM: official site*, available at: <http://www.helcom.fi/Lists/Publications/State%20of%20the%20Baltic%20Sea%20-%20First%20version%202017.pdf> (accessed 20.04.2018).

⁴ Doklad ob ekologicheskoy obstanovke v Kaliningradsoy oblasti v 2015 godu [Environmental Report for the Kaliningrad Region 2015]. *ECAT — Kaliningrad environmental centre*, available at: <http://www.ecatk.ru/download/dockad2015.rar> (accessed 20.04.2018).

⁵ Zabor vody dlya ispolzovaniya, poteri vody is bros stochnykh vod v 2016 [Water Extraction, Water Losses, and Wastewater Discharge in 2016]. *Federal State Statistics Service: Official Website*, available at: https://view.officeapps.live.com/op/view.aspx?src=http://www.gks.ru/bgd/regl/b_oxr17/IssWWW.exe/Stg/3-07.doc (accessed 20.04.2018).



Fig. 1. A fragment of the Baltic Sea catchment area, including its Russian part⁶

⁶ First version of the ‘state of the Baltic sea’ report — June 2017: to be updated in 2018. *HELCOM: official site*, available at: <http://www.helcom.fi/Lists/Publications/State%20of%20the%20Baltic%20Sea%20-%20First%20version%202017.pdf> (accessed 20.04.2018).

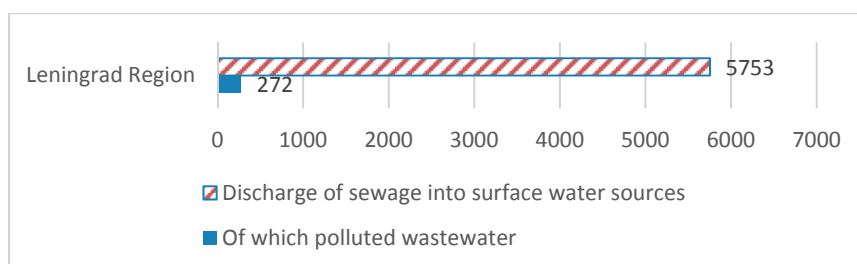


Fig. 2. The wastewater discharge in the Leningrad region within the Baltic Sea catchment area, 2016 (million m³)

In other Russian regions, these figures are significantly higher — 91.8% in Saint Petersburg, 91.9% in the Kaliningrad region, 45.7% in the Pskov region, 91.8% in the Novgorod region, 6.1% in the Tver region, 73.8% in the Yaroslavl region, 44.6% in the Vologda region, and 92.7% in the Republic of Karelia (Fig. 3). Bordering on the Baltic Sea, Saint Petersburg and the Kaliningrad region are absolute leaders in the wastewater discharge. In these regions, non-contaminated waters account for only 8.1—8.2% of the total volume.

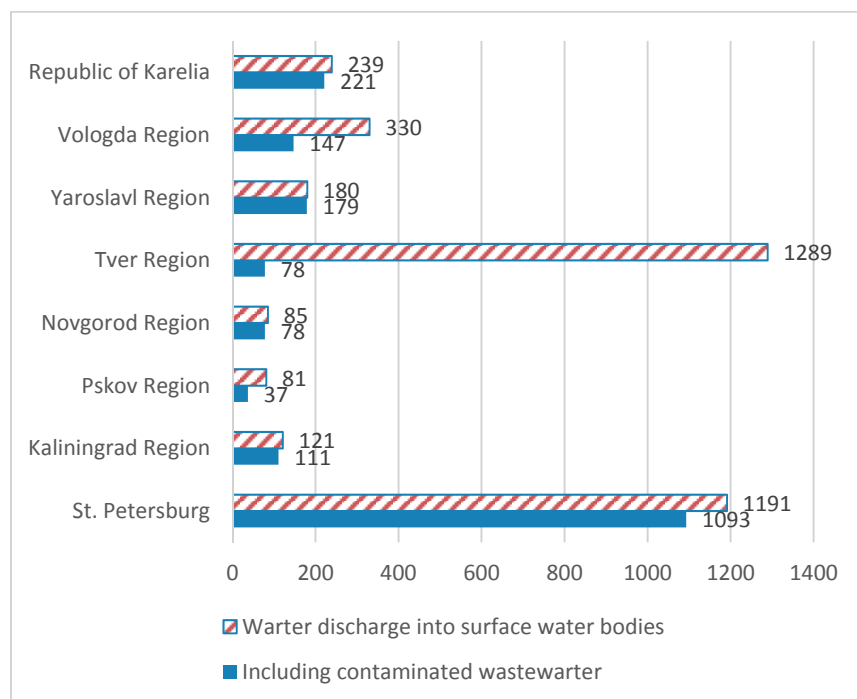


Fig. 3. Wastewater discharge in the Russian regions located within the Baltic Sea catchment area, 2016 (million m³)

An analysis of the absolute amount of contaminated water discharge shows that, although contaminated waters account for only 4.7% of the discharge in the Leningrad region (the third Russian territory bordering on the Baltic Sea), this discharge is 2.45 times that in the Kaliningrad region. Another problem alongside the direct discharge is that landfill sites often lack the simplest drainage systems. According to Rosstat,⁷ in 2016, the volume of the reused and decontaminated industrial and household waste amounted to 58.5% of the total waste generated in Saint Petersburg, 79% in the Leningrad region, 10% in the Kaliningrad region, 88.4% in the Pskov region, and 112% in the Novgorod region (earlier accumulated waste was taken into account), 53.4% in the Tver region, 78.9% in the Yaroslavl region, and 67.7% in the Vologda region (Fig. 4).

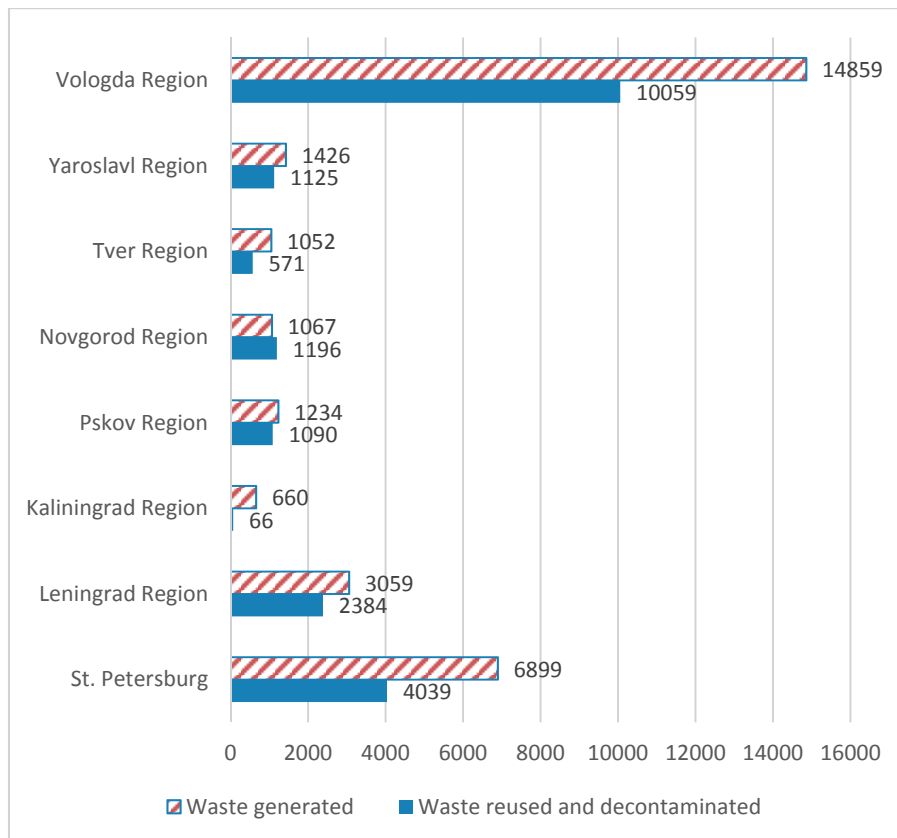


Fig. 4. Waste generated and decontaminated in the Russian regions located within the Baltic Sea catchment area, 2016 (thousand tonnes)

⁷ *Образование, использование, обезвреживание и размещение отходов производства и потребления в 2016* [The Generation, Reuse, Decontamination, and Disposal of Household and Industrial Waste in 2016]. *Federal State Statistics Service: Official Website*, available at: https://view.officeapps.live.com/op/view.aspx?src=http://www.gks.ru/bgd/regl/b_oxr17/IssWWW.exe/Stg/3-08.doc (accessed 20.04.2018).

In the Republic of Karelia, this proportion reached 13.1 % (Fig. 5). The smallest amount of waste is reused and decontaminated in the Kaliningrad region, which borders on the Baltic Sea. There, 90 % of the total industrial and household waste is not decontaminated.

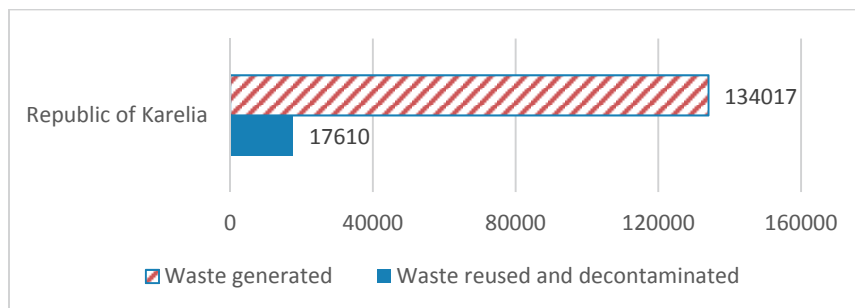


Fig. 5. Waste generated and decontaminated in the Republic of Karelia within the Baltic Sea catchment area, 2016 (1,000 t)

In absolute figures, the amount of non-decontaminated waste in Saint Petersburg is 4.8 times that in the Kaliningrad region and, in the Leningrad region, it is 5.1 times that level. Among the regions located in the Baltic Sea catchment area, the Republic of Karelia accounts for the greatest proportion of non-reused and non-decontaminated waste. In absolute figures, it is 196 times that in the Kaliningrad region. The fact that 99.5 % of that waste is buried in the Republic does not mitigate the adverse effect on the Baltic region's environment.

The non-decontaminated waste is often buried in the landfills, which were designed without due attention to the environmental requirements. For instance, 93 % of the waste is found in high-risk landfills, 6 % in moderate-risk landfills, and only 0.8 % in low-risk ones. Four high-risk landfills are located close to the Baltic Sea. In these landfills, leachate collection systems are either lacking or inadequate. Thus, leachate can easily reach the Baltic Sea.⁸

In a 2010 study, Dmitry M. Nechiporuk stressed the low efficiency of executive bodies as regards this environmental problem. He connected this with the exemption of Russian regions from participating in the fulfilment of the national requirements imposed by HELCOM [22]. However, today, the Russian regions are taking measures to reduce pollution in the Baltic Sea. In March 2018, as the Government of the Kaliningrad region reports, a number of HELCOM Hot Spots were recultivated.⁹

⁸ Snizhenie riskov i opasnykh otkhodov v Rossii [Reducing Risks and Dangerous Wastes in Russia]. *HELCOM: Official website*, available at: http://helcom.ru/media/hazardous_rus.pdf (accessed 20.04.2018).

⁹ Kaliningradszkaya oblast podgotovila zayavki na isklyuchenie tryokh regionalnykh "goryachikh toчек" iz spiska HELCOM [The Kaliningrad Region Ap-

The case of the Russian regions shows that the marine protection measures cannot be limited to the administrative units bordering on the sea. As public interests, the environmental interests of the Russian Federation in the Baltic region have to be promoted across the ecosystem, the boundaries of which do not coincide with the national borders.

The other countries of the Baltic region are faced with similar systemic problems. One country cannot solve them because of the very ecosystem characteristics of the Baltic Sea basin.

For example, the high nitrogen and phosphorous inflow from drainage leads to the eutrophication of the Baltic Sea waters, which affects 95 % of the water body. Plastic accounts for 70 % of the household waste washed ashore. Approximately 140 allochthonous species have been spotted in the Baltic Sea, which testifies to the destabilisation of the local ecosystem. Non-selective fishing reduces the species stocks and the number of the categories of non-commercial biological resources. Half of the Baltic Sea floor is considered potentially damaged.¹⁰

Therefore, the territorial scope of the protection of Russia's environmental interests in the Baltic Sea region includes the territories of foreign states and their administrative units, alongside the Russian regions situated within the Baltic Sea ecosystem.

The implementation of the HELCOM norms in the laws of the Russian Federation does not make it possible to protect the country's environmental interests in the case of transboundary pollution. These norms exclusively protect the environmental interests of the other countries. At the same time, Russia is interested in the other states implement those norms of international law that correspond to the country's legitimate environmental interests.

The goals of the legal protection of Russia's environmental interests should be grouped according to the nature of the associated threats to the state.

In terms of the internal threats to environmental security, there is a need to increase the law enforcement efficiency as regards environmental offences [23]. However, the specifics of the criminal law do not make it possible to differentiate between the Baltic Russian regions and the other territories of the country.

The legal protection of the environmental interests of the Russian Federation leaves much to be desired. According to the Office of the

plies for Exclusion of Three Regional Hot Spots from HELCOM List]. *The Ministry of Natural Resources and Environment of the Kaliningrad Region: Official Website*, available at: <http://minprirody.gov39.ru/news/1633> (accessed 20.04.2018).

¹⁰ First Version of the 'State of the Baltic Sea' Report — June 2017: to be Updated in 2018. *HELCOM: Official Site*, available at: <http://www.helcom.fi/Lists/Publications/State%20of%20the%20Baltic%20Sea%20-%20First%20version%202017.pdf> (accessed 20.04.2018).

Prosecutor General of the Russian Federation, 60901 environmental offences were registered in the country in 2015—2017.¹¹ The statistics shows that the most significant number of environmental offences was detected by the law enforcement agencies of the Ministry of Internal Affairs of the Russian Federation (Fig. 6), the jurisdiction of which is the territory of the Russian Federation. These bodies detected 53 804 environmental offences, or 88 % of the total number of environmental offences registered in 2015—2017. The number of environmental offences is constantly rising.

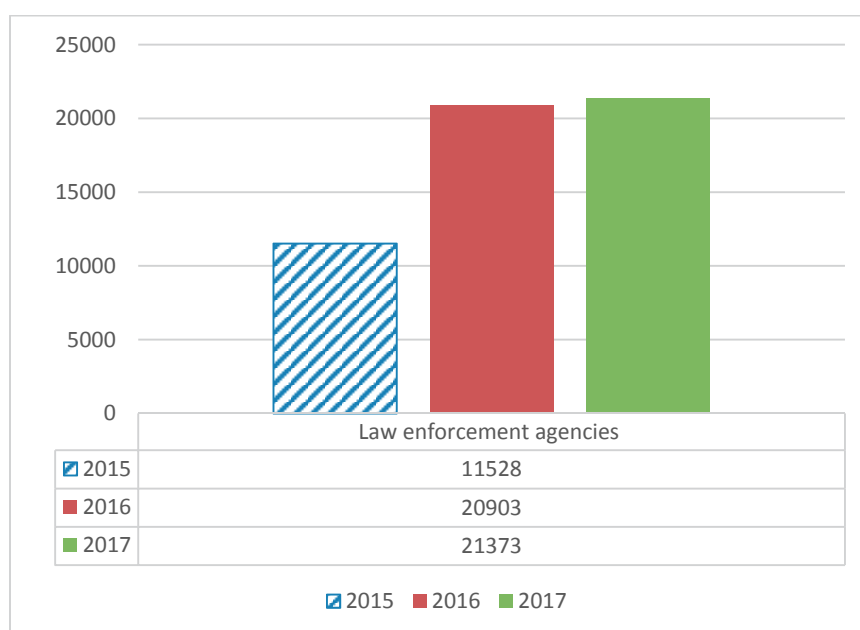


Fig. 6. The environmental offence detection by the law enforcement agencies of the Ministry of Internal Affairs of the Russian Federation, in Russia

¹¹ Sostoyanie prestupnosti v Rossii za yanvar — dekabr 2015 goda [The Crime Rate in Russia in January — December 2015]. *Office of the Prosecutor General: the Department of Legal Statistics and Information Technology: the official website*, available at: <https://genproc.gov.ru/upload/iblock/29f/Ежемесячный%20сборник%20июнь%202015.pdf> (accessed 20.04.2018); Sostoyanie prestupnosti v Rossii za yanvar — dekabr 2016 goda [The Crime Rate in Russia in January — December 2016]. *Office of the Prosecutor General: the Department of Legal Statistics and Information Technology: the official website*, available at: <https://genproc.gov.ru/upload/iblock/f8b/Ежемесячный%20сборник%20декабрь%202016.pdf> (accessed 20.04.2018); Sostoyanie prestupnosti v Rossii za yanvar — dekabr 2017 goda [The Crime Rate in Russia in January — December 2017]. *Office of the Prosecutor General: the Department of Legal Statistics and Information Technology: the official website*, available at: <https://genproc.gov.ru/upload/iblock/aab/Ежемесячный%20сборник%20декабрь%202017.pdf> (accessed 20.04.2018).

The agencies of the Federal Security Service have jurisdiction beyond the national borders — on the continental shelf and in the exclusive economic zone of the Russian Federation. In 2015—2017, they detected 1349 environmental offences, or 2 % of the total number of such offences committed in the period in question (Fig. 7). There is no pronounced downward or upward trend in the number of environmental offences detected per year. The fourfold increase observed in 2016 was followed by a 4 %-decrease in 2017.

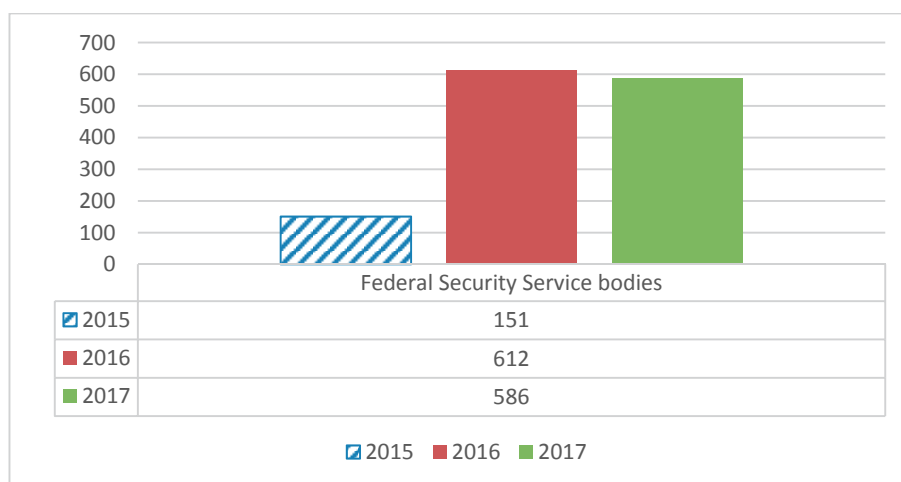


Fig. 7. The detection of environmental offences by the agencies of the Federal Security Service on the continental shelf and in the exclusive economic zone of the Russian Federation

At the same time, HELCOM stresses that the pollution of the Baltic Sea waters is still very considerable.¹² The objective difficulties of detecting environmental offences in the maritime spaces that include the high seas often lead to environmental catastrophes. For instance, a gyre of marine debris particles was found in the North Pacific. Its area is 1.6 million km² and it consists of 45—129 thousand tonnes of plastic [24].

All the above stresses the need for the protection of Russia's environmental interests at the supranational level. The agent of this protection is the national executive bodies vested with the authority to protect Russia's environmental interests beyond its borders.

¹² First version of the 'state of the Baltic sea' report — June 2017: to be updated in 2018. *HELCOM: official site*, available at: <http://www.helcom.fi/Lists/Publications/State%20of%20the%20Baltic%20Sea%20-%20First%20version%202017.pdf> (accessed 20.04.2018).

The means to protect the environmental interests of the Russian Federation in the Baltic region include the implementation of these interests in the laws of the other Baltic region states, as well as their protection in the courts with international jurisdiction.

The UN programmes, foundations, and organisations create a legal framework for the implementation of the legitimate interests that are in line with the environmental interests of the Russian Federation in the laws of the Baltic region states.

The judicial protection of the environmental interests of the Russian Federation in the Baltic region can be carried out at the International Court of Justice and the Permanent Court of Arbitration. The global problem of anthropogenic pollution of the environment and the need to protect the legitimate interests of the countries situated within a single ecosystem call for the establishment of a specialised International Environmental Court [25—28]. The regional protection of Russia's environmental interests may include the Baltic region states take intergovernmental efforts to found an environmental court.

2. Results

The regional system of protection of Russia's environmental interests in the Baltic region comprises the supranational and national levels. For the legal protection of the country's environmental interests, the spatial boundaries of the Russian Federation coincide with those of the regions located within the catchment area of the sea at the national level and with those of the Baltic Sea ecosystem at the supranational level.

As an integrative result of the functioning of the relevant system, the security of the environmental interests is ensured by the resource capacities of the elements, the communications between which create the structure of the model for protecting Russia's environmental interests in the Baltic region.

The structure of the supranational level of the system of Russia's environmental interest protection in the Baltic region includes such elements as programmes, foundations, relevant UN structures, and international organisations (Table 2).

Table 2

**The functions of the supranational level
of Russia's environmental interest protection in the Baltic region**

Element	Function
ECOSOC, IMO, MARPOL, HELCOM	Create the legal framework for the implementation of the legitimate interests, which are in line with the environmental interests of the Russian Federation, in the laws of the Baltic region states

End of Table 2

Element	Function
International Court of Justice, Permanent Court of Arbitration	Can be used in the judicial protection of Russia's legitimate interests in the Baltic region
International Environmental Law	If it is established, can be used in the judicial protection of Russia's interests in the Baltic region

The federal authorities represent the national level.

The system of the legal protection of Russia's environmental interests includes three elements. The first element is the national executive bodies vested with authority to protect the country's environmental interests within its borders. The second is the national executive bodies vested with authority to protect the environmental interests within the jurisdiction of the Russian Federation on the continental shelf and in the exclusive economic zone. The third one is the federal executive bodies vested with authority to protect the country's environmental interests in the context of international relations.

Table 3

**The system of protecting Russia's environmental interests
in the Baltic region: functions of the national level**

Element	Function
The executive bodies of the Russian Federation vested with authority to protect the environmental interests within the boundaries of the Russian Federation	The environmental interest cannot be safeguarded within a single region. A legal protection model can be used only across the whole territory of the Russian Federation, due to the specifics of the national criminal laws
The executive bodies of the Russian Federation vested with the authority to protect the environmental interests within the jurisdiction of the Russian Federation on the continental shelf and in the country's exclusive economic zone	The environmental interests can be safeguarded only if environmental crimes are investigated in collaboration with the Baltic region states
The executive bodies of the Russian Federation vested with the authority to protect the environmental interests in the context of international relations	The conclusion of international agreements for protecting the environmental interests of the Russian Federation in courts with international jurisdiction

The use of a systemic approach makes it possible to build a functional model of the regional system for protecting Russia's environmental interests in the Baltic region.

3. Interpretation of results

The results obtained show that, unlike the environmental protection model, the regional model for protecting the environmental interests of the Russian Federation does not involve the country's regions, despite their significant contribution to the security of the national environmental interests. The protection using the tools of criminal law is carried out at the federal level.

The specifics of the Baltic region imposed certain limitations on this study. The region brings together eight countries of the European Union and the Russian Federation. Developing the structure of a model for the legal protection of Russia's environmental interests is complicated for military, political, and organisational reasons. The military economic pressure from the Baltic region states is growing. Eight out of nine countries of the region are members of the EU and NATO — the associations aiming at the economic and military containment of the Russian Federation [29; 30].

The joint actions on environmental problems are affected by the competitive economic struggle of the EU for sales outlets, as well as by the military and political situation. Russia's experience of integration into the international legal system has shown that the international legal system is used for the economic containment of this country.

At the current stage, the inclusion of the Russian Federation into the international legal system is fraught with adverse legal consequences for the country. Although in line with the goal of NATO to weaken the potential rival, these consequences are at odds with the aspirations of the Baltic region states to curb Russia's economic opportunities for financing environmental actions in the Baltic and, particularly, benefitting from the best available technology.

The establishment of an international environmental court and the participation of the Russian Federation in agreements on dispute resolution may be used for unfair competitive struggle in the markets relating to the hydrocarbon transport in the World Heritage areas.

The results obtained in this study can be used for the improvement of communication among the elements of the protection of Russia's legitimate interests in the Baltic region in order to ensure the environmental security of the Russian Federation.

Further studies should focus on identifying the organisational and legal framework for the establishment of international organisations by the

Russian Federation. These organisations are designed to provide legal and information support for the environmental interests of the Russian Federation in the Baltic region states.

Conclusions

The increasing human interference leads to a high level of pollution of the marine environment, the condition of which is crucial for the environmental security of human beings. The current development of international law does not make it possible to protect the environmental interests of an individual country. Building regional models and integrating them into law enforcement practices will facilitate the achievement of the global environmental security goals.

References

1. Spiridonova, E. S., Viktorov, S. V. 2017, Some features of the identification of objects of accumulated environmental damage in the coastal zone of the eastern part of the Gulf of Finland, *Regionalnaya ekologiya* [Regional ecology], no. 2 (48), p. 71—76 (in Russ.).
2. Egorov, I. A. 2017, Prosecutors save the forest: Yuri Chaika announced the reduction of environmental crimes, *Rossiyskaya gazeta*, no. 7357 (191), available at: <https://rg.ru/2017/08/27/chislo-ekologicheskikh-prestuplenij-upalo-v-dva-raza.html> (accessed 20.04.2018) (in Russ.).
3. Klemeshev, A. P., Korneevets, V. S., Palmowski, T., Studzieniecki, T., Fedorov, G. M. 2017, Approaches to the Definition of the Baltic Sea Region, *Balt. Reg.*, Vol. 9, no. 4, p. 4—20. doi: 10.5922/2079-8555-2017-4-1.
4. Buletova, N. Ye., Gorelova, I. V., Golomanchuk, A. V., Orlova, Ye. R. 2015, New interaction paradigm of ecological, social and economic structures of human activity, *Ekonomika regiona* [Economy of the region], no. 2 (42), p. 59—71. doi: 10.17059/2015-2-5 (in Russ.).
5. Kharlampyeva, N. 2011, A methodology for research on international cooperation on marine environment protection: application of the Baltic Sea practices to the northern seas, *Balt. Reg.*, no 1 (7), p. 12—19. doi: 10.5922/2079-8555-2011-1-2.
6. Ivanova, N. N. 2008, Interest in law as a fundamental element of the national legal system of Russia, *Vestnik Orenburgskogo gosudarstvennogo universiteta* [Bulletin of the Orenburg State University], no. 3 (84), p. 128—131 (in Russ.).
7. Alkhimenko, V. V., Salishcheva, N. G., Grishkovets, A. A. 2011, Public interest in administrative law, *Trudy Instituta gosudarstva i prava Rossiyskoy akademii nauk* [Proceedings of the Institute of State and Law of the Russian Academy of Sciences], no. 4, p. 98—129 (in Russ.).
8. Dudikov, M. V. 2014, Public Interests in Mining Law: Concept and Signs, *Lex Russica*, Vol. XCVI, no. 8, p. 928—939 (in Russ.).

9. Shepelev, D. V. 2017, Public interest as a legal category, *Aktualnyye problemy gosudarstva i prava* [Actual problems of the state and law], Vol. 1, no. 2, p. 6—13 (in Russ.).

10. Subochev, V. V. 2016, The main doctrinal provisions of the scientific school of Professor A. V. Malko, *Vestnik Saratovskoy gosudarstvennoy yuridicheskoy akademii* [Bulletin of the Saratov State Law Academy], no. 4 (111), p. 25—28 (in Russ.).

11. Gizatullin, R. Kh. 2017, Ecological Law as a Means of Providing Public Interests, *Vestnik Udmurtskogo universiteta. Seriya Ekonomika i pravo* [Bulletin of the Udmurt University. A series of economics and law], Vol. 27, no. 4, p. 94—103 (in Russ.).

12. Velieva, D. S. 2006, Environmental protection and environmental safety: Russian problems in the context of globalization, *Vestnik Povolzhskoy akademii gosudarstvennoy sluzhby* [Bulletin of the Volga Academy of Civil Service], no. 10, p. 110—117. (in Russ.).

13. Vorontsova, E. V., Vorontsov, A. L. 2017, Theoretical aspects of the legal regulation of nature protection activities: the relation between the concepts "ensuring environmental safety" and "environmental protection", *Izvestiya Yugo-Zapadnogo gosudarstvennogo universiteta* [Southwestern State University], no. 1 (70), p. 198—208. doi: 10.21869/2223-1560-2017-21-1-198-208 (in Russ.).

14. Vinogradov, V. A., Soldatova, L. V., Taybakov, A. A. 2017, Some aspects of the realization of constitutional rights to protect health and a favorable environment, *Obshchestvo i pravo* [Society and Law], no. 4 (62), p. 203—207 (in Russ.).

15. Ilyin, A. A., Opaleva, A. A. 2016, Legal formation of protection and protection in the system of ensuring the right to a favorable environment, *Vestnik Moskovskogo universiteta MVD Rossii* [Bulletin of the Moscow University of the Ministry of Internal Affairs of Russia], no. 3, p. 74—77 (in Russ.).

16. Efremov, A. Yu., Tikhonova, A. 2015, The protection of the human environment — the object of law, *Nauchnyye issledovaniya: ot teorii k praktike* [Scientific research: from theory to practice], Vol. 2, no. 2 (3), p. 436—437 (in Russ.).

17. Bykovsky, V. K. 2016, Ecological safety in the national security system of the Russian Federation, *Mezhdunarodnoye sotrudnichestvo yevraziyskikh gosudarstv: politika, ekonomika, pravo* [International cooperation of Eurasian states: politics, economy, law], no. 2 (7), p. 90—99 (in Russ.).

18. Louka, E. 2006, *International Environmental Law: Fairness, Effectiveness, and World Order*, Cambridge University Press, 518 p.

19. Zabavko, R. A. 2015, The concept and system of crimes against components of the environment and established rules for their use, *Yuridicheskaya nauka i pravookhranitel'naya praktika* [Jurisprudence and law enforcement practice], no. 3 (33), p. 63—68 (in Russ.).

20. Zhavoronkova, N. G., Agafonov, V. B. 2017, Trends and prospects for improving the state policy in the field of environmental development, *Aktualnyye problemy rossiyskogo prava* [Actual problems of Russian law], no. 7 (80), p. 162—173 (in Russ.).

21. Kondratiev, S. A. 2010, The main provisions of the concept of reducing the negative anthropogenic impact on the Finnish Gulf and the scientific justification of the HELCOM Baltic Sea Action Plan for Russia, *Regional'naya ekologiya* [Regional ecology], no. 4 (30), p. 44—50 (in Russ.).
22. Nechiporuk, D., Nozhenko, M. 2010, The problems of the protection of the Baltic Sea in the regions of the Russian Federation: the example of the Kaliningrad region, *Balt. Reg.*, no. 2, p. 108—115. doi: 10.5922/2079-8555-2010-2-11.
23. Kurochkina, I. P., Mamatova, L. A., Mironova, O. A., Shuvalova, E. B. 2017, Environmental security: the economic mechanism for its maintenance, *Innovatsionnoye razvitiye ekonomiki* [Innovative development of the economy], no. 3 (39), p. 251—258 (in Russ.).
24. Lebreton, L., Slat, B., Ferrari, F., Sainte-Rose, B., Aitken, J., Marthouse, R., Hajbane, S., Cunsolo, S., Schwarz, A., Levivier, A., Noble, K., Debeljak, P., Maral, H., Schoeneich-Argent, R., Brambini, R. & Reisser, J. 2018, Evidence that the Great Pacific Garbage Patch is rapidly accumulating plastic, *Scientific Reports*, Vol. 8, no. 4666, available at: URL: <https://www.nature.com/articles/s41598-018-22939-w#Abs1> (accessed 20.04.2018).
25. Guseinov, T. I. 2017, Current trends in the development of the institutional mechanism for resolving interstate disputes in the sphere of ensuring environmental security, *Rossiyskoye pravo* [Russian law], no. 4, p. 5—16. doi: 10.17803/2542-2472.2017.4.4.005-016 (in Russ.).
26. Bruce, S. 2016, An international court for the environment? Climate 2020, available at: <http://www.climate2020.org.uk/international-court-environment> (accessed 20.04.2018).
27. Ezeirzabarrena, X. 2015, Protection of environmental rights: International Court of Environmental Arbitration and Conciliation, Outresach, available at: <http://earthsummit2002.org/es/preparations/global/Outreach%20Issue%20VIII.pdf> (accessed 20.04.2018).
28. Pring, G. 2016, Environmental Courts & Tribunals: A Guide for Policy Makers, UNEP, available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/10001/environmental-courts-tribunals.pdf?sequence=1&isAllowed=y> (accessed 20.04.2018).
29. Griбанова, G. I., Kosov, Yu. V. 2018, NATO Policies in the Baltics: Objectives and Priorities, *Balt. Reg.*, Vol. 10, no. 1, p. 56—72. doi: 10.5922/2079-8555-2018-1-4.
30. ErokhoV, V. A. 2016, The geopolitical interests of the EC countries and the US as a threat to the national security of the Russian Federation, *Azimut nauchnykh issledovaniy: ekonomika i upravleniye* [Azimuth of scientific research: economic and management], Vol. 5, no. 4 (17), p. 427—432 (in Russ.).

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