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Modern Ecological Policy and the Utilization of a Global Environmental Protection Strategy

Oleg S. Kolbasov*

A global environmental protection strategy was put into effect in the Soviet Union and thirty-four other nations in March 1980, during a formal ceremony which saw extensive participation on the part of interested organizations and individuals. The Soviet public had been aware of this strategy since October 1978 when it was adopted at the 14th General Assembly of the International Union for Protecting the Environment and Natural Resources. It was at this time that the significance of this document, its fundamental tenets, and main ideas were brought to the attention of the Soviet public.

After 1980, additional material was published which further elucidated the significance and essence of the global environmental protection strategy.¹ At that time, I prepared a paper devoted to a comparative analysis of three extremely important international documents: the Stockholm Declaration on Man's Environment, dated June 16, 1972; the Global Environmental Protection Strategy; and the Global Nature Charter, approved by resolution of the UN General Assembly.²

At the present time, the recommendations of the Global Environmental Protection Strategy, as well as those of the

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1. Y. Yefremov & G. Khozin, *Vsemirnaya Strategiya Okrany Prirody* [Global Environmental Protection Strategy] (1981). *See also* R. Allen, *How to Save the World: Strategy for World Conservation* (1980).

2. O. Kolbasov, *Pravovaya Okhrana Okruzhayushchey Sredy* [Legal Protection of the Environment] 136-46 (1985).

Stockholm Declaration on Man's Environment and the Global Nature Charter, are being put into effect in the USSR through political resolutions, economic planning, and legal regulation. The political resolutions are usually adopted at the highest level of party leadership and governmental authority. This takes place at the USSR Communist Party Congresses, held every five years. Economic planning is implemented at all administrative levels of the nation, the all-union, republic, and local levels and over a broad range of planning periods, especially long-term planning for the next twenty-five years. Five-year and annual plans for the economic and social development of the nation are also being accepted. In addition, there are also plans and programs for territorial and regional development. Legal regulation is being implemented through an improved Soviet legal system which increasingly incorporates a new special branch — environmental law.

In the Soviet Union environmental protection is understood to be a complex global, national, and historical problem. A major factor necessary to solve this problem is peace — the elimination of the threat of thermonuclear war which casts doubt on the continued existence of the human race. At the same time, the solution to this problem demands the mobilization of the attention and efforts of all peoples, the willingness to allocate the necessary resources and equipment, and the capability to balance and coordinate economic development with observance of ecological requirements. All this is reflected in the 1981 and 1986 party congress resolutions; in plans; in the USSR Constitution; in land, water, mountain, forest, and air legislation; and in acts relating to the protection and utilization of the animal kingdom.

Thus, the Twenty-Sixth Communist Party of the Soviet Union (CPSU) Congress not only discussed the great significance that the ecological problem plays in modern society, but also stressed that expenses for environmental protection will inevitably increase.³ It also noted the appreciable increase in societal pressure on natural systems and the urgent nature of

3. See, e.g., Material from the Twenty-Sixth CPSU Congress at 38 (1986).

the environmentalists' tasks. The political report of the CPSU Central Committee to the Congress, delivered by M.S. Gorbachev, states:

Never has man taken so much bounty from nature and never has he been so vulnerable to the forces he himself created. We are facing the critical problem of environmental protection and efficient utilization of natural resources. Socialism, with its plan-based organization of production and its humanist world-view, has the capacity to bring harmony to the relationship between society and nature. We have already instituted a system of measures to this end and have allocated substantial resources to do so, and practical results have already been achieved. Nevertheless, the state of the natural environment in a number of regions is cause for alarm. And the public and our writers are justified in pursuing the question of adopting a protective attitude towards the Earth, its minerals, lakes, rivers, and its plant and animal kingdoms. Delays in the use of scientific and technological advances for protection of nature are no longer acceptable. Blueprints for new construction and reconstruction of existing enterprises continue to incorporate outmoded designs and make little use of waste-free and low-waste manufacturing processes. In processing minerals, a major portion of the material extracted becomes waste, polluting the environment. This situation demands more decisive economic, legislative, and educational measures. All of us alive today are answerable to our descendants and to history.⁴

During a three month scientific tour in the United States in 1986-87, I had the gratifying opportunity to speak to American experts and describe the major features of Soviet ecological policy. In my presentation, I noted the four most important signs of renewal in our ecological policy: 1) increased coordination between fulfillment of ecological requirements and economic development; 2) sparing use of resources and use of waste-free and low-waste manufacturing processes; 3) expanded participation by the population in ecologically sig-

4. Material from the Twenty-Sixth CPSU Congress at 50 (1986).

nificant economic decisions; and 4) increased legitimacy and legality in regulation of the use of natural resources and environmental protection.⁵

In this paper, I would like to emphasize three permanent strategic goals of USSR ecological policy: 1) use of all available means to avert new ecologically deleterious consequences of economic and social development; 2) correction of past ecological mistakes and defects and improvement of natural conditions to the greatest extent possible; and 3) preservation of relatively untouched significant natural objects and ecological systems which have not been adversely affected by man.

To attain the first of these goals, various preventative measures are being taken. These measures include the ecological education and instruction of the population, in order to instill in each new generation of Soviet citizens lofty, humane, and moral feelings for the natural environment, as well as the skills and knowledge needed for protecting nature under conditions of scientific and technological progress. In the USSR, education and instruction related to the protection of nature are being incorporated in pre-school and elementary school curricula, and are also taught in specialized secondary and higher education institutions. A factor which is very important to this strategy is scientific research, directed at finding the most ecologically sound technologies for the production of material goods.

A major role in the effort to avert the deleterious ecological consequences of economic and social development lies with protective legislation designed to prevent the construction or reconstruction of economic/technological projects (enterprises, facilities, shops, equipment systems, machines, means of transportation, etc.) which would harm the natural environment by their location, operation, output, or wastes. The importance of such legislation is understandable. When economic development is occurring on a grandiose scale, it is easier, cheaper, and more efficient to prevent potentially deleterious phenomena than to try to combat them later, when

5. Kolbasov, *Environmental Policy and Law in the USSR*, 17 *Envtl. L. Rep.* 10068-70 (1987).

there is little which can be accomplished without stopping the manufacturing process and ceasing the production of material goods.⁶

Many USSR laws contain requirements which forbid the siting and operation of economic and technological projects which do not utilize technology harmless to the environment, or which are not equipped with systems to prevent adverse effects on the natural environment. Of course, there must be continuous expert monitoring of the observance of these requirements. In the USSR this function is fulfilled through expert ecological examinations, referred to as "expertise of designs."⁷ Such examinations are equivalent in significance to the preliminary ecological evaluation of designs, or assessment of environmental impact used in other countries. At the national level, these are conducted by the USSR Gosplan, the USSR State Commission of Science and Technology, the USSR Gosstroy, the USSR State Commission of Hydrometeorology and Environmental Monitoring, and the ministries and departments endowed by the state with monitoring and oversight of environmental protection. Expert ecological examinations are also performed in the Union Republics and at the local level.⁸

Important measures which correct past ecological errors and defects and improve natural conditions include, training of work forces, performance of scientific research, adequate financial funding and material resources, as well as effective state and societal monitoring. Much has been accomplished in these areas. During the eleventh five-year plan (1981-1986), dozens of new types of anti-pollution systems and equipment were developed and incorporated. The total expenditure for environmental protection amounted to forty-three billion rubles. While the volume of industrial production increased by

6. 3 O. Kolbasov, *Sov. Gos. & Pravo* [Ecological Policy of the Soviet Union] 77-85 (1982).

7. The system of ecological expert examination is a Soviet analogue to the environmental impact assessment process established in the USA by the National Environmental Policy Act, 42 U.S.C. §§ 4321-4370a (1982 & Supp. IV 1986).

8. *Spravochnik Po Ekologicheskoy Ekspertize Proektov* [Handbook on Ecological Expert Examinations of Designs] (1986).

fifteen percent, the discharge of polluting run-off decreased by fifteen percent. The amount of harmful substances emitted into the atmosphere decreased by four percent, and 544,000 hectares of land were recultivated.

Certain ecologically harmful decisions made in the past were rectified. Among these were the decision to divert a portion of the discharge of the Northern and Siberian rivers into the southern regions of the nation, the decision to build a dam in the Kara-Bognas-gol inlet (on the eastern shore of the Caspian Sea), the decision to drill oil wells in the Baltic Sea on the shore of the Lithuanian SSR, and others.

Positive changes have also occurred within the structural organization of state control and monitoring regarding environmental protection and regulation of the use of natural resources. In 1986, a resolution was adopted to create state commissions on environmental protection and regulation to monitor the use of natural resources in all Union republics. Discussions pertaining to the creation of an analogous commission at the national level are presently under consideration.

Intrasector ecological monitoring services were formed within the Ministry of Energy, Ministry of Chemical Industry, Ministry of Ferrous and Nonferrous Metallurgy, Ministry of the Coal Industry and others, in order to deal with the use of natural resources and activities having a significant impact on the state of the natural environment. Ecological monitoring services have proven extremely effective in a number of large enterprises, for example, in the Novo-Litovsk Metallurgical Combine. Many enterprises also have volunteer committees for monitoring observance of ecological requirements. However, the overall picture is still not conducive to complete satisfaction with the state of affairs in environmental protection. The ecological problem remains critical, and difficult solutions must be addressed in a number of industrial sectors, as well as in agriculture and transportation, and in certain cities and other population centers. Clearly, further efforts by the state and society in general, are required to solve these problems.

The Soviet Union has not adopted a detailed document which could be considered a national strategy on environmen-

tal protection, such as those existing in certain other countries. However, strategic goals in nature protection have been incorporated into party and state resolutions at the highest level, and are used in practice as instruments to control the national development with a view toward the long-term future. Plans for economic and social development for the period up to the year 2000 and beyond are of especially great significance in this regard.

The current long-term plan stipulates that, in order to preclude or substantially decrease harmful effects on the environment during the period ending in the year 2000, the use of waste-free and low-waste manufacturing processes and combined production facilities which allow full and multiple use of natural resources, raw materials and other materials, will be developed. Plans call for completion of the major projects required to protect Lake Baikal, the Baltic basins, the Caspian, Black and Azov Seas, and continued work to protect the waters of the Arctic basin, Central Asia, and Kazakhstan, as well as improving the state of small rivers and reservoirs. An extensive system of environmental controls and a variety of other measures are planned to preserve, restore, and improve the state of the natural environment of our nation.

Conservation of nature has also improved appreciably in recent years and plans call for intensive future development in this area. Not only has there been some increase in the number and area of nature preserves, the most strictly conserved natural areas, but after what amounted to a long period of stagnation we have succeeded in radically improving the procedures for designating and protecting national parks and natural monuments. Reserves, a form of partial conservation of individual components of the environment, have begun to be used more extensively. At the present time, the USSR has 150 preserves, 12 national parks, more than 10,000 natural monuments, and 1,850 reserves of various types. All this, of course, is not the sum total of nature protection activity. The increasing rate of economic and social development demands increasing concern for nature. Because of this, and a desire to improve the organization of nature protection activities, the Central Committee of the Communist Party asked the appro-

priate organizations to prepare long-term comprehensive programs for solving ecological problems in our nation.⁹

I would now like to focus on certain unique issues contained in the global environmental protection strategy. The global environmental protection strategy attaches great significance to protection of the animal kingdom. The Soviet Union in turn has implemented various laws in this area. First of all, it must be noted that on June 25, 1980, the USSR Supreme Soviet adopted a fundamental law, "On Protecting and Utilizing the Animal Kingdom."¹⁰ Analogous laws were adopted by the Supreme Soviets of the Union Republics. These laws, when compared with prior legislation, define more stringent requirements for the preservation of the habitats of wild animals, migration routes, and conditions for supporting the variety of species in the animal kingdom. At the same time, the regulation of hunting, fishing, and other exploitations of the animal world have also been improved. Monitoring and sanction requirements in wildlife protection and utilization laws were also strengthened.

The global environmental protection strategy places great importance on protection of rare and endangered species of animals and plants. In the Soviet Union, aside from protection measures stipulated by the legislation's general requirements, extraordinary measures have been taken to preserve rare and endangered species of animals and plants. A main component of these measures involves the strict banning of any use of these species, and instituting stringent measures to preserve their habitats.

During the past ten to fifteen years, an enormous amount of work has been done to identify and inventory rare and endangered species, culminating in the compilation and publication of the USSR Red Book and the Red Books of the Union Republics. The second edition of the USSR Red Book, published in 1984, contains descriptions of and recommended protection measures for 463 species of animals and 702 species of

9. Pravda, Apr. 18, 1987.

10. 27 Ved. Verkh. Sov. RSFSR [Journal of the USSR Supreme Soviet] 530 (1980).

plants.¹¹

In accordance with the USSR Council of Ministers decree of April 12, 1983, "On the USSR Red Book," all actions which can lead to the extinction or destruction of the habitat of rare and endangered species, subspecies, or populations cited in the USSR Red Book are forbidden. Capture of any species cited in this book is only permitted in exceptional circumstances and only with the permission of the appropriate environmental protection agency.¹²

It should be emphasized that the legal aspects of protection of the plant world, aside from forests, are decided mainly at the local level. The decisions of executive committees of local Councils of People's Deputies in many regions of the country forbid the picking of wild plants and flowers. However, it has been acknowledged that these local decisions have proved to be insufficient. Therefore, work has been started to prepare a special law regarding protection of the plant kingdom.

The global environmental protection strategy attaches great significance to protection of productive agricultural lands. Similarly, in the Soviet Union the major national land law, "Principles of Land Legislation of the USSR and Union Republics," attaches the highest priority to productive agricultural lands. The lands are protected as a matter of first priority and may be used only in ways that allow them to retain their productive qualities. Nonetheless, the protection of productive lands remains one of our most difficult problems. This is related to the fact that more than fifty percent of the arable land in the USSR is subject to the destructive effects of water and wind erosion. Also, losses of productive land to industrial development, energy and transport facilities, and urban settlement are still great. To strengthen the guarantee that the land will be protected, a societal monitoring procedure has been put into effect whereby many local *ispolkoms* (executive committees) determine the desirability of devoting productive land to nonagricultural uses on the basis of expert opinion. Increased material and financial resources are being spent on

11. 1 & 2 Krasnaya Kniga SSSR [USSR Red Book] (1984).

12. 12 SP SSSR [Collected Decrees of the USSR] 56 (1983).

protecting the land. Soil conserving farming methods are also being adopted.

Thus, as this paper indicates, the Soviet Union's practices in the area of environmental protection and regulation of the use of natural resources are moving in the directions recommended by the global environmental protection strategy. In addition, these practices are consistent with the noble goals of solving the ecological problems of humanity.