

International management in the field of environmental protection in order to achieve sustainable development

Ragimov Telman Sabirovich

*Candidate of Juridical Sciences, Associate Professor
Moscow Academy of the Investigative Committee of the Russian Federation*

Mohammad Sarwar Mohammad Anwar

*Candidate of Juridical Sciences, Associate Professor
Institute of Foreign Languages of RUDN University*

Abstract. The article examines not only the reasons for the urgent need to change the existing mechanism of international governance in the field of environmental protection, but also the ways of its reform. Environmental protection is a global sphere of interests of mankind, in relation to which a powerful multilateral system of international governance is required, since within its framework not only the interests of cooperation of states related to the use and distribution of natural resources are ensured, but also the interests of the physical survival of man, and mankind as a whole. The basis of international environmental management is the development of international legal treaties and agreements and their implementation.

Keywords: environment, sustainable development, international community, ecosystem, international governance.

International environmental governance needs to be seen in the broader context of the transition to sustainable development, equally relevant for all states: each state bears primary responsibility for its own sustainable development [1]. The nineties of the twentieth century could be characterized as a period of searching for an early and complete understanding of the concept of sustainable development, awareness of the importance of such development for all mankind, which currently necessitates the formation of a global function of managing the transition to sustainable development of the entire world community [2, p. 99].

Today, it is obvious that ensuring sustainable development is impossible without international governance, which makes it possible to coordinate in practice the interests of the development of states, taking into account the protection of interests in environmental protection.

International governance must be carried out in such a way as to ensure an integrated approach to address the challenges of increasing economic well-being and the threats of poverty, deteriorating public health and environmental degradation. Progress in economics, social justice and environmental protection is most significant when it is achieved in all three areas at the same time. In other words, development cannot be sustainable in conditions of contradiction between socio-economic, natural factors and technological processes.

Accordingly, the international community is interested in an international governance mechanism that allows for a timely and adequate response to threats caused by environmental

degradation. Achieving sustainable development goals at the international level requires institutional arrangements through which international governance is ensured. States agree that the evolutionary nature of sustainable development activities requires continuous monitoring of their performance in order to identify deficiencies and eliminate duplication of efforts.

The general conditions for sustainable development are linked to the strengthening of international peace, security and solidarity, which are now taking on a special meaning.

Almost twenty years ago, within the framework of the World Association of International Law in New Delhi (2002), the Declaration on the Principles of International Law Concerning Sustainable Development was adopted [3, p. 35-42]. The following seven non-legally binding principles provide a comprehensive overview of the prospects and possible challenges that humanity will face in the future in putting sustainable development into practice. These are the following principles:

- The principle of sustainable use of natural resources, which establishes the obligation of states to exploit natural resources in a way that is "sustainable", which "transforms" a negative obligation ("do no harm") into a positive obligation, namely "to guarantee the sustainable use of natural resources";
- The principle of equity and poverty eradication is one of the key elements of sustainable development;
- The principle of common but differentiated responsibilities in the context of sustainable development applies not only to environmental protection, but also to social development goals;
- The precautionary principle related to human health, natural resources and ecosystems obliges states, international organizations and civil society, especially scientific and business communities, to avoid activities that can cause significant damage to human health, natural resources or ecosystems, especially in a situation of scientific uncertainty;
- Principle of public participation in environmental decision-making, access to environmental information and access to environmental justice;
- The principle of good governance, which requires full respect for the principles of the Rio 92 Declaration on Environment and Development (The Declaration containing the basic principles of environmental law, adopted at the United Nations Conference on Environment and Development in June 1992 in Rio de Janeiro, is one of the main sources of environmental law for most countries (it is currently signed by 178 states).
- The principle of integration and interrelation of human rights, social, economic goals and environmental protection goals.

It should be noted that as these principles are adopted in international treaties and agreements, the content of the concept of sustainable development becomes more specific.

The concept of sustainable development requires a change in approaches to international environmental management, in particular, encouraging the increasingly widespread use of the ecological systems approach. Its essence lies in the fact that the conservation and rational use of natural resources should take into account the interests of the population, including local communities, as well as a fair and equitable distribution of benefits from the use and use of relevant resources. The concept of this approach is not fully developed and the lack of precise definitions limits its application to some extent.

A systematic, rational and comprehensively balanced approach to ecology presupposes the strengthening of a comprehensive study of resources and their habitat, the data of which are taken into account when establishing the volumes of extraction and exploitation of such resources. The ecological-systems approach takes into account the influence of natural (climatic) and anthropogenic factors on the dynamics of stocks and their availability to the fishery. The degree of precaution in management depends on the degree of completeness of the fulfillment of all these very laborious and expensive requirements of the ecosystem approach, which may be associated not only with the restriction, but also with the prohibition of fishing for certain species of it. The effectiveness of the precautionary principle and the use of the ecosystem approach to management as a means of ensuring environmental protection to achieve sustainable development depends on the extension of state jurisdiction. Since there is no such support in the international space, the responsibility lies with the international community as a whole. Sustainable development naturally encompasses the sustainable use of natural resources.

The term "sustainable use" is currently used along with the term "rational use", which means scientifically sound use and the need to implement effective measures for the reproduction and distribution of natural resources [4, p. 746].

It should be noted that, of course, the sustainable use of natural resources is ensured not only by the efforts of the international community, but also by the norms of international law, which are aimed primarily at:

- maintaining or restoring the population of living resources at levels that can provide the most sustainable harvest, determined taking into account the relevant environmental and economic factors, taking into account the interdependence of species;
- protection of natural resources during their exploration and development;
- ensuring effective monitoring and creation of mechanisms for compliance with norms that ensure rational use of natural resources;
- protection and restoration of endangered natural resources;

- special protection of ecologically sensitive areas;
- expansion of scientific research in the field of use and conservation of natural resources and consideration of their results.

Based on the above, we can safely say that sustainable development implies a clear understanding that environmental and development problems must be addressed in a comprehensive manner. Environmental protection concerns all aspects of the development of society and is vital for every state, regardless of the level of development.

At the same time, sustainable development means finding a balance between ensuring the interests of states of different levels of development, which is manifested in the awareness of the impossibility of imposing equal obligations on all states. Differences in the content and scope of obligations, of course, do not affect their conscientious performance. Therefore, developing countries insist that international norms provide room for maneuver and policy flexibility for developing countries, taking into account their direct link with national governments' development strategies.

Despite the fact that the problem of ensuring sustainable development poses difficult tasks for each state, at the same time, international legal norms proceed from the unity of this problem for all states (taking into account the position of individual groups of states) and other subjects. The approval of the concept of sustainable development in international treaties gives this concept an international legal character. Sustainable development is no longer an abstract idea, it implies concrete international obligations and the creation of international mechanisms to achieve it.

International environmental governance requires the participation of all states. The severity of environmental problems can reinforce the subordinate elements in international law, if states agree with the relevant competence of international bodies. According to some scientists, ensuring the interests of developing countries inevitably presupposes a transition to new supranational means of managing the world order. Without this, complete hopelessness is created in the issue of ensuring the environmental safety of the world community, says Professor M.N. Kopylov [5, p. 358].

It does not seem correct to talk about supranational means of managing the world order due to the nature of international law, when the states themselves act as the primary and direct subjects of governance [6]. And at the heart of the binding nature of decisions taken by a majority vote, as one of the important signs of supranationality, is the expression of the will of the states themselves.

It should be noted that the legal regulation of international cooperation on sustainable development is carried out mainly at the universal level. The program and directions of

cooperation for achieving sustainable development goals are determined by international treaties, declarations and road maps.

Consequently, international governance at the universal level is complemented by governance at the regional and bilateral levels, carried out on the basis of:

1) conventions and agreements on the protection of the environment, for which the geographical factor is decisive (for example, European states have concluded the 1991 Convention on Environmental Impact Assessment in a Transboundary Context, the 1998 Convention on the Protection of the Environment through Criminal Law);

2) conventions and agreements for the management of regional natural sites (Convention for the Protection of the Black Sea against Pollution 1992, European Landscape Convention, 2000).

Achieving sustainable development presupposes the most effective implementation of international obligations in the field of environmental protection, coordination and recognition of the parameters of international environmental safety. Without considering the issues of the effectiveness of international legal norms and international legal regulation, we note that in the context of globalization, the coordination of common interests in the field of environmental protection becomes even more difficult. The lack of a clear understanding of the content of the very complex environmental obligations, the tight timeframe for the negotiations can lead to different interpretations and, in this sense, be a potential source of conflicts.

Another problem is that the effectiveness of environmental protection necessary for sustainable development is associated with an active perception of the results of scientific research. Scientific evidence often requires not only taking it into account in the development of international agreements on environmental protection, but becomes the basis for formulating obligations, for example, quantitative restrictions on pollutant emissions.

The setting of environmental objectives in the context of sustainable development should take place as early as the planning stage in the implementation of international governance. For example, the World Summit on Sustainable Development Plan of Implementation indicates the need to promote effective synergies between the Convention on Biological Diversity and other multilateral environmental agreements, in particular through the development of joint plans and programs, with due regard to their respective mandates regarding general responsibilities and functions.

Determining the prospects and order of implementation of international management in the field of environmental protection at the present stage requires an international legal formulation of the concept of sustainable development. This design is manifested in the creation of an international legal basis for ensuring sustainable development based on basic principles

(first of all, the principles of cooperation, sovereign equality of states, non-interference, honest fulfillment of obligations, peaceful resolution of international disputes).

The consolidation of the concept of sustainable development in international law is manifested in the establishment of the rights and obligations of the parties, the requirement to act in such a way that economic development and consumption of natural resources is balanced and does not aggravate social problems.

The concept of sustainable development is becoming a kind of tuning fork for international treaties that regulate economic relations, solve social problems and ensure environmental interests. In other words, the concept of sustainable development is not susceptible to an approach in which the solution of economic and social issues is achieved through environmental degradation. The health and life expectancy of people largely depend on the state of the natural environment, whose influence will increase with economic growth.

Consequently, ensuring sustainable development is impossible without international governance, which allows the development interests of states to be harmonized in practice, taking into account the protection of environmental interests. International governance must be carried out in such a way as to ensure an integrated approach to address the challenges of increasing economic well-being and the threats of poverty, deteriorating public health and environmental degradation. Development cannot be sustainable in the face of contradictions between social, economic and environmental factors.

Thus, sustainable development presupposes a change in international relations, which ensures effective and favorable coordination on a global scale of economic, social and environmental priorities, which makes it possible to find a compromise between environmental conservation and economic growth. Such coordination is ensured through the norms of international law, on the basis of which international management is carried out in order to achieve the established goals.

Therefore, the opinion of P. Birney and A. Boyle is true that one of the important roles of international environmental law is the specification of the content of sustainable development mainly through international environmental treaties [7, p.47]. International governance is necessary to ensure that the economic, social and environmental aspects of sustainable development are integrated in international decision-making and to improve the effectiveness of international institutions.

References

1. Decree of President of the RF № 440 "On the Concept of the Transition of the Russian Federation to Sustainable Development" dated April 1, 1996 // Collected RF Legislation.1996. № 15. P. 1572.
2. Baburin S.N., Ursul A.D. Sustainable development policy and state legal process. – M: Magister-Press: INFRA-M, 2010.
3. Sokolova N.A. International legal principles of sustainable development. // Eurasian Law Journal// № 8 (27) 2010.
4. Bekyashchev K. A. International public law: textbook / L.P. Anufrieva, E.G. Moiseev, N.A. Sokolova, V.V. Ustinov and others; ex. ed. K.A. Bekyashchev. - M.: Prospect, 2009.
5. Kopylov M.N. The right to development and environmental security of developing countries (international legal issues) - M.: Econ, 2000.
6. Bekyashev K.A. On the question of "supranationality" of intergovernmental organizations // Lex Russica (Russian Law) 2006. № 6.
7. Birnie, P., Boyle, A. International Law and the Environment / P. Birnie, A. Boyle. - 2nd ed. – Oxford: Oxford University Press, 2002.