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THE ENFORCEMENT OF ENVIRONMENTAL PROTECTION LEGISLATION

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The progress of renewal in the Soviet Union and the prospects for the further development of our country are closely tied to the problems of creating a nation based on law. We clearly see that the most important problems facing the world today stem from the necessity of intensifying the struggle for survival and sustainable development, the search for reserves, and the possibility of fighting against poverty and backwardness. The resolution of all these problems can occur through the protection of the environment and the rational use of natural resources—through the protection of our common house, the planet Earth.

Today the level of ecologization of a society determines the level of its civilization. In this process, the role of the law is paramount. We understand environmental protection law to be not only the commonality of the legal norms governing social relations in the area of environmental protection and the related area of natural resource use, but also a basis for the realization of political and humanitarian ideas for the renewal of society and the creation of a new world order based on law. The modern view of human rights must recognize three rights with regard to the environment: the right to an environment favorable to human life; the right to protection of one's health from adverse environmental impacts; and the right of humans, and their responsibility as citizens, to be participants in the protection of the natural environment.

In the process of legislating, legislatures pass acts that are published in the form of contracts, programs, laws, founding principles, constitutions, statements of principles, resolutions, and the like. The overall administrative structure in the area of environmental pro-


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Protection is a composite of state organs, social organizations, community groups, and individual citizens, all dealing with environmental protection. The highest government organs addressing the issue of national environmental protection are located in the Soviet Union's Cabinet of Ministers and in the local and administrative committees of the Soviets of Peoples' Deputies. The central organs include various ministries, state committees, and departments with competencies in particular areas, and their corresponding local organs. Government commissions and interrepublic consortia comprise the organs for overall governance.

Aside from these, independent health, epidemiological, and other departments, as well as government entities for the oversight of industry, atomic energy, internal affairs, and the like, exercise authority in their specific spheres. Organs such as the administration that regulates northern sea routes conduct the regional administration of environmental protection acts. In addition, there are committees to alleviate the consequences of the Chernobyl disaster and the desertification of the Aral area.

The social organizations directly involved in environmental protection total about three hundred, including republican societies for environmental protection and other socio-environmental organizations. There are also many social organizations that include the protection of the environment among their concerns.

The most important measures for environmental protection are embodied in the constitution and the laws, governing the use of natural resources, that the Supreme Soviet has adopted as fundamental principles for the Union and the republics. Aside from these laws, the resolutions of the Supreme Soviet and the Cabinet of Ministers and regulatory acts such as the September 20, 1972 "On the Measures for the Further Improvement of Environmental Protection and the Rational Use of Natural Resources," the January 7, 1988 "On the Fundamental Restructuring of Environmental Protection Activities in the Nation," and the November 27, 1989 "On the Urgent Measures of the Nation's Ecological Revival" play a significant role in the creation of the principles necessary for the solution of ecological problems.

In recent years, a clear separation of the legislative, executive, and judicial powers has taken place. A vigorous development of environmental protection law is occurring in the republics. Yakut and Tatarstan have adopted new laws on environmental protection. Kazakhstan, the Ukraine, and some other republics are concluding preparatory work for passing similar laws. Russia has adopted a
land code and a state ecological program and prepared laws on the creation of a marine economic zone, the protection of the continental shelf, the forest code, the establishment of ecological disaster zones, and the medical-ecological well-being of the population.

In comparison with foreign environmental protection legislation, legislation in the Soviet Union and its republics has its strong and its weak points. Still absent are clear definitions and classifications of the levels of ecologically unfavorable and destructive conditions. Several norms and acts duplicate each other. The primary contradiction and problem, however, is the absence of an overall national law. Legal principles of environmental protection have been prepared but have been under review for much too long.

In the circumstances of the transition to market relations, the jurisdictions of the Union and the republics are undergoing change. There is a significant shifting in the structures, missions, and functions of state administrative organs in the area of environmental protection. The current status of environmental protection in the Soviet Union hardly can be considered optimal. State organs responsible for environmental protection are unaccountable to the nation and its citizens. Government departments have not altered their very narrow and specialized approach to environmental protection. Moreover, a number of ministries and departments are administering both natural resource use and environmental protection at the same time, thus acting as "foxes in the hen house."

The task of proposing significant measures for the improvement of governing structures in the republics and in the Union remains. It is important to keep in mind the fact that the issues of environmental protection and natural resource use are within the common jurisdiction of both the Union and the republics under present law. Many of the changes in this crucial area will be introduced after the adoption of the Union's new Constitution.