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Fifth level of organisation of environmental protection systems: International law. Evolution of institutions of environmental global policy

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Abstract

The analysis of the historical process of the formation of the global environmental policy of the modern states of the world in the context of the development of a multi-level environmental system is carried out. The main influence of the first International Environmental Conference in Bern 1914 on the organisation of interstate environmental authorities, the creation of the United Nations for approval of the Stockholm Declaration of 1972 and the Rio de Janeiro Declaration of 1992, which formed the modern classification of objects of environmental law, forms international eco-cooperation, ranking system of environmental policy. The thesis of the need for mutual coordination of all the participants in a multi-level environmental process, the inability of modern environmental authorities to effectively solve tasks in view of the lack of a joint action program of the world environmental system was put forward.

Keywords: Environmental policy, environmental protection system, environmental law, international law, landscape and biological diversity.

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1. Introduction and purpose

Nature protection as a problem of modern public life is a topic that requires multi-level consideration in the context of international cooperation, in which state, scientific and public institutions interact. Population growth, limited traditional sources of energy, limited resources of fresh water and minerals, pollution of soil, water and air with substances, many of which did not exist before the 20th century—all of these phenomena gave rise to what we now define as an environmental crisis that initiates an environmental protection system activities. The environmental system has the following levels:

1. Traditionally religious
2. State (since the 1870s, the first protected natural areas as a result of their tourist development)

(Robinson, 1990);

3. Scientific (1920s–30s—in the works of V.I. Vernadsky and Teilhard de Charden, the doctrine of the noosphere being developed as a socio-natural system, which is a synthesis of the natural and historical process) (Subetto, 2012);
4. Public (Astanin, 2018);
5. International.

Modern globalisation has caused a host of environmental problems which can only be solved by joint efforts. The mass and speed of development of natural resources has increased. The international legal form of nature conservation has more than a century of history. The main sources of international environmental law include agreements, treaties, conventions, resolutions in the field of environmental protection and rational nature management. Environmental law is closely intersected with the atomic, maritime and space sectors of international law. Since the 1970s, environmental issues have firmly occupied one of the main positions of political science.

2. Results and discussion

The first international environmental treaties include:

- 1875—Declaration on the Protection of Birds (Italy, Austria-Hungary);
- 1881—International Plant Protection Convention;
- 1882—regulation of fisheries in the North Sea;
- 1882—protection of birds useful for agriculture (Paris);
- 1887—Agreement on the regulation of fishing for salmon in the Rhine Basin;
- 1887—Protection of fur seals in the Pacific (Russia, USA, Japan); Protection of marine animals, whales, regulation of fishing (over 70 international treaties are devoted to these activities);
- 1907—Convention on Fishing in the waters of the Danube and Prut;
- 1911—Convention on the Conservation of Seals in the North Pacific;
- 1916—Agreement on the harvesting of sea turtles (England, Nicaragua).

International agreement on the use of human species.

In the history of the development of international environmental cooperation in the 20th century, four stages can be distinguished: 1) 1913–1948; 2) 1948–1968; 3) 1968–1992 and 4) from 1992 to the present. At the first stage, attempts were made to unite forces of various countries in environmental activities. This was achieved through the organisation of international conferences, where they discussed the need to create international independent bodies. According to the results of the Bern Conference (1913), it became obvious that environmental protection is a complex problem that requires an institutional solution, which resulted in the creation of a number of nature protection institutions:

- 1922—the opening of the International Council for the Protection of Birds;
- 1923—International Society for the Protection of Bison;
- 1923—1st International Congress on Nature Conservation;
- 1928—opening of the International Bureau for the Protection of Nature (Brussels);
- 1929—Permanent Committee for the Protection of the Nature of the Pacific;
- 1935—International Bureau for Nature Conservation.

The second stage is characterised by the creation of the UN (United Nations Environment Programme, 2019) as a leading organisation in the field of environmental cooperation. In 1948, with the support of UNESCO, *the first international environmental organisation was created: the International Union for the Protection of* Nature. In 1962, the UNESCO resolution on economic development and nature protection was adopted. It contained three main points:

1. a holistic view of the problems of environmental resources;
2. the extension of the concept of 'nature conservation' to the term 'environmental protection';
3. the concept of combining environmental and economic interests.

In 1968, the UN General Assembly adopted a resolution on the crucial role of ecology in economic and social development.

The third stage is characterised by high activity of multilateral environmental cooperation. In 1972, the Stockholm Declaration (Kolosov, 1999) was approved, summarising the basic principles of international environmental cooperation (Stockholm Declaration on the Human Environment, 1972). The year 1982 is marked by the release of the World Charter for Nature, approved by the UN General Assembly. Unlike the Stockholm Declaration, the charter was adopted by vote, 111 countries voted in favour of the resolution, 18 abstained and only the United States voted against. It is also worth noting that in 1980 a resolution was adopted 'On the historical responsibility of states for the preservation of the nature of the Earth for present and future generations'.

The fourth stage begins with the 1992 conference in Rio de Janeiro (Danilov-Danilian, 2000; Johnson, 1994). We note the important points of this stage: 1998—the convention on access to information relating to environmental protection (Aarhus, Denmark) (Aarhus Convention, 2019); 2012—United Nations Conference on Sustainable Development Rio + 20, the document 'The Future We Want', adopted at the end of the conference, is focused on the concept of reducing poverty and promoting social justice.

An important feature of the development of the environmental protection system is the environmental policy as an approach aimed at complex activities related to the positive influence of state and public institutions on the state of ecosystems. Depending on the scope of activities, there are five types of environmental policy: 1) global policy—international, political, foreign economic activities; 2) state; 3) regional eco-policy—a country's policy towards its internal regions; regional eco-policy; 4) local eco-policy: local and objective monitoring, state control over compliance with environmental protection legislation; local eco-programs and projects; 5) corporate eco-policy (long-term corporate goals of the enterprise).

International environmental policy is a catalyst for the introduction of environmental measures at a lower level of the hierarchical chain. It is customary to single out five main areas of international environmental cooperation: 1) parliamentary cooperation: the development of recommendatory acts in the field of ecology; 2) coordination of the executive structures of individual states (under the auspices of the UN); 3) regulation of environmental protection, conclusion of contracts, a single international approach; 4) scientific and technical cooperation: information sharing, joint implementation of projects and expertise and 5) environmental cooperation: international environmental forums.

International eco-policy should be aimed at solving problems of the protection and rational use of natural resources. Ideological standards are necessary for successful implementation, among which the most studied is 'sustainable development'. The term 'sustainable development' was formed in 1987 after the publication of the report 'Our Common Future' prepared by the International Commission on Environment and Development (United Nations Environment Programme, 2019). The main principles of sustainable development:

1. Quality priority over quantity;
2. Preservation of cultural and biological diversity;
3. Symbiosis of nature management with the process of evolution.

As part of the development of the concept of 'sustainable development', the task of creating an interdisciplinary program focused on the formation of ecological thinking and preparation for solving the problems of the nearest future is formulated. Applied research carried out within the framework of the Global Observing System for Changing the State of the Biosphere, consisting of three parts, contributes to the solution of such a task:

1. Infoterra—a global network of environmental information;
2. GEMS (global environmental monitoring system)—measurements of global pollution;
3. IRPTC (International Register of Potentially Toxic chemical substances)—notification in cases of damage caused by toxic chemicals.

Today, only Infoterra is functioning.

Comprehensive implementation of the concept of sustainable development is associated with the problems of limited natural resources, violations of the stability of natural ecosystems. Among the methods of restrictive influence emit economic, legislative, educational and political.

Today, environmental taxes are valid in most EU countries. Environmental taxes—taxes, the base of which has a specific negative impact on the environment (Avdeyeva, 1994). For the first time, the need to introduce environmental taxes was approved in 1973, at the first European Union Action Program on Environmental Protection. The main idea of introducing environmental ideas into the tax system was considered a double dividend. The introduction of environmental taxes should be associated with social benefits, employment growth and competitiveness of national producers. Of the advanced economies, the Scandinavian countries have extensive experience in this field. Since the 1990s, Germany, France, the United Kingdom and Italy began to show an interest in eco-taxes (Gusev, 2010). The adoption of the EU Packaging Waste Directive in 1994 was a major impetus for the development of an environmental tax system. Among the EU countries with developing economies can be noted Hungary, Poland and Estonia. Also, South Korea, Taiwan, Malaysia, Singapore and Thailand are distinguished by certain progress in eco-tax activities. Environmental taxes occupy a significant place in the overall tax scheme of most EU countries (Gusev, 2010). The main task of eco-taxes is not to replenish the state budget, but to call upon payers for positive environmental behaviour.

Environmental taxes are divided into seven groups by spheres of influence: 1) transport taxes; 2) energy taxes; 3) pollution charges; 4) payments for waste disposal; 5) taxes on emissions of chemicals; 6) payments for the use of natural resources and 7) noise tax.

In the EU, energy and transport tax are the most common. In the US, the problem of protecting surrounding ecosystems is significant. In New York, there is a tax on cleaning water from oil stains. Energy taxes are designed to reduce emissions of nitrogen oxides, carbon dioxide and sulphur into the atmosphere. In the Russian Federation, there is a law 'On the Protection of the Environment', according to which 10% of payments go to the federal budget, 90%—for the maintenance of environmental authorities. According to the Ministry of Natural Resources of the Russian Federation—the annual

increase in the level of industrial pollution of air, soil and water is 5%. The budget of environmental programs in the USA and Canada is 10 times bigger than in Russia.

Table 1. Major international agreements defining measures for the conservation of natural resources

Water resources	Preservation of the atmosphere	Preservation of interstate territories
UN Conventions on maritime law; pollution prevention from ships (1973/1978). 1974—Convention on the Protection of Natural marine environment of The Baltic Sea (1992—revised); 1978—Regional Convention about cooperation on environment marine protection from pollution (Kuwait); 1982—Regional Convention on conservation of the environment Gulf of Aden and Red Sea (Jeddah, Saudi Arabia); 1992—Convention on the Protection and Use of Transboundary Waterways and International Lakes (Helsinki, Finland).	1963—Test Ban Treaty of nuclear weapons in atmosphere, outer space and under water (Moscow, USSR); 1985—Convention for the Protection of the Ozone Layer (Vienna, Austria); 1987—Montreal Protocol (supplement to convention 1985); 1997—Kyoto Protocol; Greenhouse emission stabilisation gases (2011 - The Kyoto Protocol was extended for 5 years); 1979–1983—European Convention on Transboundary air pollution over long distances (Geneva, Switzerland).	1973—Convention on International Trade in Endangered Species of Wild Fauna and Flora, under threat of destruction (33,000 animal and plant species); 1992—Convention on Biological Diversity; 1994—Convention on wrestling with desertification, fertility improvement (Africa);

To date, about 200 international agreements have been signed in the field of nature conservation.

Constant wars and tests of atomic and hydrogen weapons cause enormous damage to ecosystems. After the 2nd World War, for example, the USA carried out 1,054 tests of atomic power (Gusev, 2006; Trofimov, 1991). Also, among the opponents of nature protection are the governments of France, South Africa and Israel. In 1979, South Africa and Israel conducted joint nuclear exercises in the South Atlantic area.

The UN Special Committee, in its reports, reported on the effect of atomic weapons on the environment: with one explosion, vegetation is destroyed on an area of up to 1,300 hectares, microorganisms are destroyed on an area of 40 hectares.

A significant environmental threat is the disposal of radioactive and nuclear waste. For example, around Ireland accumulated about 50 thousand tons of radioactive waste. The bottom of the Pacific Ocean in the area of the Guam Islands is a mass dumping site for US waste. Any damage to the containers will cause a huge contamination of the ocean. South Vietnam suffered significant environmental damage due to US invasion. Huge areas of the jungle were destroyed.

It is a well-known fact how enormous the damage was to the flora and fauna of Africa in the era of European colonisation. Forests were burned out, wild animals were destroyed. The independence of African countries opens up broad prospects in the environmental field, for example, we note the Declaration on the Nature Conservation of Africa (1963). The importance of African environmental laws is extremely high, given the fact that the number of big game has decreased by 50 times.

Huge problems exist in the Americas. As an example, the depressing state of the Amazon ecosystem can be cited. In recent decades, South American countries have been trying to create their own environmental legal system. As a result of the historical analysis, a weak level of scientific foundations

of international environmental protection was identified. Most modern international organisations rely on the conceptual foundations of the Club of Rome and the Stockholm Institute for the Study of Peace (Gusev, 2010). However, the increasing anthropogenic load on ecosystems is not sufficiently taken into account. A new assessment of the situation is required, which will inform about changes in natural resource opportunities. It is necessary to increase the efficiency of the rational use of natural resources, to draw up scientific-based programs for the spatial development of regions.

International eco-organisations operate within two opposite sides: formal (environmental education and eco-propaganda) and informal. In most cases, the informal side is present (the shadow interests of the United States and the European Union countries, financial-industrial groups).

3. Conclusion

Environmental global policy—the pinnacle of a multi-level system of environmental protection. Reducing the number of military conflicts, improving the legislative system, the scientific and humanistic components of activity are the basis for the development of international politics. Reliance on the traditional culture of nations, the use of modern achievements of science and technology—a way out of the environmental and ideological crises of the modern era. World experience shows that nature conservation is effective as a complex activity, in which public policy is combined with the peculiarities of cultural and historical traditions.

For an integrated system of nature conservation, coordination of the environmental process as a process that takes place at many levels (religious, scientific, state, public and international) and the interaction of all members and organisations is necessary. The problem of such coordination is enhanced by the fact that humanity does not use the potential of globalisation and internationalisation (the process of the exchange of scientific data between the most developed countries is not fully implemented). One of the possible approaches to solving the problem of coordinating environmental activities as a multi-level activity is international cooperation, in which environmental activities are institutionalised and become the subject of international legal regulation.

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