



THE INTERNATIONAL EXPERIENCE IN ADMINISTRATIVE AND LEGAL PROTECTION OF NATURAL RESOURCES

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Summary

This article examines the experience of the international legal and administrative protection of natural resources. We consider state regulation of natural resources, has a significant impact on the promotion and support of entrepreneurship development towards greening of social production. The paper investigated the U.S. and Europe, as well as the influence of international organizations on legal and administrative protection of natural resources. It has been demonstrated that the state and the mechanism of regulation of natural resources clearly requires an appropriate legal, financial, economic, organizational and information support. The introduction of market regulators of natural resources are not only the administrative burden, but also the creation of a favorable business environment. Economic agents would be economically advantageous to compliance with environmental requirements to achieve environmental and economic goals.

Key words: administrative protection, government regulation, ecologization, conservation, natural resources.

Аннотация

В данной статье рассматривается международный опыт административно-правовой охраны природных ресурсов. Рассмотренное государственное регулирование охраны природных ресурсов имеет значительное влияние на стимулирование и поддержки предпринимательства, развитие в направлении экологизации общественного производства. В статье проведено исследование США и стран Европы, а также влияние международных организаций на административно-правовой охраны природных ресурсов. Продемонстрировано, что государство и механизм регулирования природных ресурсов однозначно требует соответствующей правовой, финансово-экономической, организационной и информационной поддержки. Внедрение рыночных регуляторов природных ресурсов должно осуществлять не только административное давление, но и создание благоприятной бизнес-среды. Хозяйствующим субъектам было бы экономически выгодно соблюдение экологических требований для достижения экологических и экономических целей.

Ключевые слова: административно-правовая охрана, государственное регулирование, экологизация, охрана, природные ресурсы.

The formulation of the problem.

Modern trends in society indicate low efficiency of government machinery of protection of natural resources. This is explained by discrepancy between the pressing needs of the ecological development and the imperfection of modern tools, methods and forms of protection management of natural resources and the lack of effective economic incentives for the environmental management.

Also it is necessary noted that the most significant barriers to the implementation of existing laws is the low level of funding for environmental programs, the lack of research in this area and also unsatisfactory level of scientific development for saving resources, neglecting native and foreign advanced experience.

The condition of research. The theoretical basis of research is a position of works known foreign and domestic scientists on the problems of environmental regulation and analysis of the effectiveness of the protection activities, such as V. Medouz, G. Deyly, V. Vyesnin, M. Reymers, A. Fedorisheva, L. Melnyk, R. Ivanuh, V. Tryhobchuk, P. Oldak, J. Tunytsya, T. Haceaturrov, V. Sahayev, L. Cherednichenko, V. Shevchuk, V. Mishchenko and others.

However they reveal only a few aspects of the protection of natural resources, without resorting to the developments of the international community.

The main material. Foreign practice shows that the basis of the system of protection of natural resources in developed countries is the active state regulation, in which priorities are significant economic incentives and support entrepreneurship, evolving toward greening of social production. The practice of business and international experience confirms the possibility of environmental and economic objectives at the following regulatory mechanisms: 1) Direct government regulation (regulatory, administrative, regulatory and incentive measures, direct regulation, etc.). 2) Economic stimulation through use of market mechanisms. 3) Mixed mechanisms that combine aforementioned approaches. Along with this acts a clear mechanism for financial support of this regulation (domestic of accumulation, the money of budget funds, domestic and foreign investing, loans, the targeted guarantors and other.). Great importance is also given to the actions of environmental organizations, ecological culture, education and upbringing.

In foreign countries, using an impressive arsenal of economic instruments and means of regulation. They are highly effective and diverse.

As a consequence in many economically developed countries in the world been accumulated considerable experience in the use of various methods and instruments of economic regulation process of ecological entrepreneurship at the macro and micro levels of ménage. In the U.S., as in Europe, changed priorities in the fight against air pollution. The main programs are not aimed at the introduction of cleaning equipment, and are the creation of environmentally friendly technologies [1].

For example, U.S. law on water resources envisages 16 conservation programs. Is established criminal responsibility for deliberate resetting into the water contaminants that threatens the health and lives of people.

Have created the necessary economic mechanism, the Americans managed to not only stop further pollution, but also greatly improve its quality. In the U.S. Measures of Environmental Protection sets the Federal Agency for Nature Conservation and each state separately proposes concrete measures to implement them, linking them with the plans of the industry.



Effective means to control emissions is the introduction of the Agency for the U.S. Environmental Protection "permits" to limit the amount of pollution that can be thrown up into the environment. This measure provided an opportunity to firms, the amount of pollutants which is less than the limit set for them to sell their rights to other firms. The state had been created the «market of rights» of on pollution. Having formed a bank of permits, the U.S. government has improved the environmental situation in the country [2].

In Western European countries, beginning in 1973, had developed a special program of nature protection, which has gained general acceptance about the idea of sustainable development whereby environmental and economic targets in the dynamics are the same, but at the level of the European Union and its Member States have developed principles and general measures for legislative acts in the field of environmental protection [3].

A very significant contribution to the solution of various environmental issues makes the United Nations. The main bodies and agencies (General Assembly, UNCTAD, UNIDO, UNESCO, etc.) are actively involved in environmental activities.

In 1972, the UN General Assembly has been approved resolution entitled «Institutional and financial measures for an international cooperation on the environment», in which was based on a new body of environmental issues – United Nations Environment Programme and annually provides detailed reports on their work.

To the council includes representatives from UNEP management 58 countries, which in turn are elected by the General Assembly for a term of three years. Council meets annually to discuss major issues of international cooperation in the environmental field. All affairs managed by UNEP Executive Director, providing at the same time preparing the next session of the Council.

In the structure of UNEP also is allocated Environmental Fund, which provides additional financial support to various international measures to protect the environment.

Also, there is such a thing as international environmental non-governmental organizations (INGOs).

Their number is over 200, and most of them specialize on conservation of natural resources. However, many organizations with another area are interested by environmental issues and help in solving them.

International non-governmental environmental organizations that have special competence about the concerning environmental protection. It is to decide a question about the protection of specific natural resources or natural objects. These organizations include the International Council for the Protection of Birds or, for example, the European federation of protection waters. Today there are far too many.

The International Union for Conservation of natural resources – was established in France in 1948 and promotes to cooperation between international, national and government organizations, as well as the conservation of natural resources. In IUCN may include both governments and various state agencies, public institutions and organizations, collectives.

At the moment IUCN held a number of important measures, including work on the collection of information on endangered and rare species of animals. Summary of work – published in 1996 «The Red Book of the facts», which were made all the rare animals. Here you can learn about the animals which disappear, which are rare types what are reduced, and which have managed to avoid the threat of extinction. It has also produced a number of projects of international conventions on the protection of wetlands, to limit trade in animals and plants that are endangered [4].

So current international environmental organizations working in the environmental field is very fruitful and saturated. Each of them can provide a detailed report on its activities and achieved goals.

In modern times it is vital to increase budget funding and investing in innovative programs of ecological production.

The introduction of market regulators natural resources should be carried out not only by administrative pressure, but also creating an enabling business environment in which business entities would be economically profitable compliance with environmental requirements to achieve environmental and economic goals [5].

Conclusions. Thus, the state and regulatory mechanism of natural resources the clearly requires appropriate legal, financial, economic, organizational and information support.

Under the present conditions of transformations in society and the activation of cleaner production, storage and saving natural resources extremely big role public-regulatory mechanism. It involves the formation of a comprehensive national strategy that is integrated with the socio-economic innovation and the investment policy, improving the system of environmental management and protection of natural resources.

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