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International scientific and practical conference "Modern trends in the development of environmental, land and agricultural law"

On June 19, 2018, the Institute of state and law of the Russian Academy of Sciences held an International scientific and practical conference "Modern trends in the development of environmental, land and agricultural law", organized by IGP RAS together with the Moscow state University named after O. E. Kutafin (MSAL).

The conference was attended by 82 people-scientists and teachers from 22 leading scientific and educational institutions of the Russian Federation (from Moscow, Volgograd, Kazan, Kaliningrad, Orel, Saratov, Syktyvkar, Tomsk, Tula, Ufa, etc.), as well as three foreign scientists – Professor T. I. Makarov and associate Professor I.P. Kuzmich from the Belarusian state University and graduate student MA Xin from the people's Republic of China.

The Director of the Institute Alexander Savenkov, corresponding member of the Russian Academy of Sciences, addressed the conference with a welcoming speech.

The plenary session discussed the issues of ownership of natural resources, the ratio of civil, land and environmental law instruments. In particular, the chief researcher of IGP RAS, Doctor of Law, Professor Mikhail Brinchuk spoke quite sharply about the so-called "large-scale intervention" of civil law in the natural resource sector and the claim of civil law to self-regulation of natural resource relations. According to the author, nature, natural resources are not a "thing", and therefore the relations of ownership of nature should be regulated exclusively by land, water, forest law and other natural resource industries.

Professor of the Department of environmental and land law, faculty of law, Lomonosov Moscow State University, Doctor of Law, associate Professor Gennadiy Volkov investigated the levels of regulatory environmental relations. Based on the permissive type of legal regulation of these relations, he considers it possible to distinguish three levels of regulation: the first level is the establishment of a General ban on any impact on the environment; the second level is the establishment of permits, including limiting conditions that are exceptions to the General ban or regulations. And the third level is prohibitions, which are exceptions to the permissions of the "second level", i.e. in relation to them – special legal norms.

Head of the Department of environmental and agrarian law of the faculty of law of the Belarusian state University (Minsk), Doctor of Law, Professor Tatiana Makarova highlighted in

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her report (prepared in conjunction with associate Professor of the same Department, candidate of legal sciences Victoria Lizgaro) trends in the legislation of the Republic of Belarus on environmental protection. At the same time, the tendencies of making changes in the legislation, which the society really needs in order to maintain a favorable state of the environment, and such innovations, the rationale and content of which is not obvious, are highlighted. Many trends are due to the processes of innovative development of the economy, the desire to make the country's economy more attractive for foreign investment, in particular, by eliminating the environmental component of the legal regulation. This situation is a defect of a systemic nature, which has as consequences the phenomenon of "deecologization of the legislation." In this regard, when determining the directions of improvement of legislation, it is necessary to take into account tradition, i.e.: the established legal regulation and practice of its application, the search for innovative solutions that meet modern requirements, with an understanding of the specifics of environmental law and the place that it occupies in the legal system of the Republic of Belarus.

Chief researcher of IGP RAS, Doctor of Law, Professor Olga Dubovik drew attention to the crisis of ideas and concepts in modern environmental law. The report dealt with the problem in three aspects: the first, "purely" scientific, involved the search for answers to the question of whether the science of environmental law meets the challenges of the time, whether it is able to offer new approaches to solving the accumulated problems in the field of environmental protection, to predict development scenarios and to develop appropriate responses. The second aspect is the state and prospects of development of environmental (natural resource) legislation. The third aspect is the consideration of the ideas and concepts underlying the state environmental policy and the means of its implementation, law enforcement, the possibilities and desire of management structures to respond to the current situation, to anticipate the course and direction of its changes, to develop and implement coordinated activities, to respond quickly and accurately to the needs of society, coordinating the interests of law enforcement and protection of environmental rights of citizens, maintaining the interests of both economic and environmental nature.

Report of Professor of the Department of environmental and land law of the faculty of law of Lomonosov Moscow State University, Doctor of Law Inna Ignatieva was devoted to the problems of organic production and the search for the answer to the question, what kind of regulation there should be at least one: technical regulatory or legislative? The report critically analyzed the draft Federal law "On the production of organic products", in particular, noted that the bill is very unconvincing, mainly in connection with the idea to find a group of homogeneous social relations where there are actually only products, production and related requirements to it.

Professor of the Department of land law and state registration of real estate of the Moscow state University of geodesy and cartography (MIIGAiK), Doctor of Law Maria Vasilyeva made a report "Environmental tourism: from the term – to the concept". It was noted that with the wide use of this term, there is no legal definition, and in order to formulate it, it is necessary to identify the features of ecological tourism, its subjects and objects, theoretically justify the solution of a number of other issues prior to the formation of the legal definition of the concept.



Professor of the Department of environmental and natural resources law, Moscow state law Academy, Doctor of Law, associate Professor Vyacheslav Agafonov analyzed the prospects of improvement of legislation in sphere of granting of the right to subsoil use of the Arctic zone of the Russian Federation. In the conditions of application of international sanctions to Russia, there are no grounds for the introduction of a simplified procedure for granting the right to use subsoil in the Arctic zone of internal sea waters, territorial sea, continental shelf of the Russian Federation. With regard to other subsurface areas, the author proposes a number of measures aimed at ensuring sustainable socio-economic development of the Arctic zone of Russia.

Head of the Department of land law of the state University of land management, Doctor of Law, Stanislav Lipsky identified some features of the current stage of development of land legislation. The speaker stressed that almost all the laws adopted in recent years are aimed at completing the institutional transition from the monopoly of state ownership of land to market land relations, to simplify certain management functions (seizure and provision of land plots, their accounting and evaluation as real estate objects, etc.). Questions of legal support of protection and the organization of rational use of lands for this period didn't receive due development directly. Moreover, at the current stage, a number of key rules governing these relations are excluded from the current legislation. The need to "restore" unduly repealed provisions was stressed. First of all, this applies to the Federal law "on land management", which probably should not just be "restored", but adopted in a new version.

Head of the Department of land law and state registration of real estate of the Moscow Institute of engineers of geodesy, cartography and aerial photography (MIIGAiK), Doctor of Law, Professor, Honored ecologist of the Russian Federation Tamara Zlotnikova highlighted the modern legal mechanisms for the development of the far Eastern territories based on the analysis of the advantages and some shortcomings of the Federal law of May 1, 2016 (the so-called law "on the far Eastern hectare"). In particular, it was noted that the norms of that law providing for changing the category of land, including the transfer of forest lands, which served as the basis for additional legal protection of such territories as a result of the changes made in 2017, caused great concern among environmental lawyers. New additions and changes to this law have been developed, since it has not yet met expectations for mass resettlement to the far East from the European part of the country.

Report of the chief researcher of IGP RAS, head of environmental, land and agricultural law department, Doctor of Law, Professor Valentina Ustyukova was devoted to the analysis of prospects of development of agrarian law as a branch of law, science and discipline. It is noted that the refusal to teach this discipline in many law schools and the attempts made several years ago to exclude agricultural law from the nomenclature of specialties for which dissertations are defended had a negative impact on the development of scientific research in this area. At the same time, new prospects are opening up for agricultural science in such areas of research as the application of biotechnology in agriculture, the formation of a digital agrarian economy, interstate cooperation within the EAEU, the Customs Union, etc., technical regulation in the field of agriculture, legal issues of Russia's participation in the WTO, etc. Taking this into account, the speaker expressed hope that the agrarian and legal science will take a worthy place in the process of ensuring food se-



curity in Russia and will really contribute to the revival of agriculture and the protection of the rights of agricultural producers and all villagers.

Further, the conference was held in the format of sections.

At the section of environmental law the problems of environmental and legal responsibility, the development of certain sub-sectors, in particular water, air protection, biodiversity protection and faunal law were discussed. Participants critically evaluate some of the changes made to the legislation on the protection of the environment, sometimes not responding to the existing gaps, but causes new conflicts of norms and the difficulty of enforcement. As always, on the agenda was environmental crime counteraction, promotion of environmental activities, insufficient financing of environmental protection measures, etc.

The scientists positively evaluated the news on the intensification of the process of revival of the network of environmental Prosecutor's offices: currently, along with the Volga inter-regional, created Baikal interregional and Amur basin Prosecutor's office, a network of inter-district environmental Prosecutor's offices. Not left without attention and "eternal" problems: the legal regulation of waste management, the strengthening of control and supervision, compensation and prevention of environmental harm, soil protection, forests, etc.

At the section of land and agrarian law the participants' attention was focused on such issues as: strengthening the role of law in the implementation of the state agrarian policy and agricultural entrepreneurship, the development of agricultural cooperation and integration in the system of the Eurasian economic Union, the legal framework for the use of agricultural land, taking into account the existing prohibitions and restrictions, the need for harmonization of land and urban planning legislation, improvement of cadastral evaluation and cadastral registration, mortgage of land plots, state land supervision and others analyzed in detail the judicial practice in cases of land disputes, the protection of the rights of legal entities to landownership, issues of regulation of land relations at the level of subjects of the Russian Federation. Important topics of circulation of radioactive contaminated lands and legal protection of lands in General and lands of historical and cultural purpose, in particular, the legal support of sustainable development of rural areas fit into the direction of the discussion on the need to improve the efficiency of environmental and legal means used to protect different categories of land.

The great interest of the audience was aroused by such still a little "exotic" topics as the legal aspects of artificial climate modeling in crop production, the problems of regulatory consolidation of phytopathological expertise, the creation of a "digital village".

At the conference there was also a lot of other interesting and topical presentations of the representatives of different scientific schools.

The results of the discussion of the reports show that on many issues the positions of specialists are the same. This primarily concerns critical assessments of the state of legislation, the need to eliminate gaps and contradictions in the legal regulation of environmental, land and agricultural relations.