

**STATE ENVIRONMENTAL EXPERTISE OF LAKE BAIKAL: PROBLEMS, RISKS, SOLUTIONS.
EXPERIENCIA AMBIENTAL ESTATAL DEL LAGO BAIKAL: PROBLEMAS, RIESGOS,
SOLUCIONES.**

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Resumen. En los últimos años, los problemas de Rusia de protección del lago Baikal se actualizan en la cuestión del posible impacto negativo de los cambios climáticos mundiales, los procesos económicos internacionales y nacionales de los impactos humanos. La importancia del lago Baikal como patrimonio natural reconocido en la legislación internacional y rusa, su estado está consagrado en varios documentos legales y de política, pero hay, sin embargo, una serie de cuestiones regulatorias sin resolver.

El estudio de las características del estatus legal internacional del lago Baikal y los detalles de la influencia legal internacional sobre el desarrollo de la legislación nacional en Baikal es particularmente cierto a la luz de la creciente relevancia de las cuestiones de regulación legal internacional del uso del agua, que en los últimos años se ha convertido de suma importancia en el sistema de relaciones internacionales.

Palabras clave: lago Baikal, ecología, ley, influencia, humano.

Abstract. In recent years, Russia problems of protection of Lake Baikal are actualized in the matter of the possible negative impact of global climatic changes, international and national economic processes of human impacts. The importance of lake Baikal as a natural heritage recognized in international and Russian law, its status is enshrined in several legal and policy documents, but there is however a number of unresolved regulatory matters. The study of features of international legal status of lake Baikal and the specifics of international legal influence on the development of national legislation on Baikal particularly true in light of the increasing relevance of issues of international legal regulation of water use, which in recent years has become of utmost importance in the system of international relations.

Keywords: Lake Baikal, ecology, law, influence, human.

1. INTRODUCTION

Man has long enjoyed the natural riches of Baikal and the Baikal taiga - he caught fish, extracted fur-bearing animals, cut down the forest, harvested cedar nuts, berries, medicinal herbs. Therefore, in the 20th century, the number of Barguzin sable, Baikal sturgeon, and omul decreased. Then people began to understand that even the generous Baikal nature does not have time to recover if it is mercilessly exploited: adult animals and fish are getting smaller every year because of overfishing, which means that every year less and less young are born.

Therefore, in the 20th century, reserves and national parks were established around Lake Baikal, on the territory of which human economic activity was limited. To restore the number of omul, a ban on its catch for a period of 10 years has been introduced - the population has recovered, and now the catch of this fish is 2 to 3 thousand tons per year.

Due to the almost complete extermination of the Baikal sturgeon, a ban was imposed on its fishing. As the sturgeon ripens and grows slowly, this prohibition has been in effect for more than 50 years, up to the present.

Intensive deforestation in the watershed of Lake Baikal in the mid-20th century led to the fact that the rivers carrying water to the Baikal began to become scarce and clogged with remnants of the fused forest, and the spawning grounds of fish to become unusable. For this purpose, deforestation was prohibited in the coastal zone, the rafting of forests along Lake Baikal was stopped, and river beds and shoreline banks were cleared from sunken timber.

It is known that the larger the population, the stronger impact on the surrounding nature it has. In this respect, Baikal is still in a favorable position. For example: the length of the coastline of Lake Baikal and Lake Michigan (Great Lakes in the US) is almost the same - about 2 thousand kilometers. The population living on the shores of Lake Michigan is about 8 million people. Right on the shore of the lake there are dozens of steel mills, pharmaceutical

factories, pulp and paper mills. On the shores of Lake Baikal is one pulp and paper mill and lives 120 thousand people - it's almost 60 times less than on Lake Michigan. Accordingly, the influence of people on Lake Baikal is ten times less.

2. RESEARCH METHODOLOGY

The current research uses the methods of observation, comparative legal studies, formal logic, description and interpretation. The goal of research is to show that the ecological problem have systemic nature and cannot be isolated from the issues of urban development, economics and personal intangible interests of population. The research aims at analyzing some environmental problems of Lake Baikal in our time and draw attention to them.

3. DISCUSSION

In 1999, the Federal Law from 01.05.1999 N 94-FZ (as amended on 28.06.2014) "On protection of lake Baikal" was adopted, in accordance with which of the Baikal natural territory a special regime of economic and other activities, has a list of prohibited activities, control of which is vested in the government of the Russian Federation.

There are some problems in legal regulation of protection of Baikal lake, in particular, required detailed regulations for the implementation of economic and other activities in connection with the increasing complexity and intensification of various factors such as: the development of tourism on Baikal, the possibility of urban development, investment business etc. The Principle of compulsory state environmental expertise among the basic principles for the protection of the Baikal natural territory enshrined in article of Federal Law "On protection of lake Baikal".

As we know, from 1 January 2018 on the territory of the Russian Federation introduced a mandatory state ecological examination for objects of I category. Therefore, in the State Duma the working group "Baikal" has begun

work on a new bill. Particularly, it is planned to eliminate the need for expertise in the buffer ecological district and ecological zone of atmospheric influence of the Baikal natural territory. Since the construction of objects of the IV category that have a minimal negative impact on the environment; housing and construction; free-standing healthcare facilities and education.

As the press service of the Ministry of nature of Russia: "the draft law also makes corresponding amendments to the Federal law "On protection of lake Baikal" and in the town-planning code of the Russian Federation to simplify the procedure of documents submission for state ecological expertise of design documentation of construction objects, reconstruction of which is expected to carry on the Baikal natural territory."

The bill is placed on the portal regulation.gov.ru to undergo public comment.

As noted by the head of Ministry of Russia Sergey Donskoy, the changes will not lead to an increase in the ecological load on the Baikal natural territory, but will remove unnecessary constraints to socio-economic development of the Baikal regions.

So today various events are held for the protection of Baikal Lake, particularly the Commission of the Prosecutor General of Russia started on behalf of the head of the state inspection of objects that have a negative impact on the ecology of Lake Baikal.

As stated by the head of Department on supervision of execution of laws in the sphere of environmental protection and the protection of the Arctic nature of the Prosecutor General of the Russian Federation Yevgeny Nadyrshin: "... only in the Irkutsk region revealed 1 thousand violations of the law 22 illegal legal act of the regional state authorities, including regulatory nature. To eliminate them there were made 115 submissions, the court sent 120 claims, including about collecting of the caused environmental damage amounting to more than 156 million rubles, aimed at state regulatory authorities on jurisdiction of 256 materials for excitation of administrative proceedings."

In addition Eugene Nadyrshin highlighted the following: "Illegal and uncontrolled recreational activities are having a direct negative impact on the water protection zone of lake Baikal. Only in the Olkhonsky district of Irkutsk region identified 50 tourist camps and hotels that breach the water and land legislation. They are not equipped with sealed septic tanks, resulting in waste merges directly in soil in floodplains. The reason for this is the lack of centralized sanitation."

So checking by the Commission of the Prosecutor General it was found that often local governments a building permit is issued to business objects in the absence of positive conclusion of state ecological expertise. In the Irkutsk region construction organizations similarly constructed or is under construction, more than 50 objects.

Therefore, in the light of recent inspections by prosecutors of the objects having negative influence on Baikal Lake we can conclude that not all subjects of ecological legal relations comply with environmental regulations. In particular, it concerns the state ecological expertise for the construction of commercial facilities.

The head of Buryatia Alexey Tsydenov during a working visit to Moscow took part in four meetings in the Ministry of natural resources and ecology of Russia. The meetings adopted number of decisions. In particular, the government of the Republic of Buryatia supported bills clarifying the list of objects of the state ecological expertise on the Baikal natural territory and health and Wellness activities for liquidation of consequences of forest fires and their prevention in the Central ecological zone.

In discussing today is the question of the state ecological expertise (hereinafter – SER). Since February 20, 2017 held a round table on the theme: "sustainable management of natural resources: problems of improvement of the Institute of environmental expertise", which were proposed and considered different points of view on this issue.

Round table Mishukov M. D. in his article writes: "...the exercise of the expert activity of the expert Commission of the GEE yet at the legislative level details are not spelled out. Therefore, there are an arbitrary approach to the see, the various forms of abuse, which can lead either to infringement of the rights of the customer SER, unfounded hindrance to beginning business activities or unreasonable results positive conclusions see, potentially involving harm to the public interest. All this can also hamper the work of experts to see."

Ecological damage from the past as another misfortune of Baikal present <http://www.ecovestnik.ru/> (Accessed: June 18, 2018).

CONCLUSION

So, we would like to mention that the procedure of the GEE requires a more detailed regulation. And in my opinion, it is necessary to develop a special procedure for SER in the territories where unique natural features such as lake Baikal and the valley of geysers. Modern legislation on the protection of Lake Baikal needs to be improved, so as to expand the types of economic and other activities in the region, required accuracy of the legal language in this issue and also the broader legal spectrum regulating economic and other activity with legislation on environmental protection.

REFERENCES

Federal Law N 94-FZ (1999) "On protection of lake Baikal" <https://www.base.garant.ru/2157025>(Accessed: June 16, 2018).

General Prosecutor's Office of the Russian Federation
https://www.i38.ru/attachments/article/112779/t_071117.doc (Accessed: June 16, 2018).

News of Ministry of Natural Resources Republic of Buryatia
https://www.minpriroda-rb.ru/prensa/news.php?SHOWALL_1=1(Accessed: June 18, 2018).

Mikhailov V.N., Dobrovolsky A.D., Dobrolyubov S.A. (2007) Hydrology. Moscow.