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LEGAL PROBLEMS OF RESTORATION OF THE DISTURBED AREAS IN THE ARCTIC ZONE OF THE RUSSIAN FEDERATION
8 ARCTIC COUNTRIES

5 Nordic countries:
• Denmark
• Norway
• Sweden
• Finland
• Iceland

• Canada
• Russia
• USA (through Alaska)
Граница Арктической зоны РФ в соответствии с Указом Президента от 2 мая 2014г. №296 «О сухопутных территориях Арктической зоны РФ»

Decree of the President of the Russian Federation of May 2, 2014 N 296 “OVERLAND TERRITORIES OF THE ARCTIC ZONE OF THE RUSSIAN FEDERATION”
ARCTIC ZONE OF THE RUSSIAN FEDERATION

- 3 million sq. km (18% of the total territory of the Russian Federation)
  - including 2.2 million sq. km of land

- population of more than 2.5 million people:
  - less than 2% of Russia's population (146.8 million)
  - more than 54% of the total population of the entire Arctic (4.6 million).
ENVIRONMENTAL TREND

protection and conservation  restoration of ecosystems of the environment

• Principle 3 of the Stockholm Declaration
• Principle 7 of the Rio Declaration
• Sustainable Development Goals (Goals 6, 14 and 15 (objectives 6.6, 14.2, 14.4, 15.1-15.3)

DISTURBED AREAS IN THE ARCTIC ZONE OF THE RUSSIAN FEDERATION

Over the period of economic exploration of the Arctic zone, its territory has been contaminated with the industrial waste to such extent that the Arctic ecosystem was not capable to cope with the accumulated waste.
LAND RECLAMATION

Legal regulation:

- Land Code of the Russian Federation
- Basic Provisions on land reclamation, removal, conservation and rational use of the fertile soil layer 1995
- GOST 17.5.1.01-83 "Environmental protection. Reclamation of lands. Terms and definitions"
LAND RECLAMATION

- Reclamation is the most commonly used method for restoring disturbed lands in Russian Federation.
- Traditional reclamation is ineffective: do not consider the interconnections, correlation of components in the natural system, including the ones in adjacent territories united by common natural sites.
- The rules regulating reclamation relations are incoherent, have different status, their provisions are incomplete or ambiguous.

The most promising method of restoring the environment is environmental restoration, in which the environment is considered comprehensively, goals are set for the restoration of ecosystems and the interrelations between the components of the environment are taken into account.
PROBLEM OF THE PAST (ACCUMULATED)
ENVIRONMENTAL DAMAGE IN ARCTIC ZONE

Study on compensation for accumulated environmental damage in the Russian Federation was carried out by the World Bank in 2006-2007:

- the problem of accumulated environmental damage in Russia is characterized by a large scale and severe consequences, which are almost unprecedented at the international level
- there are no estimates of the scale and consequences of the accumulated environmental damage
- the regulatory legal framework for solving the problem of accumulated environmental damage is contradictory and is not sufficiently developed;
- to solve the problem it is necessary to improve and strengthen the capacity of the Russian institutional system
- significant and long-term allocations are required to finance state responsibility or costs related to elimination of accumulated environmental damage
PROBLEM OF THE PAST (ACCUMULATED) ENVIRONMENTAL DAMAGE IN ARCTIC ZONE

Legal regulation (up to 2017)

- Russian State Standard (GOST) R 54003-2010 "Environmental Management. Evaluation of past accumulated in the locations of the organizations environmental damage".
- Strategy of the Russian Federation for the development of the Arctic zone and ensuring the national security for the period until 2020 (Strategy 2013);
- State Program "Socio-economic development of the Russian Arctic for the period until 2020" (Government Decree № 366 of 21.04.2014);
Strategy 2013

Article 16

“In order to protect the environment and ensure environmental safety in the Arctic zone of the Russian Federation, the following steps are envisaged: ... c) elimination of environmental damage resulted from past economic, military and other activities in the Arctic zone of the Russian Federation, including assessment of the inflicted environmental damage and implementation of measures aimed at decontamination of the Arctic seas and territories”.
Government Decree № 366

In the process of implementing the program, it is planned to perform works aimed at elimination of damage accumulated as a result of past economic activities

- In total, there are 102 sites in the Arctic zone, where waste is required to be recycled, which accumulated since the time of development of the region by the Soviet Union.
- 40,000 tons of waste were disposed of and 200 hectares of land were reclaimed in the Arctic zone during the period of 2012-2015
- total amount of financing is almost 1.7 billion rubles (24.000.000 euro) in 2017
NEW FOR RUSSIAN LAW

• The first changes have already been made. The Federal Law of 10.01.2002 N 7-FZ "On Environmental Protection" was amended by Federal Law of 3.07.2016 N 254- FZ, and entered into force on 01.01.2017 (chapter 14.1 “elimination of accumulated damage to the environment”)

• April 13, 2017, the Government of the Russian Federation adopted Decree No. 445 “On Approval of the Rules for Maintaining the State Register of Sites of Accumulated Environmental Damage”
  - **state register**: Ministry of Natural Resources and Ecology
  - **applicants**: federal executive bodies, state authorities of the constituent entities of the Russia or local self-government bodies
The current regulatory and legal acts do not clearly define the legal regime of the Arctic zone of the Russian Federation. There is a need to unify the Arctic legislation and to adopt a single federal law that could serve as a legal basis for the development of the Arctic. Over the past 15 years, three draft laws on the Arctic zone of the Russian Federation (1998, 1999 and 2013) have been prepared, each containing articles devoted to environmental protection in the Arctic. The next consideration of the law is planned for autumn 2017.
PROBLEM OF THE PAST (ACCUMULATED) ENVIRONMENTAL DAMAGE IN ARCTIC ZONE

- Damage to the environment must be compensated for by legal and natural persons who caused it (within 20 years)
- Raises of the Activities in the **Northern Sea Route**
- Absence of legal regulation of obligatory environmental insurance
- Problems of public participation in choosing the objects for register of sites of past environmental damage
- Environmental corruption
- Current regulatory and legal acts do not take into account the ability of natural resources to **self-restoration**
- Discuss restoration of disturbed lands in the **Arctic Council** and involve representatives of the **indigenous peoples** of the Arctic in addressing this issue
Conclusion

• Introduction of the ecosystem approach in the methods of reclamation of landscapes in Russia will allow **expanding the scope of environmental restoration methods**, increasing efficiency of existing methods and creating economic incentives for conservation of ecosystem functions and services of Russia's landscapes.

• It is proposed to consider **environmental insurance** as an efficient measure to prevent environmental damage in the Arctic, including insurance of risks that arise during the study of condition of the land plot and the risks of deterioration in the consumer value of real estate resulting from detection of sites with accumulated damage.
Conclusion

• It is necessary to supplement the environmental legislation with the norms on taking into account the ability of a natural resource to **self-recover** when addressing the issues of significance of the caused damage, arrangement of rehabilitation measures and their scope.

• In conclusion, we note that the issue of restoration of disturbed lands in the Arctic zone is a critical issue not only for Russia, but also for all Arctic states. It seems important to raise and discuss this issue in the **Arctic Council** and to involve representatives of the indigenous peoples of the Arctic in addressing this issue.
Thank you for attention!