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Criminal environmental policy: the Moscow authorities practice

Abstract. *Criminal laws in most countries in most periods envisaged liability for crimes contemporary considered as environmental (poaching, water pollution, etc.). However, before the eighties of the last century, such crimes have never been legislatively consolidated and were generally incorporated in different sections of formal acts, until international community and legislative authorities, as well as scientist have launched certain measures to improve that situation – a common European approach to environmental crime combating activities and implementation of this approach through legislative acts. So the article examines the evolution of criminal environmental legislation system, referring to scientific research and international initiatives undertaken in this concern. It also discusses criminal environmental policy concept and structure, presenting its main components. At the same time the author emphasizes that the formation of criminal environmental policy in general is still in progress and discusses factors which prevent this policy from being stable, formalized and integrated. The author also stresses that reforms in the legislation and establishment of new authorizes bodies undertaken by international community and by certain countries individually did not achieve the main goals, since the number of committed crimes is still increasing and the consequences of such crimes are becoming more severe. These and other circumstances require special research of environmental crime in order to discover new trends of this type of crime and to find new measures to combat it. So the article continues to discuss this problem referring to data presenting current situation with environmental crime in Russia.*

Keywords: *environmental crime, legislation, domestic policy.*

Criminal environmental policy concept and structure. Nowadays, both European and Russian legal doctrines provide for holistic concept of criminal environmental policy structure and its contents, which include certain components, functions, legal and institutional backgrounds, goals of the policy and means to achieve such goals¹.

However, not all the components are acknowledged and examined adequately from the viewpoint of their constituent role to the said policy, taking into account that they may have sufficient impact on environmental policy as a whole and on its certain vectors in particular. First and foremost, it applies to the criminal environmental policy.

Pursuant to the title of the policy under discussion, it is a complex policy comprised of criminal and environmental law and implemented by a great number of various agents. With regard to its structure (which is also common for other legal policies), criminal environmental policy encloses following components:

(a) agents responsible for the decision-making process (i.e. for adoption, implementation and enforcement of respective decisions) including legislative authorities, non-governmental organizations, other entities and actors responsible for preparation, adoption or enforcement of decisions within criminal environmental policy (they may be presented, inter alia, by special enforcement bodies, environmental courts, environmental police, other environment-oriented regulative and controlling authorities), or agents responsible for the administrative support in order to execute the correspondent decisions (administrative bodies responsible for environment protection, local authorities that are enti-

tled to prevent environmental law violations and to perform a wide scale supportive activities);

(b) criminal and environmental law;

(c) facilities (financial and material resources, etc.);

(d) complex of measures for detection, termination and prevention of environmental crimes.

Some of the components above have been examined more or less comprehensively, but all of them are rarely referred to as means to optimize criminal environmental policy as a general phenomenon and to improve its effectiveness in particular.

Formation of criminal environmental policy. The formation of criminal environmental policy is still in progress: criminal environmental policy in general and with regard to certain countries may not be considered yet as a stable, formalized and integrated policy sphere, and that is due to a number of factors:

¹ See Дубовик О.Л. Экологическое право. 2-е изд., М.: Проспект, 2006, р. 52-56, 88-118, 665-682; Дубовик О.Л., Иванова А.Л. Реализация принципов европейского экологического права // Политика и общество. 2004. № 5, р. 68-73; Дубовик О.Л., Кремер Л., Люббе-Вольфф Г. Экологическое право. М.: Эксмо, 2005; Кремер Л. Экологическая политика Европейского Союза // Современное экологическое право в России и за рубежом / под ред. О.Л.Дубовик. М.: ИНИОН-ИГП РАН, 2001, р. 9-18; *Idem*. Политика переработки отходов в ЕС: тенденции и перспективы // Экологическое право. 2002. № 2, р. 45-49; Степаненко В.С. Правовые основы экологической политики Европейского Союза: цели, принципы, действия. М.: НИИ-ПРИРОДА, РЭФИФ. 2004; Фюр М. Постановка проблем экологически ориентированной продукционной политики // Экологическое право. 2002. № 1, р. 41-45; Dhondt N. Integration of Environmental Protection into other EC Policies. Legal Theorie and Practice. Groningen: Europa Law Publishing, 2003; Europe and the Environment. Legal Essays in Honour of Ludwig Kramer /Ed. M.Onida. Groningen: Europa Law Publishing, 2004; European Convention and Future of European Environmental Law (Ed. J.H.Jans). Groningen: Europa Law Publishing, 2003; Principles of European Environmental Law /Ed. R. Macrory. Groningen: Europa Law Publishing, 2004; Wiers J. Trade and Environment in the EC and the WTO. A Legal Analysis. Groningen: Europa Law Publishing, 2003 and others. One of the first works published on this issue was О.С. Колбасов «Экология: политика – право», 1975 г., and it is still relevant nowadays.

- environmental crime being always ahead of crime control which is accompanied by the emersion of the new types of dangerous unlawful activities;

- neglect of the need for combating environmental crime, which took place formerly, as well as the lack of interest to and involvement in this process at present, especially if compared to the priorities of combating terrorism, violent crime, corruption and other crimes;

- society unwillingness to invest sufficient financial resources into organization and activities of special bodies responsible for combating and preventing environmental crime;

- individual opinions of politicians (and legislators) not reflecting objective relations and correlations between the economical and environmental well-being of the country and its citizens and degradation thereof, when affected by environmental crime, and damages resulting from such crime;

- lack of proper scientific research and background, etc.

However, some of the criminal environmental policy components have demonstrated substantial improvement. In particular, this concerns criminal legislation (which is typical for many countries) and

establishment of special bodies combating environmental crime (USSR's and Russia's experience may serve as a model for formation of environmental prosecution bodies and environmental police departments).

Evolution of criminal environmental legislation. Criminal laws in most countries in most periods envisaged liability for crimes that we presently consider environmental (poaching, water pollution, etc.). Meanwhile, until the eighties of the last century, such crimes have never been legislatively consolidated, were normally incorporated in quite different sections of formal acts and therefore were referred to as economic crimes or crime against property, etc.²

International community and legislative authorities, as well as scientist from all over the world have launched some measures to improve that situation. Since late seventieth of the last century, actions have been taken to work out a common – *European* – approach to environmental crime combating activities and to implement this approach through legislative acts. We will further refer to some scientific research and international initiatives undertaken in this concern.

In 1979, in Hamburg, two congresses of International Association of Penal Law took place and were followed by another

² For more information on development of the Russian environmental legislation, see: *Дубовик О.Л.* / В кн.: Уголовное право России. Т. 2. Особенная часть. 3-е изд. / Под ред. В.Н.Кудрявцева, В.В.Лунеева и А.В.Наумова. М.: Юристъ. 2005, р. 339 et seq.; *Ваулина Т.И.* / В кн.: Уголовное право. Особенная часть / под ред. И.Я.Козаченко, З.А.Незнамовой и Г.П.Новоселова. М.: Инфра.М-Норма, 1997, р.487-490 et seq.

congress in Rio-de-Janeiro in 1994³. As V. Radetsky correctly remarks, the basic international acts on environmental crime combating, and the *European Convention on the Protection of the Environment through Criminal Law* in particular, did not emerge out of nothing. Its authors have taken into account the resolutions of the abovementioned congresses and recommendations of the UN Economic and Social Council (ECOSOC) along with resolutions and out-puts of other international conferences. The resolution of the congress on the prevention of crimes (Cairo, 1995), for instance, had a significant impact. The abovementioned documents were based on a large-scale research of different crime types including environmental crimes. Such research was carried out just before the congress.⁴ As a result, the *European Convention on the Protection of the Environment through Criminal Law* (Strasbourg, 1998) reflected most relevant and up-to-date (at the respective period) aims and means of combating environmental crime⁵. For instance, it recommended measures applicable to substantive and procedural law in aspects of penalties differentiation and setting the maximum values of fines in criminal environmental law. It further

introduced corporate criminal liability for the environmental crimes and proposed to regard large-scale endangering actions as crimes, it introduced criminalization of dangerous unlawful handlings with hazardous substances and wastes and commented on pollution and contamination issues, etc.

An important role of the Convention appeared later on while the adoption of the decisions on criminal environmental law reforms. Even those countries that did not participate in the named Convention (and Russia as well) used its regulations and recommendations for the purposes of the national criminal law. As a result, most European countries have undertaken large-scale reform of their national legislation on environmental crime. Therefore, most European criminal laws contain chapters/sections on crime against environment with correspondent penalties for such crimes. Some countries have introduced liability of legal entities for the violations of environmental legislation. Penalties for material and formal crimes as well as for endangering crimes have been differentiated, and new sections regarding dangerous unlawful handling with hazardous, radioactive wastes, chemicals and biological substances

³ On Resolutions and decisions see: *Радецкий В.* Развитие уголовно-экологического права в Польше с учетом требований Европейской конвенции об охране окружающей среды уголовным правом / Пер. с польск. О.Л.Дубовик // Государство и право. 2002. № 10, p. 48-50.

⁴ Ibid, p. 49.

⁵ For more information on the Convention, see: *Радецкий В.* Ibid, p. 50-51; *Дубовик О.Л., Кремер Л., Люббе-Вольфф Г.* Экологическое право. М.: Эксмо, 2005.

and wastes have been introduced⁶. The said measures (reforms in the legislation and establishment of new authorized bodies) were undertaken by the international community and by certain countries individually. However, they could not achieve the main goals: the number of committed crimes indicates increase and the consequences of such crimes become more and more severe and harmful. Furthermore, professionals report on new environmental crimes and point out the connection between the environmental, corruption and organized crime⁷. They also claim ineffectiveness of penalties imposed⁸, insufficiency of preventive measures set forth by criminal laws and even failure of their implementation due to general crisis of the criminal law and criminal justice⁹.

These and other circumstances required special research of environmental crime

with further analysis of the received data. The aim of such research was to discover new trends in environmental crime and to find new measures to combat such crime¹⁰.

We will further refer to data presenting current situation with the environmental crime in Russia.

Current situation, structure and dynamics of environmental crime. Statistics on environmental crime normally provide data that may only in general describe the current situation and this high risk phenomenon (dangerous both for legal order and for human beings). With respect to high level latency of crimes under discussion, these data may only serve as a starting point of analysis to be further undertaken for the purposes of criminal environmental policy research, i.e. for considerations of legal

⁶ Reform of Russian legislation, see: *Дубовик О.Л.* Экологические преступления. Комментарий к 26 главе Уголовного кодекса Российской Федерации. М.: Спарк, 1998.

⁷ See *Дубовик О.Л.* Коррупция в сфере лицензирования природопользования и регистрации воздействий на окружающую среду // Альманах «Организованная преступность, терроризм и коррупция». 2003. № 1. М.: Юристъ. С. 39-49; *Ibid.* Исследования коррупционного экологического лицензирования // Юридический мир. 2003. № 3, р.45-53; *Ibid.* Уголовно-правовые и криминологические проблемы борьбы с незаконной торговлей окружающей средой // Экологическое право. 2002. № 5, р. 25-34.

⁸ See, *Хайне Г.* Юридические лица и их ответственность в немецком административном праве: проблемы реформирования (пер.с нем. О.Л.Дубовик) // Уголовное право. 2001. № 1. р. 99-104; *Ibid.* Коллективная уголовная ответственность: проблема санкций (пер. Ю.В.Гавриловой и О.Л.Дубовик) // Право и политика. 2001. № 7. р. 43-51.

⁹ See, *Дубовик О.Л.* Кризис уголовного права и уголовно-правовой теории // Право политика. 2001. № 2. р. 130-134; *Жалинский А.Э.* Немецкая уголовно-правовая наука на смене тысячелетий. Рецензия на сборник статей под ред. А.Эзера, В.Хассемера, Б.Бурхардта) // Уголовное право. 2002. № 4. р.136-139.

¹⁰ In November 2003, in Brussels, took place conference on environmental crime in Europe. 2006 the Russian Duma (and its Environment Committee) organized conference on environmental crime in Russia. In January 2006, The Institute of State and Law RAS organized a scientific conference «Environmental Corruption».

Table 1. **Environmental crime records and dynamics, 1996 - 2004.**

1996 (The last year of the previous Criminal Code of RSFSR effectiveness)	11096
1997 (First year of Criminal Code effectiveness – adaptation process)	6971
1998 (Second year of Criminal Code effectiveness – adaptation process)	8773
1999 (Third year of Criminal Code effectiveness)	12413
2000 (Fourth year of Criminal Code effectiveness)	14818
2001 (Fifth year of Criminal Code effectiveness)	17128
2002 (Sixth year of Criminal Code effectiveness)	21429
2003 (Seventh year of Criminal Code effectiveness)	26096
2004 (Eighth year of Criminal Code effectiveness)	30573

reform and enforcement rationalization. And still, notwithstanding any objective or subjective relativity of provided data (see Table 1. below), one may see some positive changes of law enforcement practice based on Chapter 26 “Environmental crimes” of the Russian Criminal Code (further referred to as “Criminal Code”).

The data above¹¹ clearly specify two following circumstances: (1) permanent increase

in the number of the registered crimes, and (2) dependence of the enforcement effectiveness on need to enforce newly implemented legislation, which according to expert opinion, appears to be most complicated for purpose of understanding and realization.

Despite of certain defects in crime registration, comparable data on crimes newly introduced in the Criminal Code or sufficiently revised under reform are of a special interest.

¹¹ Data provided by National reports on environmental issues in Russia (1997, 1998, 1999, 2000, 2001., 2002 respectively), see also: *Лунеев В.В. Преступность XX века.* М., 1998; Краткий анализ состояния преступности в России в 2001 году. – *Российская юстиция*, 2003. № 4. р. 77-78; Краткая

Table 2. Dynamics of certain environmental crimes.

Cr.Code ARTICLE	1997	1998	1999	2000	2001	2002	2003	2004
246	6	2	3	5	3	9	10	33
247 *	20	31	30	26	40	54	58	70
248 **	0	0	0	0	0	0	0	0
249	12	6	5	1	1	5	8	3
250	7	7	8	18	16	12	19	12
251	2	4	7	7	6	6	10	15
252	6	2	1	3	1	0	2	4
254	3	6	7	10	4	13	21	15
255	3	1	0	0	1	1	2	12
261 ***	182	146	190	142	258	730	2021	2331
236	26	52	40					
238	100	58	113					

* There is an obvious and great **difference** in the amounts of crimes registered under Article 247 and under other Articles 246, 250, 251 252, 254 of the Criminal Code. It is worthwhile to say that Article 247 is the only article in the said Chapter 26 which provides penalty for endangering activity. The discovered difference, therefore, most clearly demonstrates that it is much easier to investigate facts of endangering environment than to establish (and correctly estimate) actual harmful consequences.

** Lack of legal practice on Article 248 of Criminal Code is subject primarily to the

lack of endangering element of this crime's *corpus juris* which, in turn, is legislator's fault. Presently, when there is a high risk of bioterrorism and illegal genetically modified organisms trade, taking into account intensification of the export control over technologies and biological (bacteriological) substances, preventive capacity of this criminal prohibition requires sufficient enlargement.

*** The data provided above reflect mostly forest fires caused by negligent or intentional handlings including the use of sources of increased danger. There is no

характеристика состояния преступности в России в 2000 году. – Российская юстиция, 2001, № 3. р. 77-78; *Состояние преступности в России за январь–декабрь 1996 г.* М., 1997; *Состояние преступности в России за 1997 год.* М., 1998; *Состояние преступности в России за I полугодие 1999 года.* М., 1999; Краткий анализ состояния преступности в России в 2002 году // *Российская юстиция.* 2003. № 5. р. 74; *Судебная статистика: Преступность и судимость* (современный анализ данных уголовной судебной статистики России 1923-1997 годов) / Под ред. И.А. Андрюшечкиной. – М.: Российский Юридический Издательский Дом, 1998. р. 64; *Криминогенная ситуация в России на рубеже XXI века* / Под общ. ред. А.И.Гурова. М.: ВНИИ МВД России, 2000.

institutional or judicial information available about the percentage of offences and crimes concerning hazardous waste and substances.

Based on the considerations above, we may suggest that the main role plays the common passivity of authorities in charge and their failure to initiate and accomplish

criminal proceedings against violators of the environmental standards and regulations, rather than need for adaptation to the new Criminal Code. Statistics is quite indicative where traditional environmental crimes concerned, e.g. poaching. For the purpose of comparison we will refer to the data below.

Table 3. **Poaching dynamics.**

Cr.Code ARTICLE	1996	1997	1998	1999	2000	2001	2002	2003	2004
256	4741	3279	4582	5489	6333	7817	9170	11062	13724
258	689	826	774	972	728	904	701	759	782
260	4820	2609	2955	5672	7514	8114	10654	12052	13475

The total amounts of crimes registered in Russia, are presented by the following statistics.

Table 4. **Registered crimes dynamics.**

1996	1997	1998	1999	2000	2001	2002
2.625.081	2.397.311	2.581.940	3.001.748	2.952,0 thous.	2.968,3 thous.	2.526,3 thous.

While there is some decrease in the amounts of general crimes (this trend is however rather inconsistent and changeable), environmental crime statistics indicates the **contrary trend**. These observations are even more remarkable if we refer to the percentage of the environmental crimes in the total amounts of crimes registered countrywide.

It is therefore obvious, that the increase registered in environmental crime runs ahead of that of common crime statistics, and where Chapter 26 of the RF Criminal

Code involved, the enforcement practice has been expressively affected by the above-mentioned adaptive process. The National Report on environment protection in the Russian Federation 2001 informs, that "Statistics indicates a stable increase in environmental crimes. In the past 11 years (1991-2001) the total amount of such crimes committed annually is multiplied by 5,5" (See p. 330 of the named Report). However, the increase in the number of individuals charged with environmental crimes was not

Table 5. **Relative volumes of environmental crimes detected under RSFSR and RF Criminal Codes (in %)**

Year	RSFSR Criminal Code	Year	RF Criminal Code
1991	0,17	1997	0,29
1992	0,12	1998	0,33
1993	0,11	1999	0,41
1994	0,12	2000	0,50
1995	0,29	2001	0,58
Average (5 years)	0,104	Average (5 years)	0,422
1996	0,42	n/a	n/a

that remarkable: “these indicators are less affected by the actual trends and situation in the environmental crime. They rather depend on the effectiveness of crime combating and prosecution. As a matter of fact the register of the charged persons is based on inquiry actions prior to the indictment which, in turn, often provides release from criminal penalty subject to non-rehabilitative grounds” (See p. 330). With regard to the percentage of individuals charged with environmental crimes against the total amounts of charged persons per annum, the following data are available: in 1997 such

persons constituted 0,5% of the total number of charged individuals; in 1998 - 0,6%; in 1999 - 0,7%; in 2000 - 0,8%; and in 2001 - 0,9%. For the purpose of comparison, we will also refer to the percentage of those who were released from the criminal penalty against the total number of charged persons. The following data are remarkable: in 1997 – they comprised 16,9% of charged persons; in 1998 – 20,9%; in 1999 – 26,5%; in 2000 – 34,1%; in 2001 – 15,1%.

The dynamics of regional environmental crime may be presented by the table below.

Table 6. **Environmental crime geography.**

FEDERAL DISTRICT	AMOUNT OF CRIMES		INCREASE (IN %)	PERSONS DETECTED		INCREASE (IN %)
	2000	2001		2000	2001	
Central	2092	2093	0,0	1753	1495	-14,7
Southern	3954	5140	30,0	4807	5918	23,1
North-Western	2496	2559	2,5	1562	1102	-29,4
Siberian	2125	2397	12,8	1955	1642	-16,0
Privolzhsky	1816	2174	19,7	1698	1725	1,6
Far-East	1031	1325	28,5	1055	1065	0,9
Ural	580	692	19,3	468	419	-10,5
Total in Russia	14818	17128	15,6	14161	14236	0,5

Statistics with regard to the administrative environmental offences may also be of an interest in this study.

Table 7. Dynamics of some certain environmental offences detected by way of environmental control activities.

Year	Offences (in thous.)				
	against atmosphere	against waste management regulations	against land resources	against biological resources	against environmental expertise (EIA) regulations
2000	70,5	48,3	33,6	11,7	6,8
2001	25,8	25,0	24,4	14,9	3,8
2002	21,5	26,5	12,1	5,7	3,6

The sufficient decrease in detection of environmental offences illustrated by the table above may be explained by the reorganization of the regulatory and controlling bodies and reduction in the number of

inspectors. It is a very worrying tendency of decrease in combating offences against biological resources in the context of stable growth of poaching activities subject to criminal prosecution (See Table 3 above).

Table 8.¹² Statistics on authorities' actions against persons/entities responsible for environmental offences in 2001-2002.

Controlling Body	Total number of units controlled (in thous.)	Offences detected (in thous.)	Compliance orders issued (in thous.)	Suspensions of activities imposed	Persons charged with administrative offences (in thous.)	Sum of the fines imposed (in mln. RUR)	Criminal prosecution initiated	Sums claimed at court (in RUR)
Ministry of natural resources, Eco-control	200	208,5	152	2,7 тыс.	50	117,8	4,5 thous.	3,9 bln
State Water Control	16,522 (17,585)	23,309 (29,494)	24,129 (28,165)	130 (156)	4,037	12,600 (4,985)	4 (5)	27,4 mln (78,5 mln)
State Forestry Control	60 (24)	87 (9,3)	46 (7,4)	1200 (146)	32	13,5 (3,86)	1200 (97)	2,6 bln (2,3 bln)
State Atmosphere Control	18,145	21,5 (28,6)	—	397	4,7	4,08	4	5,568 bln
State Waste Management Control	21,7 (22,2)	26,5 (24,9)	24,729	127	—	—	8	22,016 bln

The correspondent data as of 2001 are shown in brackets in order to illustrate the signs of decrease in control and regulative activities typical for this period. It is worthwhile to say about another important tendency of **squeezing-out** the criminal law regulations in this sphere and replacement thereof with regulations typical for administrative and civil law. Partly, this tendency may be explained by the commercial courts' judiciary practice.

Furthermore, another practice is typical: the number of detected offences **exceeds** the number of activities/business subjected to control. That leads to a conclusion that some of the controlled units demonstrate

numerous and **systematic** breaches of environmental law.

For the purpose of comparison we will further refer to data resulting from state control activities in standardization and certification. Inspections with regard to entities' compliance with the state approved standards, compulsory certification regulations, as well as certified production and service control in 2002 showed significant number of violations. The total amount of 28374 various tests and verifications of consumable production and services were conducted by 263 authorized inspectors at 23348 enterprises (representing different property forms and industries).¹³

Table 9. **Comparison table on amounts of units controlled and sequences of the inspections.**

Year	Units controlled	Inspections undertaken	Breaches detection level
1999	27945	23437	83,87 %
2000	28869	24335	84,29 %
2001	26402	21167	80,17 %
2002	23348	28374	76,96 %

The repeated inspections showed that 88,5% of the units have implemented measures to eliminate the detected breaches. The total value of the production examined in 2002 was equal to RUR 8737,5 mln including certificated production in the value of RUR 6698,7 mln. The authorities imposed bans on sale of production in the

value of more than RUR 940,2 mln (RUR 576,4 mln of which refer to the certificated production).

The total of 23744 compliance orders were imposed, of which 14475 regarded bans (suspensions, terminations) on sale of goods or providing services and 1930 regarded defective products expel from the market.

¹² For the purposes of comparison convenience, the data above are presented in tabular form. The information complies with the data provided by the correspondent section of the National Report draft for 2002.

¹³ As the Year-book of standardization authorities for the year 2002 provides; see www.gost.ru

Table 10. Values correlation in dynamics (in RUR, mln)

YEAR	Products values		PERCENTAGE OF PROHIBITED PRODUCTS
	CONTROLLED	PROHIBITED FOR SALE	
1999	4073,1	484,6	11,90 %
2000	4104,9	650,2	15,84 %
2001	4075,9	601,6	14,76 %
2002	8737,52	940,28	10,7 %

According to the official sources of information, there were 6219 fines imposed (in the value of RUR 15,77 mln).

Comparison of the two fields in control activities allows a conclusion, that the methodology and tactics of offences detecting policies shall be improved.

Assessment of environmental crime and offences committed in the Russian Federation. The statistics analysis and special eco-criminological researches indicate the following:

a) there is a stable increase in environmental crime that exceeds the corresponding increase in general crime;

b) there is a stable increase in crime affecting biological resources, i.e. in poaching, in crime against regulations on hazardous waste and substances management and against certification of goods and services regulations;

c) the current situation and dynamics of detected offences in the field of environment protection reflect the effectiveness of the authorities' activities, rather than actual occurrence;

d) environmental crime has high latency rate (the amounts of detected crimes is hundred and thousand times less than amounts of detected administrative offences);

e) breaches against environmental law are extremely widespread, hence, the unlawful behavior in this sphere is usual and massive;

f) there is steady growth in cumulative damages (environmental and economical) resulting from unlawful activities;

g) new types of the unlawful actions emerged (e.g. illegal trade with regard to environment components) accompanied by corruption, organized and professional crime involvement in environmental crime;

h) illegal natural resources utilization becomes the way of living typical for some certain regions;

i) modus operandi of environmental crime is subject to changes regarding motivation thereof with the aim of gaining illegal profits and increase in other mercenary motives;

j) further spread of environmental crime constitutes danger for the national interests of Russia, its citizens' well-being and health and decreases export-import potential in relations with environmental sensitive countries (Germany, Denmark, etc.)

Regional goals in environmental crime combating. Such goals vary greatly depending on climate area and landscape, ecological, economical, demographical and other natural and anthropogenic circumstances.

It is obvious that the actual situation with environmental crime differs if we compare Far East region of Russia and in such cities as Moscow or St.-Petersburg, the types of committed are different as well. Therefore, member states of the Russian Federation try to use effectively the authorizations provided to them in order to find the best suitable solutions. We will refer to the experience of the Moscow authorities which have demonstrated lately significant intensification of activities related to environment protection. Such activities include various issues like establishing and funding special prosecution bodies or prevention measures and propaganda against some certain types of environmental crimes (e.g. illegal sale of primroses).

Environmental law-making. Within the last several years the legislative authorities in Moscow have demonstrated non-standard approach to the positive law-making and administrative regulation (including implementation of sanctions) for the environmental offences, which is admissible in situations when no corresponding federal regulation exists as provided by the Code on administrative offences of the Russian Federation. As a result there is a great number of specific Moscow regulations regarding environmental monitoring, complex nature management, protection of individual rights affected by city planning and development, city planning and deve-

lopment in natural complexes in Moscow, city zoning and planning, development of administrative areas and units in Moscow, protection of the citizens' well-being during construction/reconstruction/major repair of buildings and other construction items, land use and building up in Moscow, responsibility of the low-quality fuel sellers, use and maintenance of historical items and monuments, protected areas¹⁴ in Moscow, and Moscow City Law on environmental control in Moscow. The latter provides for administrative sanctions for more than twenty environmental offences not mentioned in the federal legislation.

Institutions. The development of the institutions in this sphere as well as the problems concerned with their functions and competences require special analysis. We will refer to these issues only briefly:

- after a number of conflicts, environmental police in Moscow finally has proved its advisability. The work of 1200 officers at administration and control stations located in environmentally adverse areas is sponsored by the city government, i.e. not by the federal Ministry of Internal Affairs;

- the environmental prosecution bodies still exist and perform their duties as departments within the public prosecution structure;

- as a result of administrative reform, the local authorities enjoy wider scope of rights

¹⁴ See Сборник нормативных правовых актов города Москвы в области охраны окружающей среды и природопользования. В 3 томах. М.: Дамиан, 2004.

and may, inter alia, establish local bodies responsible for the environment protection;

- together with the eco-police department, the system of the state environment inspectorate in Moscow (incorporated in the Department of environment protection and nature management) still presents the most effective environment protection body;

- significant influence on the law-making and decision-making process has the Scientific Counsel on legal securitization of the environment attached to the Moscow Mayor;

- the Ecology Committee of the Moscow City Duma (legislative body) plays important role as an advisory panel within the law-making process;

- particular and general environmental programs are worked out and implemented in order to ensure environment protection in the Russian capital city.¹⁵

Environmental offences in Moscow. The description of the actual situation in this sphere would take too long. For the purposes of this contribution we will only give some

facts. First, we would note that only few years ago illegal deforestation, water pollution resulting from car wash and illegal trade with rare/endangered animals and plants were the environmental law violations registered most often. Nowadays such offences occur rarely. The following problems still remain unresolved: the use of low-quality fuels, soil pollution, offences concerned with construction activities, illegal transit trade with rare/endangered animals, corruption related to the procedures of obtaining nature management licensing, etc.

Moscow legislators and the Moscow City Government acknowledge the situation with the environment protection in Moscow and promote the required scientific activities in this sphere (funding special research in order to provide scientific approach for legal drafting). Furthermore, they do make efforts to ensure effective enforcement of the adopted regulations and laws (for instance, funding the eco-police departments with 48 million rubles yearly).

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¹⁵ Кузнецова О.Н. Об экологической политике города Москвы//Политика и общество. 2006. № 7-8, p.46-62.