

PRINCIPLES OF ENVIRONMENTAL SAFETY LAW AS A SPECIAL KIND OF ECOLOGICAL PRINCIPLES

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In this article we study the principles of environmental safety rules as a special kind of ecological principles and offer their classification. It is carried out a distinction between the general ecological principles of law and the principles of environmental safety rules and offered some clarification to overcome the differences between the definitional, conceptual nearby.

Law of environmental safety, environmental management, environmental safety principles of law, ecological principles.

In a full environmental vulnerability, in which is Ukraine, namely, given the non-compliance of human rights to environmental safety and safe environment that are guaranteed by the Constitution of Ukraine there is an urgent need to define the principles, the main directions and priorities of environmental safety. It is common knowledge, that to overcome the social relations of existing rules in the field of environmental security is only possible through the establishment of priorities of public interest – the ecological security law as the main guiding principles in this area. Commitment to Environmental Safety will serve as an indicator of corporate social nature of the legal state, the efficiency of all activities to ensure environmental management and environmental protection of environmental rights and legitimate interests of man and citizen.

The purpose of the article: to provide definitions and classification principles of the law of environmental safety.

The environmental safety law becomes content in its implementation, namely, real and effective regulatory and protective impact on existing and potential social ecological relationship. Limitations and gaps of enforcement, lack of socio-economic conditions of the implementation of effective measures to ensure environmental safety results in the environmental security law becoming declarative. This is situation we have today – an extensive system of norms of environmental law [1, p. 4], without effective means of, and sometimes those, that are governing abstract, idealized relationship.

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Actually, to overcome the gap between the public relations and existing rules in the field of environmental security, a system of priorities of public interest is established – the ecological security law as the main guiding principles in this area. In particular, the principle of priority environmental safety requirements, mandatory compliance with environmental standards, regulations and limitations of natural resources in the implementation of business management and other activities and ensuring environmental security for life and health. The latter provided by paragraph a) and paragraph b) of Art. 3 of the Law of Ukraine «On Environmental Protection».

Besides, environmental and legal literature offered an adequate system of general legal principles supplemented by special or industry principles: licensing and regulating the implementation of environmentally hazardous activities, preventing accidents and disasters (natural and anthropogenic), the introduction of the legal regime of environmental emergencies areas (as a specific remedy of environmental safety in extreme conditions), the governmental responsibility for environmental emergencies due to natural phenomena and legal entities and individuals responsibility for dangerous man-made impact on the environment and on human health [2, p. 122–123].

It should be noted that there are no comprehensive guidelines on the definition of environmental safety as well as environmental safety law on the domestic level. Usually, by the label of the principles of environmental law are meant basic ideas, principles, features, expressed in the norms of environmental law, according to which the regulation of environmental relations is implemented [3, p. 14]. Environmental law as a study includes the following principles: First, the principles enshrined in Art. 3 of the Law of Ukraine «On Environmental Protection» and, secondly, the principles enshrined in other regulations, including: consistency and complexity in the regulation of environmental relations, the priority right to safe and healthy environment; sustainable development as the basis for harmonious resolution of social, economic and environmental problems [4, p. 19] and so on.

It should be noted that in addition to art. 3 of the Law of Ukraine «On Environmental Protection», environmental safety principles are reflected in the recommendation legislative act «On the principles of environmental safety in Commonwealth countries» adopted by Resolution of the Interparliamentary Assembly of the CIS members on December 29, 1992 [5], which set out in Art. 4 of the statute and defined as «general principles of national policy in the field of environmental security».

Eighteen principles are named in total. The main ones are the following: the priority of security for life and health of individuals and society, human values before any other fields of activity; state sovereignty over natural resources; causing no environmental damage outside the jurisdiction of the state; harmonization of environmental policies;

harmonization of legislative policy in the area of environmental safety.

In foreign environment-specialized literature, unlike the domestic one, the principles of environmental safety law is already studied by scholars for over 10 years. To nominate a new paradigm in the formulation of the principles of environmental safety L. Christopherson suggested the following concept of environmental security, «environmental safety (environment security) can be defined in three patterns: 1) sustainable development and natural resource management, 2) environmental protection, by supporting clean air, water, soil etc. 3) minimize environmental risks, for example, due to large-scale industrialization and the use of technologies that can be very dangerous in case of incidents, like the ones that happen in the nuclear and chemical industries» [6, p. 21].

Based on the above, the principles of environmental security can be defined as the basic ideas that express the essence and social purpose of law environmental security, reflecting its main properties and features. Therefore, the principles of ecological security should guide all members of the public environmental relations – legislative, executive and judicial bodies, enterprises, institutions, organizations, and individuals. Commitment to environmental security can serve as an indicator of the legal corporate social nature of the state, the efficiency of all activities to ensure environmental management and environmental protection of environmental rights and legitimate interests of man and citizen.

Based on the above, we propose the principles of ecological security rights include, inter alia:

- sustainable development, providing peer approach to its economic, social and environmental components, and recognition of the impossibility of social progress in environmental degradation
- to prevent possible environmental risks, hazards, hazardous environmental impacts, hazardous impacts on life and health
- monetization of environmental use and compensating the damage to citizens and environment caused by the violation of legislation on environmental security
- free access to environmental information
- the participation of all stakeholders in the preparation, discussion, decision-making and implementation in the field of environmental security
- International cooperation in environmental security.

However, it should be noted that the above list of principles of ecological security is not final and given the status of national legislation that is constantly changing, it can be extended.

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