



## Country Report: Russia

Irina Krasnova\*

### Introduction

Three significant developments took place in Russia in 2010. First, the summer forest fires of 2010 triggered reform to Russia's forestry legislation and institutional arrangements. Secondly, the State Duma reviewed the draft *Federal Law on Handling of Radioactive Waste*. Thirdly, in May 2010, the State Council had a meeting on ecology and discussed the development of further environmental legislation and implementation measures.

### Reform to Russia's Forestry Legislation

The year 2010 will be remembered in Russia for its unprecedented summer heat and forest fires. Forest fires that occurred mainly in the European part of Russia have caused severe economic and ecological damage. Thousands of families lost their homes. Following the fires, the government has allocated significant financial relief to rehabilitate and reconstruct human settlements. Consolidated data on the damage is not available, but in the Urals District (one of 7 federal districts in Russia) the cost of the destruction is estimated to be in the region of 6 billion Rubles (US\$200 million).

---

\* Professor of Law, Moscow State Law Academy, Russia. Email: [email: ikrasnova@mail333.com](mailto:ikrasnova@mail333.com).

This cost includes the loss of homes, forest resources and fire fighting expenses.<sup>1</sup> The forest fires in this district covered an area of 360 thousand hectares.<sup>2</sup> In Briansk Oblast, an area that was damaged by radioactive pollution in 1986 by the Chernobyl accident, the forest fires threatened to cause secondary radioactive pollution. The forest fires also threatened the nuclear center in Sarov. The fires also destroyed 2,5 hectares of forests in the famous Oksky State Nature Biosphere Reserves, famous for its breeding of the Red Data Book European Bison.<sup>3</sup> Several reasons have been put forward for the extensive damage caused by the forest fires, including: insufficient budgets allocated to regional and local governments for forest management; the wrong use of earmarked funds; outdated technical forest fighting appliances; poor structural arrangements and poor compliance discipline; the lack of preparedness of responsible administrative institutions; and deficient of forest legislation.<sup>4</sup> In addition, severe forest fires in central Russia are also caused by abandoned peat bogs that appeared in the Soviet era as a result of the drainage of wetlands.

The 2010 forest fires triggered wide discussion about the need to amend the relevant legislation and institutional structures. According to the Federal Agency for Forestry, the *Civil Code* will be amended to impose liability on landowners who cause forest fires. Furthermore, it has proposed amending the *Criminal and Administrative Codes* to provide stronger liability measures for the destruction of forests and non-compliance with forest fire protection requirements. The head of the Agency also suggested that the Ministry for Emergencies (responsible for forest fire fighting since 2002) improves their coordination and strengthens control over due compliance with injunction orders.<sup>5</sup>

According to the views of experts from the Institute of Forest Management, situated within the Russian Academy of Sciences, the fundamental reasons for the 2010 forest fire disaster lies in the administrative reforms undertaken in 2000, when the Federal Agency for Forest Management (FAFM) was stripped of almost all powers and responsibilities relating to forest management, and more than 80 thousand

---

<sup>1</sup> See further: <http://www.rg.ru/2010/10/28/reg-ural/pogary/html>.

<sup>2</sup> Ibid.

<sup>3</sup> See further: [http://www.fire.nad.ru/fire\\_2.htm](http://www.fire.nad.ru/fire_2.htm).

<sup>4</sup> See further: <http://www.rg.ru/2010/09/13/stepashin.html>.

<sup>5</sup> See further: [http://www.fire.nad.ru/2008/12\\_05\\_08\\_pzhr.htm](http://www.fire.nad.ru/2008/12_05_08_pzhr.htm).

foresters were dismissed.<sup>6</sup> Under the *Forest Code* (2006), the functions of fire prevention and forest management were delegated to the Federal Regions. The Federal Regions were in turn required to allocate funds to employ commercial organizations to fulfill these fire and forest management functions when required. As a result, the Federal Regions implemented the *Forest Code* in an ad hoc manner, and the previous unified system of fire prevention and control was destroyed. Within recent years, the forests have been degraded. The lack of monitoring has caused a rise in violations of forest use and protection requirements. Officials, experts and the public currently speak about the need to reinstate the former centralised system of forest management and to amend the *Forest Code* accordingly.

As an urgent institutional measure, the FAFM has been moved from falling under the Ministry of Agriculture, to under the direct control of the Government of Russia, by means of a Presidential Decree issued on 27 August 2010. The FAFM has been further charged with the task of developing state policy and legislation relevant to forestry (except for forests falling within specially protected areas) and enforcing such legislation. The new powers and functions of the FAFM are detailed in *Governmental Decree* No. 736, dated 23 September 2010. The decision seems to be a reasonable one as now one agency will be able to coordinate the preparation of strategic decisions, adoption of new legislation and the enforcement of such legislation. Prior to the above Decrees, these powers were distributed between the Ministry of Agriculture (rule-making), Federal Service for Phytosanitary Control (enforcement), and the FAFM (control over implementation by federal regions of the federal forest management powers). Notwithstanding these amendments, some functions like forest fire fighting and the allocation of forested lands for use still fall under the Ministry of Emergencies and Federal Agency for Administration of Public Lands respectively. The Federal Regions also still play the principle practical role in forest management. It would therefore appear that satisfactory coordination in the context of forest management and forest fire management is yet to be achieved.

---

<sup>6</sup> See further: [http://www.fire.nad.ru/11\\_8\\_10\\_2\\_eksp.htm](http://www.fire.nad.ru/11_8_10_2_eksp.htm).

## Handling of Radioactive Waste

In January 2010, the State Duma adopted in the second reading the draft *Federal Law on Handling of Radioactive Wastes*, originally prepared by the State Corporation Rosatom in 2008. The draft law aims to: strengthen the safety of radioactive wastes; address the issue of control over past stocks of radioactive wastes; and to establish rules for controlling every stage of movement of such waste, from their production through to their storage and burial. Provision is made for nominating the state corporation Rosatom as the principal management authority and owner of all storage facilities. It is also provided that the Government, upon submission of Rosatom, shall designate one operator that will be empowered to accept and bury radioactive wastes.<sup>7</sup>

The draft law has provoked much public discussion. According to the experts, allowing the final burial of radioactive waste in subsoil may cause a dangerous long-term environmental degradation and pollution, associated with the potential penetration of especially liquid wastes into underground water systems. It should be also noted that article 48 of the *Federal Law 'On Environmental Protection'* prohibits the discharge and submersion of radioactive waste into water. Article 51 furthermore prohibits their burial in subsoil situated within water drainage areas. The adoption of the draft law will therefore require the amendment of these provisions, thereby introducing a more lax environmental regime for the disposal of radioactive waste. In addition, the draft law does not address the publicly sensitive and yet to be properly regulated issue of the importation of radioactive wastes, including spent radioactive fuel. Article 49 of the *Federal Law 'On Environmental Protection'* actually allows the importation of certain types of wastes for their temporary technological storage and treatment under the international agreements. This provision appears to contradict the above aspects of the same law that seek to prohibit such importation. As at the end of 2010, the draft law has passed two readings and the State Duma is currently reviewing the comments received during these readings.

---

<sup>7</sup> See further: [www.pravo.ru/news/view/23220/](http://www.pravo.ru/news/view/23220/).

## Meeting on Ecology

On 27 May 2010, the State Council (an advisory body of the Russian President) had a meeting on ecology. The President, Minister of Natural Resources and Ecology and other state officials spoke at this meeting.<sup>8</sup> In his speech, the President outlined the principle challenges in this area and his views on how to improve both the legislative and institutional system. He proposed codifying environmental legislation, strengthening environmental limitations and standards, developing a mechanism of best available techniques, and reinstating ecological funds within the budget. The Ministry of Natural Resources is currently preparing several federal laws including legislation on environmental monitoring and enforcement, and the protection of the marine environment against oil pollution. It is furthermore considering introducing measures to encourage the proper handling of waste, and to improve of the administration of specially protected areas. The idea of codification that was officially initiated and supported by the Ministry is not unfortunately provided for in the recent plans. In 2006, under the aegis of the Ministry, a group of experts prepared and submitted to the Ministry a draft *Environmental Code*. Its further development has however been abandoned and removed from the political agenda. The draft *Environmental Code* provided for consolidated legal regulation of all environmental relationships, including natural resources use – an idea that is strongly opposed by the commercial lobbyists.

---

<sup>8</sup> See further: [www.kremlin.ru/news/7980](http://www.kremlin.ru/news/7980).