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**FINANCING PROGRAMS FOR THE DEVELOPMENT OF ECOLOGICALLY UNFAVORABLE  
TERRITORIES: ORGANIZATIONAL AND LEGAL FEATURES**

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**Abstract**

The article examines the methods of state participation in the development of ecologically unfavorable territories, the main of which is the inclusion of ecologically unfavorable territories in the state projects and programs, providing funding and organization of the necessary work. The aim of the presented work is to determine the financing mechanism to restore ecologically unfavorable territories. In particular, in Russia, the amount of planned work does not correspond to the real situation in this area and multiple increases in financial resources from the federal and regional budgets are required to ensure a real positive change in the state of ecologically unfavorable territories. The sources of funding the program activities are considered; a significant place among them is given to various funds to restore and improve the state. It is proposed to direct a part of the income of the extractive industries of the economy, as well as penalties for enterprises that damage the natural environment, for these purposes. At the level of municipal bodies – a fund for the restoration of the ecology of territories, organized at the expense of land tax funds, penalties for enterprises that damage the natural environment, and other sources.

**Keywords**

Legal regime – Sanctions – Budget – Funds for the restoration of the ecology of regions

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## Introduction

Various accidents and disasters, both man-made and natural, causing tremendous harm to the environment and human health have long become frequent, inevitable, and even habitual in the modern world filled with industrial enterprises and technical, military, and other dangerous facilities<sup>1</sup>. Global negative climate changes are constantly occurring, resulting in unprecedented droughts, floods, and other natural disasters. Overlapping each other and thereby giving a cumulative effect, these problems forced the world community to pay close attention to them in the last two decades<sup>2</sup>. The Environmental Security Strategy of the Russian Federation until 2025, approved by Decree of the President of the Russian Federation dated April 19, 2017 No. 176 "On the Environmental Security Strategy of the Russian Federation for the Period until 2025"<sup>3</sup>, in particular, states that 15% of the entire territory of the country, where the largest number of the population lives, is assessed as unfavorable in terms of environmental parameters. More than 17 million people live in cities with high and very high levels of pollution. The environment in large cities and the adjacent territories is subject to a significant negative impact from industrial enterprises, energy, and transport. These territories are home to 74% of the population. The authors of the document attributed densely populated cities with an unfavorable ecological situation to the Russian environmental security challenges. The document signed by the President of the Russian Federation V.V. Putin officially acknowledges that the state and enterprises do not sufficiently fund environmental protection measures, and the funds received by the budgets of all levels as payments for negative impacts, fines, eco-payments, and taxes are used ineffectively and for other purposes<sup>4</sup>.

The recognition of certain territories of the Russian Federation as unfavorable and the need to develop theoretical approaches to the legal regime of such territories were discussed at the All-Russian conference back in March 1994 when talking about the problems of legal regulation of nature management and environmental restoration in ecologically unfavorable territories<sup>5</sup>. It was emphasized that the entire territory of the Russian Federation can be declared an unfavorable ecological zone, and it is necessary to develop a plan to withdraw the territories from the ecological crisis, taking into account the economic and social aspects, realizing that such environmental problems "are not local, but have a national significance – similar to the problems of health and education"<sup>6</sup>.

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<sup>1</sup> E. V. Alekseev; G. V. Pinkovskaya; Y. V. Ustinova; E. O. Ermolaeva y T. S. Romanishina, "Regulation and financing of environmental programs: development of public-private partnerships in the digital economy", *Revista Inclusiones* Vol: 7 num Especial (2020): 372-385.

<sup>2</sup> G. Barsukova; Y. Bershitskiy; V. Vlasenko; A. Bagmut y A. Rysmyatov, "Soil and Eco-Economic Substantiation of the Need for Switching to the Adaptive-Landscape Systems of Agriculture in the Krasnodar Krai", *Journal of Ecological Engineering* Vol: 21 num 4 (2020): 94-102 y M. R. Kudrin; A. G. Koshchayev; O. V. Koshchayeva; M. B. Ulimbashiev; N. V. Konik y S. V. Shabunin, "Biological Processing of Renewable Raw Materials Resources with Regard to the Environmental and Technological Criteria", *Journal of Ecological Engineering* Vol: 20 num 11 (2019): 58-66.

<sup>3</sup> Decree of the President of the Russian Federation No. 176 "On the Strategy of Environmental Safety of the Russian Federation for the Period up to 2025". April 19, 2017. Retrieved from: <http://kremlin.ru/acts/bank/41879>

<sup>4</sup> Decree of the President of the Russian Federation No. 176...

<sup>5</sup> T. S. Bakunina, "Legal regulation of nature management in disadvantaged areas", *State and Law* num 7 (1994): 185.

<sup>6</sup> T. S. Bakunina, "Legal regulation of nature management..."

The problems of ecologically unfavorable territories have been the subject of many studies for over two decades, including legal. The need to improve legislation regulating the legal regime for ecologically unfavorable territories has been theoretically discussed many times. Various versions of organizational and legal mechanisms for solving the problems of ecologically unfavorable territories are proposed in scientific research by A. P. Anisimov<sup>7</sup>, T. I. Lieberman<sup>8</sup>, and V.A. Maslakova<sup>9</sup>, but not enough attention is paid to the education and operation of the financial mechanism. Therefore, this study shows an attempt to reveal the organizational and legal basis for the functioning of the financial component in solving these problems.

**Hypothesis.** The most effective way to solve the problems of financing programs for the rehabilitation of ecologically unfavorable territories is to resume the activities of environmental funds of various levels, including those organized based on public-private partnerships.

## Methods

In the presented study, a variety of general and special scientific methods were used, the central one is a dialectical method of cognizing reality, which makes it possible to study events in the dynamics of their development. The historical method made it possible to show the steps and stages of the formation of the legal regime of zones of ecological disadvantage. The statistical method made it possible to assess the inefficiency of the existing financing mechanism. The study also used the comparative legal method, which made it possible to study the examples of organizational and legal decisions on an international scale and assess the experience of international lawmaking. The formal legal method helped to identify individual legal concepts necessary for the statutory regulation of various aspects related to areas of ecological disadvantage. To prove the hypothesis of the study, the official sources of legal and other information were used: reference and legal systems, published scientific articles, statistical and other information available on the official websites of the state bodies and international organizations.

## Results

Environmental problems, that is, problems associated with the unfavorable quality of the environment as a whole and the inadequate state of its individual objects, have been constantly in the center of attention of all progressive mankind since the 1960s<sup>10</sup>. The regime of ecologically unfavorable territories refers to environmental issues regulated by separate environmental and sectoral legislation. The definition of ecologically unfavorable territories as a generic category, including zones of ecological disaster, remains a separate debatable issue. This discussion is important because it is impossible to build an effective system of environmental protection measures in ecologically unfavorable territories without a clear understanding of the object of regulation and protection and identification of its main

<sup>7</sup> A. P. Anisimov, "On the need for further development of the concept of ecologically unfavorable territories", *Agrarian and Land Law* Vol: 10 num 154 (2017): 91-98.

<sup>8</sup> T. I. Lieberman y B. A. Lieberman, Program elements of financing environmental activities in the region, In the collection: Sakharov readings of 2018: environmental problems of the XXI century. Materials of the 18th international scientific conference (2018): 59-60.

<sup>9</sup> V. A. Maslakova, Financing in the field of environmental protection in the Russian Federation, In the collection: Man and the environment. VII All-Russian youth scientific conference: collection of reports (2019): 185-188.

<sup>10</sup> A. P. Anisimov, "On the need for further development..."

features. The situation is aggravated by the fact that none of the existing normative acts contains the definition of zones of ecological disaster. This definition was proposed in the draft Federal Law No. 115008-3 "On zones of ecological disaster", where the zones are territories characterized by a high level of environmental pollution, an increase in morbidity and (or) mortality of the population, degradation and destruction of natural ecological systems due to long-term negative impact of economic and other activities on the environment<sup>11</sup>. However, this draft was never adopted. In legal science, it is proposed to understand ecologically unfavorable territories as the state of the environment which corresponds to the criteria established in the law, necessary for the allocation of special zones affected by natural disasters and man-made accidents or disasters and requiring significant material and financial costs, depending on the nature of the consequences for the implementation of effective rehabilitation measures to restore a favorable state of the environment<sup>12</sup>.

From the point of law, an ecologically unfavorable territory is a section of the territory where the state of the environment meets the legislatively established criteria, indicating the need to take measures to restore a favorable state of the environment. The procedure for announcing and establishing the regime of environmental disaster zones is established by the current legislation on environmental disaster zones, and environmental protection in emergency zones is established by Federal Law No. 68-FZ of December 21, 1994 "On the protection of the population and territories from natural and man-made emergencies"<sup>13</sup>.

The fundamental question for the legal regime of ecologically unfavorable territories is the question of methods and means of restoring a favorable state of the environment. Some specific ways to improve ecologically unfavorable territories are also provided for by the Law "On Environmental Protection"<sup>14</sup>. Thus, the activity of economic objects should be stopped in the zone of ecological disaster. An exception is the activity of facilities related to the provision of services to the population living in the zone. The law prohibits the construction and reconstruction of new economic facilities, significantly restricts all types of nature management, and takes prompt measures to restore and reproduce natural resources and improve the environment<sup>15</sup>.

The state must provide an appropriate financial basis to implement the measures related to the elimination of environmental emergencies. In the early 1990s, instead of officially recognizing and declaring ecologically unfavorable territories, the Government of the Russian Federation adopted special resolutions providing for measures to improve the social and environmental situation in certain regions. Thus, the Resolution of the Council of Ministers of the Russian Federation of August 2, 1993 No. 732 "On the Program of improving the ecological situation and protecting the health of the population of the Tula region for 1993-1998" was adopted<sup>16</sup>, which indicated the relevant measures and provided for the

<sup>11</sup> A. P. Anisimov, "On the need for further development..."

<sup>12</sup> A. A. Tranin, Ecologically unfavorable territories: concept, legislation, practice. Retrieved from: <http://www.igpran.ru/public/articles/TraninA.2012.pdf>

<sup>13</sup> Federal Law N 68-FL (as amended on 23.06.2020) "On the protection of the population and territories from natural and man-made emergencies". December 21, 1994. Retrieved from: <http://www.kremlin.ru/acts/bank/7352>

<sup>14</sup> Federal Law N 7-FL (as amended on 31.07.2020) "On Environmental Protection". January 10, 2002. Retrieved from: <https://rg.ru/2002/01/12/oxranasredy-dok.html>

<sup>15</sup> Federal Law N 7-FL...

<sup>16</sup> Resolution of the Council of Ministers of the Russian Federation N 732 On the Program for the improvement of the ecological situation and health protection of the population of the Tula region for

formation of appropriate funds for financing their implementation. Unfortunately, in the future, this program, like many others, was canceled, although the results provided for by these documents were hardly achieved.

Today, it can be said that, in terms of funding, the events of environmental emergencies occurring in the territory of the Russian Federation are also paid attention to. Certain elements of the financing mechanism for measures aimed at overcoming environmental emergencies are regulated by the relevant regulatory legal acts: "On social protection of citizens exposed to radiation as a result of the Chernobyl disaster"<sup>17</sup>, "On the sanitary and epidemic well-being of the population"<sup>18</sup>, "On environmental protection", and others. The constituent entities of the Russian Federation, based on Article 72 of the Constitution of the Russian Federation and their environmental interests, can and should be active in this direction. This view is confirmed, in particular, by the Environmental Code of the Republic of Bashkortostan, adopted on October 28, 1992, according to which the Supreme Council and the President of the Republic are empowered to declare both environmental emergency zones and environmental disaster zones (Articles 60, 61). At the same time, it is assumed that a constituent entity of the Russian Federation has no right to provide in its law the financing of measures to improve the environment in zones at the expense of the federal budget, as it is done in the specified Environmental Code<sup>19</sup>.

It seems fair to say that ecologically unfavorable zones, depending on the scale of the hazard, should be declared by both the authorities of the Russian Federation and the subjects of the Russian Federation. Zones of real environmental danger should be created by the authorities of the constituent entities of the Russian Federation and zones of the existence of environmental risk – by local governments (which will become possible only if the state budget policy is changed and the system of municipal environmental control is developed). Thus, the creation of such zones will be financed from the appropriate budget (along with the collection of funds from offenders)<sup>20</sup>. It is expedient to recreate the Ecological Fund of the Russian Federation, which existed in 1991-2001<sup>21</sup> (an approximate analog of the US Superfund<sup>22</sup>), which could also finance the restoration of ecologically unfavorable areas. One of the main tasks in the field of organizing environmental activities is to find sources of financing for environmental activities and choose the tools for more efficient use of funds. The funds from budgets of different levels remain one of the important sources of financing for environmental activities in the regions. Various target programs are actively used to increase the rationality and efficiency of the distribution and use of budgetary funds. Currently, the main part of budget expenditures at all levels of the budget system is distributed through government programs and is called the "program part of expenditures"<sup>23</sup>.

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1993-1998 (invalidated on the basis of the Resolution of the Government of the Russian Federation of December 7, 2001 N 860). August 2, 1993.

<sup>17</sup> Law of the Russian Federation N 1244-1 (as amended on 24.04.2020) "On social protection of citizens exposed to radiation as a result of the disaster at the Chernobyl nuclear power plant". May 15, 1991.

<sup>18</sup> Federal Law N 52-FZ (as amended on July 13, 2020) "On the Sanitary and Epidemiological Welfare of the Population". March 30, 1999. Retrieved from: <https://minzdrav.gov.ru/documents/8004-federalnyy-zakon-52-fz-ot-30-marta-1999-g>

<sup>19</sup> Environmental Code of the Republic of Bashkortostan N BC-13/28 (as amended on March 4, 2014). October 28, 1992. Retrieved from: <http://docs.cntd.ru/document/935106450>

<sup>20</sup> A. P. Anisimov, "On the need for further development..."

<sup>21</sup> Ecology. Directory. Retrieved from: <https://ru-ecology.info/post/104051000040005/>

<sup>22</sup> Superfund. Retrieved from: <https://www.epa.gov/superfund>

<sup>23</sup> T. I. Lieberman y B. A. Lieberman, Program elements of financing environmental activities...

When a territory is recognized as ecologically unfavorable, in pursuance of the corresponding decree of the President of the Russian Federation, the Government of the Russian Federation, by its decree, approves the federal target program of urgent measures. In addition to such provisions in the program as, for example, proposals and calculations on the elimination of sources of pollutants, employment of workers, sources of production of these enterprises in other territories, it should contain a strict calculation of financial flows and their size. For example, who, in what amount, and on what basis (legal) should finance the region's recovery from the environmental crisis<sup>24</sup>. Financing the measures to eliminate emergencies is carried out at the expense of organizations located in emergency zones, funds of federal executive bodies, relevant budgets, insurance funds, and other sources. In the absence or insufficiency of these funds, for the elimination of emergencies, the funds are allocated from the reserve fund of the Government of the Russian Federation (Article 24 of the Federal Law "On the Protection of the Population and Territories from Natural and Technogenic Emergencies"). To eliminate emergencies, the said law provides for the creation and use of reserves of financial and material resources (Article 25). Such reserves are created by federal executive authorities, executive authorities of the constituent entities of the Russian Federation, as well as local governments in advance to urgently raise the necessary funds in case of emergencies. Thus, using the norms of legislation, the following sources of financing of measures to restore the environment can be identified: - first of all, at the expense of ministries and departments; - direct culprits of environmental degradation, accidents, and disasters; - at the expense of targeted funds of the federal budget and the budgets of the constituent entities of the Russian Federation. In addition, extra-budgetary environmental funds are being created to solve urgent environmental problems and improve the environment. The finances from these funds can also be used to implement programs for the rehabilitation of ecologically unfavorable territories. Another institution that is formed in the process of interaction among government and business structures on the territory of a municipality in solving socio-ecological and economic problems can be a private-municipal (socio-ecological-economic) partnership. The institution of such a partnership is one of the arbitrations in such interaction and also organizes a joint Fund for Social, Environmental, and Economic Development. The use of such a fund will allow using part of the funds from payments for environmental pollution of the territory to finance measures for the environmentally friendly modernization of polluting enterprises. It should be noted that at present, payments for a negative impact on the environment are dozens of times understated compared to the damage caused. Their size does not compensate for the damage caused to the environment and does not stimulate enterprises to introduce environmentally friendly technologies. Payments for environmental pollution are regulated by by-laws and the law on payments for environmental pollution has not been developed yet. They have been removed from the tax payments. As a result of their non-payment, there is no accrual of penalties or fines and they are not undisputedly taken off from the debtor enterprise.

## Discussion

International legal norms do not provide for norms similar to the Russian ones discussed above; the efforts of a foreign legislator, as a rule, focus either on the types of natural resources (atmospheric air, soils, waters) and ways to prevent their crisis degradation or on overcoming volley situations such as explosions, earthquakes,

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<sup>24</sup> N. N. Biryukova, Interbranch linkages of ecological and financial law through the prism of environmental emergencies. Scientific notes of V. I. Vernadsky Crimean federal university. Juridical science Vol: 3 num 69 (2017): 138-143.

hurricanes, fires, or massive emissions of hazardous substances when production processes are out of control. A different scale of countries and contaminated territories did not require the adoption of laws on environmental disaster zones in the states. They assumed the use of available material resources and legal means to overcome the alarming situation; if emergency measures of a national scale were taken, it was in relation to a natural resource, but not to a territory. In developed countries, to solve the problems of ecologically unfavorable territories, governments allocate part of the funds from the budget directly and a large, main part of the funds in the form of tax and other benefits<sup>25</sup>. The practice of the World Bank can provide some examples of international financing. Its environmental activities began in the mid-1980s with the financing of numerous projects containing an ecological element or pursuing purely environmental objectives – reforestation, pollution control, etc. Practice quickly showed the ineffectiveness of financing one-time projects and the need to provide more extensive and consistent financial assistance to degrading territories. The environmental activities of the World Bank have been reconsidered and a new ecological concept at the macroeconomic level has been formulated<sup>26</sup>. The experience of providing federal assistance to disadvantaged territories, industries, and enterprises is accumulating in various countries. In Germany, decisive measures were taken to rehabilitate the Rhine river valley and re-equip chemical plants; it was possible to reduce pollution through the conversion and suspension of polluting enterprises, retraining and employment of released workers, resettlement of residents, their adaptation to a new place or a newly created environment<sup>27</sup>. In France, additional amounts are paid for living in conditions of industrial risk and environmental problems, in particular, near nuclear power plants. A positive experience of attracting federal resources has been accumulated in the improvement of the natural environment surrounding the Great Lakes – the territory located between the USA and Canada<sup>28</sup>. In several environmentally large-scale international financing projects, problems are categorized according to the degree of severity and importance – according to the "brown" and "green" lists: the first includes the problems that require priority solutions (closing of workshops, suspension of units, evacuation of the population, provision of urgent medical care, decontamination of the area, etc.); the second – the issues of managing sustainable development of nature management, reducing the degradation of resources, and their reproduction. Financing practices also include environmental compensation funds. 15-20% of the fund is formed at the expense of the state budget, the rest – at the expense of enterprises – pollutants with increased environmental risk. Finances from the funds are spent on rehabilitating measures with the subsequent reimbursement of these costs by the offender if the guilty person is identified<sup>29</sup>.

<sup>25</sup> O. A. Fedorova y Yu.O. Skorlupina, Analysis of state expenditures for the implementation of measures in the field of environmental protection, In: the collection: Formation of sustainable economic development on the principles of environmental management. Materials of the XIII International Scientific and Practical Conference (2017): 167-171.

<sup>26</sup> S. L. Burns; M. Krott; H. Sayadyan y L. Giessen, "The World Bank Improving Environmental and Natural Resource Policies: Power, Deregulation, and Privatization in (Post-Soviet) Armenia", World Development Vol: 92 (2017): 215-224.

<sup>27</sup> R. M. Magomedov, "Digital Technologies for Competitive Analysis and Evaluation of Competitive Capacity of a Business Entity", International Journal of Innovative Technology and Exploring Engineering (IJITEE) Vol: 9 num 1 (2019): 1184-1189.

<sup>28</sup> R. Holifield y K. C. Williams, "Recruiting, integrating, and sustaining stakeholder participation in environmental management: A case study from the Great Lakes Areas of Concern", Journal of Environmental Management Vol: 230 (2019): 422-443.

<sup>29</sup> A. S. Troshin; A. P. Sokolova; E. O. Ermolaeva; R. M. Magomedov y T. L. Fomicheva, "Information technology in tourism: Effective strategies for communication with consumers", Journal of Environmental Management and Tourism Vol: 11 num 2 (2020): 322-330.

The institution of reimbursing environmental damage through insurance is close to this, although insurance against environmental risk is not widely supported. This is largely due to the fact that the concept of environmental damage is not legally defined and can be interpreted so broadly that the amount of its compensation can ruin a whole network of insurance companies. However, environmental risk insurance is often carried out within the framework of general insurance of an enterprise against accidents and disasters by including specific clauses in insurance contracts.

## Conclusions

The results of the study carried out in the presented article led to the conclusion that now the Russian Federation has formed a unified integrated regulatory and legal framework in the field of regulation of issues of prevention and elimination of consequences in environmental emergencies, including the financing issues of the considered situations. However, in our opinion, there are several unresolved problems: - improper implementation of preventive measures by the competent authorities to avoid the formation of ecologically unfavorable territories (or an increase in the degree of its danger) (we are talking only about cases related to the human factor that led to an extreme ecological situation). Such inadequate control over the situation, which could have been prevented, leads to financial losses. Thus, the organizational and managerial component of the legal regime of ecologically unfavorable territories, if possible to avoid negative consequences, takes its rightful place; - uncertainty about the fate of financing measures to prevent environmental emergencies; - low level of control and responsibility for the misuse of funds allocated for liquidation of consequences in ecologically unfavorable territories. Therefore, according to the results of the study, the following proposals for improving the current legislation have been formulated. It is necessary to recreate the system of federal, regional, and municipal budget funds and extra-budgetary funds to finance programs for the rehabilitation of environmentally disadvantaged zones, using the institution of a public-private partnership more broadly; to establish statutorily the right of the constituent entities of the federation and municipalities, in certain cases, to require budgetary co-financing of programs for the restoration of ecologically unfavorable zones when their own funds are insufficient. Considering the above, the hypothesis of the study is confirmed. The continuation of the study of the problems of ecologically unfavorable territories can be in the search for a solution to the problem of fair compensation for the population living in these territories.

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