

Legal, scientific, informational and ideological measures to ensure sustainable use of wildlife objects: russian and foreign experience

Medidas legales, científicas, informativas e ideológicas para garantizar el uso sostenible de objetos de vida silvestre: experiencia rusa y extranjera

Medidas legais, científicas, informativas e ideológicas para garantir o uso sustentável de objetos da vida selvagem: experiência russa e estrangeira

Svetlana Ivanova¹

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¹ Doctor of Law. Associate Professor of Theory of State and Law Department at the Orenburg Institute of the Kutafin Moscow State Law University (Orenburg, Russia).

E-mail: svetlana.ivanova.osau@gmail.com

ORCID: <https://orcid.org/0000-0002-9723-0990>



Abstract

This article deals with the ecological education as an important means in the process of animal world preservation. Legal education is supposed to form a high level of legal awareness and legal culture among citizens and society. The result of legal education should be regarded in knowledge, citizens' respectful attitude to the current legislation. According to this article, a high level of legal culture and legal education will allow everyone to realize the need to preserve the biodiversity of wild animals for the present and future generations. Based on the analysis of certain provisions of the legislation on the animal world and law enforcement practice, the article states that there is no comprehensive system of legal measures for the sustainable use of wildlife in Russia. The legal, economic, ideological, organizational measures proposed in this article will make it possible to achieve such use of the animal world that will preserve and increase the number of wild animal populations, maintain ecological balance, and ensure satisfaction of the needs of present and future generations in a favorable environment. The measures proposed will create a legal basis for sustainable management of the animal world. These measures will be useful in the development of national programs for the sustainable use of wildlife, strengthening the dialogue of the authorities with the population to involve them in the process of sustainable use of wildlife objects in order to ensure a balance of economic, environmental and social interests.

Keywords: Conservation, conservation of animal world biodiversity, ecological balance, ecological education, legal culture, legal support measures, public and private interests, wildlife.

Resumen

Este artículo aborda la educación ecológica como un medio importante en el proceso de preservación del mundo animal. Se supone que la educación legal debe formar un alto nivel de conciencia legal y cultura legal entre los ciudadanos y la sociedad. El resultado de la educación legal debe considerarse en el conocimiento y la actitud respetuosa de los ciudadanos hacia la legislación vigente. Según este artículo, un alto nivel de cultura legal y educación legal permitirá a todos comprender la necesidad de preservar la biodiversidad de los animales salvajes para las generaciones presentes y futuras. Basándose en el análisis de ciertas disposiciones de la legislación sobre el mundo animal y la práctica de la aplicación de la ley, el artículo sostiene que no existe un sistema integral de medidas legales para el uso sostenible de la vida silvestre en Rusia. Las medidas legales, económicas, ideológicas y organizativas propuestas en este artículo permitirán lograr un uso del mundo animal que preserve e incremente la población de animales salvajes, mantenga el equilibrio ecológico y garantice la satisfacción de las necesidades de las generaciones presentes y futuras en un entorno favorable. Las medidas propuestas crearán una base legal para la gestión sostenible del mundo animal. Estas medidas serán útiles en el desarrollo de programas nacionales para el uso sostenible de la vida silvestre, fortaleciendo el diálogo de las autoridades con la población para involucrarlos en el proceso de uso sostenible de objetos de vida silvestre a fin de garantizar un equilibrio de intereses económicos, ambientales y sociales.

Palabras clave: conservación, conservación de la biodiversidad del mundo animal, equilibrio ecológico, educación ecológica, cultura legal, medidas de apoyo legal, intereses públicos y privados, vida silvestre.

Resumo

Este artigo trata da educação ecológica como um meio importante no processo de preservação do mundo animal. A educação legal deve formar um alto nível de conscientização legal e cultura legal entre os cidadãos e a sociedade. O resultado da educação legal deve ser considerado no conhecimento e na atitude respeitosa dos cidadãos em relação à legislação atual. De acordo com este artigo, um alto nível de cultura legal e educação legal permitirá a todos compreender a necessidade de preservar a biodiversidade de animais selvagens para

as gerações presentes e futuras. Com base na análise de certas disposições da legislação sobre o mundo animal e na prática de aplicação da lei, o artigo afirma que não existe um sistema abrangente de medidas legais para o uso sustentável da vida selvagem na Rússia. As medidas legais, econômicas, ideológicas e organizacionais propostas neste artigo tornarão possível alcançar um uso do mundo animal que preserve e aumente o número de populações de animais selvagens, mantenha o equilíbrio ecológico e garanta a satisfação das necessidades das gerações presentes e futuras em um ambiente favorável. As medidas propostas criarão uma base legal para a gestão sustentável do mundo animal. Essas medidas serão úteis no desenvolvimento de programas nacionais para o uso sustentável da vida selvagem, fortalecendo o diálogo das autoridades com a população para envolvê-los no processo de uso sustentável de objetos de vida selvagem, a fim de garantir um equilíbrio de interesses econômicos, ambientais e sociais.

Palavras-chave: Conservação, conservação da biodiversidade do mundo animal, equilíbrio ecológico, educação ecológica, cultura jurídica, medidas de apoio legal, interesses públicos e privados, vida selvagem.

I. INTRODUCTION

The foreign states policy in the field of wildlife protection and use is aimed at ensuring the conservation, sustainable use and sustainable existence of wildlife objects. The United Nations Convention on Biological Diversity recognizes that governments have assumed responsibility for the biological diversity conservation. This obliges all countries to use the components of biological diversity to meet the needs of the world's population in food, healthcare, and industry. However, such use should be carried out, firstly, on a fair and equal basis of its various components; secondly, in ways and at a pace that support the ability to reproduce; and, thirdly, "preserving the ability of biological diversity to meet the needs of the present and future generations and also their aspirations"¹.

Nowadays, our planet is facing important economic, social and environmental problems. To cope with them, foreign countries define global long-term priorities in the field of wildlife sustainable use, which provide an unprecedented opportunity for poverty eradication, economic growth and wildlife conservation. The provisions of the concept of sustainable development determine the foreign and domestic policies of many foreign countries. Therefore, the main directions of the national policy of these countries are aimed at the economic growth, "social cohesion and environmental protection"². It is important to ensure social, economic and environmental interests of the population, business and state. In future, this will guarantee a high standard of living and a right for a favorable environment.

1 United Nations Convention on Biological Diversity (Rio de Janeiro, June 5, 1992) // NW RF. 1996. No. 19. St. 2254.

2 EuroStat. *Sustainable Development in the European Union – A Statistical Glance from the Viewpoint of the Unsustainable Development Goals*. 2016.

The sustainable use of wildlife objects as one of the ways to preserve the animal world biological diversity often causes sharp disputes between scientists in the foreign environmental community. So many people believe that it is possible to achieve the wildlife conservation in the interests of present and future generations only based on the principles of sustainable use. On the contrary, other scientists believe that it is possible to preserve the animal world biodiversity through the organization of specially protected natural territories. At the same time, the possibility of using wild animals in these territories is excluded. This approach in the foreign legal literature is designated as a method of conservation³ and is applied mainly to rare and endangered species of wild animals⁴.

However, local population does not receive any economic or social benefits from the process of preserving wild animals in specially protected areas, and therefore does not satisfy their vital needs in food and clothing. At the same time, many foreign countries successfully demonstrate the potential value of wildlife objects sustainable use in order to promote their conservation not only in protected areas, but also beyond their borders⁵.

Very often, when wildlife objects do not have or have a rather limited economic value and are located outside protected areas, there is a decrease in the number of wild animals due to illegal extraction, habitat loss, "competition with livestock and extermination"⁶. In order to solve these problems, we advise to apply a set of legal, organizational and other measures as a powerful means for preserving the biological diversity of the animal world and obtaining economic benefits for local communities. At the same time, it is important that the goals of using and preserving wildlife can ensure a balance of economic, environmental and social interests of the society.

In this regard, the opinions and decisions proposed in this article can be used by the representative and executive bodies of Russia and the Commonwealth of Independent States, which is an international organization designed to regulate cooperation relations between states that were previously part of the USSR (not a

3 Daniel Ramp, Mark Bekoff. (2015). *Compassion as a Practical and Evolved Ethic for Conservation*. BIOSCIENCE, vol. 65, no. 3. March 2015. Pag. 323-327.

4 Enrico Di Minin, Jussi Laitila, Federico Montesino-Pouzols, Nigel Leader-Williams, Rob Slotow, Peter S. Goodman, Anthony J. Conway, Atte Moilanen. *Identification of Policies for a Sustainable Legal Trade in Rhinoceros Horn Based on Population Projection and Socioeconomic Models*. CONSERVATION BIOLOGY, vol. 29, no. 2. 2014. Pag. 545-555.

5 David Western, Samantha Russell, Innes Cuthill. *The Status of Wildlife in Protected Areas Compared to Non-Protected Areas of Kenya*. PLOS ONE, vol. 4, no. 7. July 2009.

6 H. H. T. Prins, J. G. Grootenhuus. *Introduction: The Value of Priceless Wildlife*. Eds. H. H. T. Prins, J. G. Grootenhuus, T. T. Dolan. WILDLIFE CONSERVATION BY SUSTAINABLE USE. Kluwer Academic Publishers. (2000). Pag. 1-12.

supranational entity and operates on a voluntary basis), countries that develop new plans and strategies in the field of wildlife sustainable use and conservation. This article may also interest the lawyers engaged in scientific research on the problems of wildlife sustainable use and conservation, as well as the citizens interested in the problems of the environmental consequences of human activities that pose threats to wildlife and its habitat.

1. Legal Education as an Aspect of the Wild Animals' Conservation

In recent years, there has been an unprecedented rapid decline in the biological diversity of wildlife objects, which seriously affects the ability of the biosphere to support life on Earth. The WWF report notes that certain species of wild animals and plants are on the verge of extinction.

In less than 50 years, the population of wild animals on the planet has decreased by an average of 69%. The largest reduction in the number of wildlife objects occurred in the Latin America and Caribbean region. In Africa, the number decreased by 66%, in Europe and Central Asia – 18%⁷. Scientists express the opinion that these indicators appear due to the anthropogenic activity.

The level of anthropogenic impact currently does not correspond to the pace of the natural reproduction of wild animal populations process. So, in Russia, the reduction of individual populations of commercial fish is among the urgent environmental problems. The reason is the uncontrolled fishing. According to the experts, “the average annual withdrawal of sturgeon by poaching fishing gear in the reservoirs of the Volga-Caspian region reaches 200 thousand samples, which is almost 5 times higher than the total allowable catches (ТАС)”⁸. Therefore, the withdrawal without taking into account the volume of the animal world objects reproduction leads to their depletion and reduction. According to WWF, poaching, agriculture, deforestation, the effects of climate change, and illegal trade should also be among the main threats to wild animals.

International trade in certain species of wild animals and plants is one of the main reasons for the decline in populations of many objects of the animal and plant world. For example, in the Russian Federation, CITES samples are not fixed as objects

7 *Living Planet 2022. Report of the World Wildlife Fund (WWF)*. Available at: <https://livingplanet.panda.org/>

8 M. I. Karpyuk, A. Yu. Mazhnik, N. G. Degtyareva. *On Measures for Restoration and Rational Use of Aquatic Biological Resources of the Caspian Sea*. FUNDAMENTAL RESEARCH, no. 10. 2015. Pag. 78-79.

of the animal world and, accordingly, their turnover is not regulated by the legislation. There is also no legislation, the norms of which are aimed at controlling domestic trade in species enshrined in the CITES annex. Therefore, wild animals imported into the territory of the Russian Federation illegally can be sold freely. At the same time, liability measures are not applied to merchants.

Environmental problems are global and thus it becomes necessary to apply measures of the environmental education to solve them. The ecological consciousness of the majority of citizens develops spontaneously, under the influence of certain environmental issues being discussed in mass media. To form a deep understanding of environmental problems, we need systematic evidence-based scientific knowledge⁹. Therefore, one of the priority tasks of the state should be to ensure the systematic nature of environmental education of the citizens. To preserve the objects of the animal world, it is necessary to implement the measures of legal education. It is necessary to provide a transition from an anthropocentric understanding of the problem of wildlife objects conservation to an eco-centric understanding.

Realizing the consequences of certain actions, a person with a high level of legal culture and upbringing forms a personal attitude to such actions and decides on their legality. A person should form a clear position on the issue of preserving objects of the animal world for the present and future generations. High standards of legal awareness and legal culture should become one of the most important tasks of the modern society. The main means to achieve this task is legal education as a purposeful influence on consciousness for the formation of a high level of legal awareness and legal culture of the citizens and society as a whole. In legal literature, formation of legal knowledge in a family, via mass media, scientific activities, implementation of educational programs in legal higher educational institutions, organization of advanced training courses for government officials are singled out as forms of legal education¹⁰.

The practice of applying environmental educational measures in some foreign countries has shown their efficiency. So, to support scientific research in the United States, there have been created wildlife research units at the universities. The process of studying is carried out together with the federal government, the State Agency for Wildlife Protection, and non-governmental organizations.

There is a large number of educational programs for hunters, rules for the use of firearms, hunting methods in the United States; 650,000 hunters are trained every

9 A. N. Babenko. *The Importance of Legal Values for the Process of Legal Education*. BULLETIN OF THE SOUTH URAL STATE UNIVERSITY, no. 2. 2008. Pág. 5-11.

10 Valentina Petrovna Maikova. *The Influence of Mass Media and the Internet on the Formation of Public Consciousness in Contemporary Russia*. BULLETIN OF THE MOSCOW STATE REGIONAL UNIVERSITY (PHILOSOPHY), no. 4. January 2018.

year. Funding for this training comes from the annual distribution of funds in wildlife restoration funds. The amount of funding exceeds 472 million dollars¹¹. Successful completion of the hunter's course is mandatory for certain types of hunting. There are public relations officers in the state nature protection agencies. Their task is to distribute the information about wild animals' conservation through press releases, websites, social networks, television and scientific publications. These activities are also funded from the state budget and wildlife restoration funds.

One of the effective measures to influence consciousness is a system of information and scientific support measures, increasing the level of education and public awareness in the field of conservation and sustainable use of wildlife objects. The priority tasks of scientific and information support should include the distribution of environmental ethics, raising the level of legal culture of the population, strengthening the role of environmental education; the formation of a citizens' active position on the issues of sustainable use and conservation of wild animals.

To ensure the effectiveness of the tasks set, state bodies and non-profit organizations establish and hold press conferences, round tables on conservation of wildlife objects, distribute means of visual agitation, use Internet resources. Propaganda should also be attributed to the ideological measures. Its effectiveness is reflected in scientific researches of numerous Russian and foreign scientists. Environmental education is advisable to be included to the ideological measures. It should be considered one of the most powerful tools in the process of wild animals' sustainable use. However, in Russia, measures of ideological, scientific and informational nature are not yet fully implemented. It's not enough to simply declare the means to influence consciousness. A mechanism for their implementation in practice is needed.

Laws and various programs for wild animals' conservation require large financial expenditures. For example, in Canada, 823 million dollars were spent on financing such events; in the United States, only one wild animals foundation has donated more than 70 million dollars to finance wildlife conservation activities over the past 30 years. Financing is also provided by funds from the sale of hunting licenses, private donations for environmental protection measures, as well as state budget. The total amount of hunter contributions amounted 1.2 million dollars a year in the United States.

Currently, all the processes of population acceptance or denial of certain legal values, social norms in the formation of which media actively participate, should be investigated and studied. This is the only way to carry out a critical analysis of all information coming from the mass media. Thus, media often point out the dangers

11 John Organ. *The North American Model of Wildlife Conservation*. UNITED STATES GEOLOGICAL SURVEY TECHNICAL REPORT. January 2012.

of hunting, the need for a complete ban on the removal of hunting resources from the habitat. Thus, highlighting only one side of the hunting process, only negative aspects of hunting, affects the citizens' consciousness. At the same time, mass media do not consider the fact that acting legally, using the limits of the hunting resources withdrawal, it is possible to regulate the number of wild animals, ensuring the ecological balance. It is necessary to distinguish between amateur hunters, athletes and poachers. Real hunters shoot only on time, do not harm wild animals. For example, the North American Model of wildlife Conservation was created by hunters. The result of this model was an increase in the number of wild animals, ensuring a balance of environmental and social interests.

The analysis of foreign experience justifies the need to accept and implement the results of this experience in the Russian Federation. In particular, there is a need to think over the following provisions: firstly, the development and adoption of strategic planning documents on environmental education at each level of the educational system; secondly, the provision of guaranteed funding for such strategies and programs; thirdly, the formation of public organizations of hunters and fishermen promoting the sustainable use of wildlife; fourth, the active public involvement in environmental problems in order to preserve wild animals for the present and future generations.

2. Legislative Regulation of Sustainable Use in Foreign Countries: Advantages and Disadvantages

Sustainable use of natural resources is a concept recognized worldwide as effective in terms of protecting the biological diversity, as well as their management. The concept of sustainable use of natural resources is currently widely used and implemented in the legislation of various states. Thus, the Law of the Slovak Republic of June 25, 2002 "On Protection of Nature and Landscape"¹² regulates the powers of state authorities and municipalities, as well as the rights and obligations of legal entities and individuals in the field of nature and landscape protection with the long-term preservation of natural balance and diversity of conditions and forms of life, natural values and beauty, and creates conditions for the sustainable use of natural resources and the provision of ecosystem services, taking into account economic, social and cultural needs, and also regional and local conditions.

The sustainable use of natural resources is a major policy objective of the Australian Government. Sustainable use of wildlife increases human well-being and

12 On Protection of Nature and Landscape. Law of the Slovak Republic of June 25, 2002. Available at: <http://www.zakonypreludi.sk/zz/2002-543>

can continue working in that way if wildlife objects are used sustainably, without compromising the integrity of the ecosystems involved. The basic principles of sustainable use of wildlife reflect ecological, economic and social interests of the population and the state. In particular, all types of use of wildlife objects should be sustainable and should not harm the conservation of species or their supporting ecosystems; sustainable use of wildlife is a legitimate means of meeting the spiritual, cultural, commercial and recreational needs of the individual territories residents; economic benefits from the sustainable use of wildlife create incentives for landowners to preserve wildlife and their habitat¹³.

The need for protection, sustainable use, conservation and reproduction of wildlife in the process of regulating relations in the field of protection and use of wildlife is also recognized in neighbouring countries. For example, the preamble of the Law of the Republic of Kazakhstan "On the Protection, Reproduction and Use of Wildlife"¹⁴ establishes that this law regulates public relations in the field of protection, reproduction and use of wildlife and is aimed at ensuring conditions for the conservation of wildlife and its biological diversity, sustainable use of wildlife in order to meet economic, environmental, aesthetic and other human needs, taking into account the interests of the present and future generations. According to the Article 6 of the law, the legal regulation of relations in the field of protection, reproduction and use of wildlife is based on the principles of citizens' participation in the use of wildlife, payment, protection, reproduction and sustainable use of wildlife.

The legal regulation of the sustainable use of wildlife in the Republic of Belarus is carried out by the norms of the Law "On Wildlife"¹⁵. The use is recognized as sustainable if such use allows to support the process of reproduction of the animal world objects; and if the use is carried out on the basis of scientific data of accounting of the animal world, which allow for a long time to meet the needs of the population. Among the basic principles in the field of protection and use of the animal world objects and their habitat, the legislator refers to the principle of sustainable use of the animal world objects. In the Republic of Belarus, objects of the animal world living in a state of natural freedom are owned by the state.

13 Strategy for Conservation through the Sustainable Use of Wildlife in Northern Territory of Australia. Available at: http://www.aquagreen.com.au/files/strategy_for_conservation_through_sustaina

14 On protection, reproduction and use of wildlife. Law of the Republic of Kazakhstan No. 593-II of July 9, 2004. Available at: http://online.zakon.kz/document/?doc_id=1049332

15 On animal world. Law of the Republic of Belarus No. 257-Z of July 10, 2007. Available at: by.com/zakon_rb_o_zhivotnom_mire.htm

Thus, in the countries mentioned above the law establishes the right of the state, public ownership of the animal world. However, there are differences in the ways of providing objects of the animal world for use. In some countries, the regime for the use of wildlife is carried out by issuing permits, in others by concluding contracts. For example, the permissive principle is established in the Republic of Kazakhstan. In accordance with the Article 26 of the Law of the Republic of Kazakhstan "On Protection, Reproduction and Use of the Animal World", the animal world for special use is provided on the basis of permits for the use of the animal world issued in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

The legislation of the Republic of Belarus on wildlife grants legal entities the right to hunt and fish, respectively, in hunting and fishing grounds, subject to the conclusion of a written lease agreement for these lands. Thus, the Law of the Republic of Belarus "On Animal World" provides for the contractual principle of providing objects of the animal world for use.

It should be noted that the legislation of the Republic of Armenia establishes both the contractual procedure and the licensing procedure for the provision of wildlife objects for use. In particular, according to Articles 5, 6 and 23 of the Law "On Animal World"¹⁶, the use for "commercial purposes" also includes hunting and the collection and harvesting of animal waste products and is carried out on the basis of a license issued by an "authorized state body" in accordance with contracts, the procedure for signing which is established by the Government. The use for "social purposes" includes "the extraction of animals not classified as hunting objects" is carried out on the basis of contracts, the procedure for signing which is established by the Government (Article 25).

The public nature of relations on the wildlife sustainable use in foreign countries is ensured by special legal regulation of property relations and relations concerned with the granting of the right to use wildlife. Regarding property relations, the most common is the position of the legislator when the animal world is defined as a state property. Legal science knows two different doctrinal approaches to the regulation of ownership of the animal world objects, including hunting resources. According to the first approach, the ownership of wild animals is derived from the ownership of land. Wild animals that are located on a plot of land, in the forest, in the steppe are considered as a "continuation of the ownership right of this natural object owner"¹⁷.

16 On animal world. Law of the Republic of Armenia No. ZR-52 of May 3, 2000. Available at: http://www.base.spinform.ru/show_doc.fwx?rgn=7454

17 Florin Fainisi. *Protection of Wild Fauna by National Regulations for Hunting Activities*. WSEAS TRANSACTIONS ON ENVIRONMENT AND DEVELOPMENT, vol. 9, no. 2. April 2013.

According to another approach, the ownership of the animal world objects is separated from the land ownership. For example, in Italy, the animal world is the patrimony of the state and is protected in the interests of the national and international community. The state grants the right to hunt to interested persons. Land owners cannot hunt on their land. In Bulgaria and Portugal, the right to hunt also belongs mainly to the state.

In Germany, as well as in Austria, the right to hunt belongs to the owner of the land plot¹⁸. However, ownership does not automatically imply the right to hunt. The owner may rent the right to hunt or may prohibit hunting on his/her land. According to the Law on Fishing, fishing rights are a private property right¹⁹. In Spain, the balance between the interests of land owners and users of wildlife is based on the observance of property rights, which are regarded the guarantor of management.

A specific feature of the United States legislation is the refusal to apply the legal construction of "ownership" to the living marine resources of the territorial sea, the continental shelf, the exclusive economic zone. The legal reasons for this are connected with the inability to identify individually certain features in each sample of an aquatic biological resource, even if it is located within the water boundaries of the United States. Only the catch, *i.e.* extracted biological resources, is the subject of the ownership²⁰.

In accordance with the Finnish hunting legislation, in order to hunt on the land owned by someone else, it is necessary to formalize an agreement with the owner for the use of the land for hunting purposes. The hunting agreement is signed in writing. It can be signed for a certain period or indefinitely with the consent of the owner of the land. Thus, in the legislation of many foreign countries, civil and administrative legal methods of legal regulation are used. These methods also have an impact on the organization of public administration for the sustainable use of wildlife.

According to the Convention on Biological Biodiversity²¹, sustainable use should be aimed at meeting the needs of the present and future generations. The implementation of the Convention presupposes the achievement of three fundamental goals: economic, social development, and environmental protection. Consequently, in order to implement the principles of sustainable use of natural resources, states should adopt regulatory legal acts, the content of which is aimed at finding a balance between

18 On hunting. Federal Law of German. Available at: <http://www.gesetze-im-internet.de/bjagd/BJNR007800952.html>

19 Fischereischein. Available at: <http://www.angelschein.net/fischereischein/>

20 Legal regulation of the use and protection of aquatic biological resources in foreign countries. Available at: <https://studref.com/309204/pravo/>

21 Convention on Biological Diversity. NW RF. 1996. No. 19. St. 2254.

the interests of society and the state so that the use of objects of the animal world does not lead to the depletion of the biological diversity of the animal world in the long term.

For example, the Law of Georgia "On Wildlife" of December 26, 1996²² comprehensively regulates the status, protection and sustainable use of wildlife and its habitat, as well as the functioning of the relevant institutional structure. The main purpose of legislation in Georgia is to ensure the protection and rational use of natural resources, as well as the protection of habitat and ecosystems. When planning and implementing activities, public authorities and individuals should be guided by the principle of biodiversity conservation.

In general, the legislation on the wildlife of Georgia enshrines some positive aspects that effectively support the sustainable use of wildlife. For example, the law reflects the key principles of environmental legislation, such as "sustainable development"²³, sustainable use of resources, and takes into account the interests of future generations. An important factor is that the law attempts to attract the public to address issues in the field of sustainable use of wildlife. In particular, the law stipulates the general principles of informing and public participation in the procedures of the Environmental Investigation Agency and the State Environmental Expertise. Thus, in the legislation on the wildlife of Georgia, there has been a transition from a "narrow command and control approach" to a broader approach based on legal categories such as conservation and sustainable use of biodiversity. This approach involves focusing on the active involvement of interested citizens in the decision-making process related to the use of wildlife, and the involvement of local communities in the management of wildlife and the distribution of benefits associated with it.

The Law of the Republic of Armenia "On Animal World" is aimed at ensuring the integrity of the species diversity of the animal world; preventing the illegal use of the animal world objects; ensuring compliance with the requirements of the legislation of the Republic of Armenia when operating the animal world objects for economic purposes; and ensuring the protection of the animal world objects from diseases and natural disasters. Thus, the law contains a large number of legal norms aimed at implementing environmental sustainability. The economic aspect of sustainable development is executed through the establishment of fees for the use of wildlife objects.

22 On animal world. Law of Georgia of December 26, 1996. Available at: <https://matsne.gov.ge/ru/document/view/33352>

23 Elisa Morgera, James Wingard, Alessandro Fadella. **DEVELOPING SUSTAINABLE WILDLIFE MANAGEMENT LAWS IN WESTERN AND CENTRAL ASIA**. FAO Publications. (2009).

Payments for the use of biological resources are regulated in accordance with the law of the Republic of Armenia “On Environmental Protection Payments and Payments for Nature Use”²⁴, which establishes the types of payments, the procedure for their calculation, as well as regulates other related issues.

However, a key gap in the legislation of Armenia is the insufficient attention paid to the problems of local communities and local users, including the protection of their interests and conditions of access to wildlife management. In particular, the rules of public participation and access to information in the field of wildlife management are developed in general provisions and without detailed procedures that must be followed to ensure their full implementation. Among the shortcomings of the legislation of the Republic of Armenia should be attributed the lack of legislative consolidation of the term “sustainable use of wildlife”. Also, such important activities that potentially affect the animal world for reproduction, conservation, such as tourism, acclimatization, introduction of alien invasive species, are not properly regulated. So, in the legislation on the animal world of the Republic of Armenia, there are no clear obligations on the part of the state to develop a comprehensive policy for the conservation and sustainable use of the animal world on a scientific basis.

We should also mention the positive experience of the development of legislation on wildlife in the Republic of Kazakhstan in the context of the implementation of the sustainable use of wildlife principles. Thus, within the framework of the Project “Planning for the conservation of biological diversity at the national level to support the implementation of the CBD Strategic Plan in the Republic of Kazakhstan for 2011-2020”²⁵, a draft Concept for the Conservation and Sustainable Use of Biodiversity in the Republic of Kazakhstan until 2030 was developed.

In accordance with the norms of this Concept, the process of conservation and sustainable use of biodiversity in Kazakhstan consists of the following: conservation and restoration of rare and endangered species; regulatory support for the protection, reproduction and sustainable use of biodiversity; integrated rational and sustainable use of biodiversity components; national biodiversity monitoring system that ensures the unity of measurements; introduction of an ecosystem approach and improving efficiency in ecosystem management.

24 On environmental protection payments and payments for nature management. Law of the Republic of Armenia No. ZR-270 of December 30, 1998. Available at: http://online.zakon.kz/Document/?doc_id=31420914

25 Concept of conservation and sustainable use of biodiversity in the Republic of Kazakhstan until 2030. Astana, 2015. Available at: <http://www.fhc.kz/conventions/files/kz-nbsap-rus.pdf>

The Concept also includes criteria and indicators for the sustainable use of hunting resources and aquatic biological resources. Thus, the legislator focuses on ensuring a balance of economic and environmental interests of the state and the citizens. However, the rights of traditional users and the local population are almost completely overlooked, except for the general recognition of the possibility of exercising such rights in ecological corridors, buffer zones and natural reserves²⁶.

The legislation of Turkey in the field of natural resources sustainable use in recent years has lagged significantly behind the legislation in the field of protection and use of wildlife of the other foreign countries. The main shortcomings in the process of implementing the principles of sustainable use of wildlife in the legal literature include "poverty, poor governance and lack of political will.

Another reason is the low level of education of specialists in the field of sustainable use of wildlife management"²⁷. Thus, it is noted that there is no sustainable use of natural resources in Turkey. In particular, the presence of a large number of regulatory legal acts aimed at the legal regulation of the sustainable use and conservation of wildlife complicates management in this area, and also causes contradictions between legal entities that are responsible for the conservation of wildlife. There are also not enough legal norms devoted to public participation in decision-making in the field of sustainable use of wildlife.

On the contrary, the legislation of Mongolia in the field of protection and use of wildlife, although fragmented between various regulatory legal acts, is nevertheless quite comprehensive. Much attention is paid to the rights of the citizens in the field of sustainable use of wildlife from various points of view, including participation in decision-making, access to information and the right to compensation for environmental damage. The role of non-environmental state administrative bodies in ensuring sustainable management of wildlife is recognized²⁸.

Thus, there is a positive trend in ensuring environmental, economic and social interests of the citizens, society and the state in the legislation on wildlife in a number of foreign countries (Georgia, Mongolia). However, a large number of states (Turkey, the Republic of Kyrgyzstan, Armenia, and a number of other states) still do not implement the social aspect of the sustainable use of wildlife in their national legislation, which indicates the weakness of state policy and legislation in terms of ensuring the sustainable use of wildlife.

26 Elisa Morgera, James Wingard, Alessandro Fadella, *supra*, note 23. Pag. 108

27 Ahmet Arpacıka, Alptuğ Sarib, Şağdan Başkaya. *For the Future: Sustainable Wildlife Reserve Management in Turkey*. BASIC AND APPLIED RESEARCH (JSBAR), vol 36, no. 6. 2017. Pág. 250-261.

28 Elisa Morgera, James Wingard, Alessandro Fadella, *supra*, note 23. Pag. 138.

In this regard, legal literature indicates the need to move from the use of wildlife as a process of preserving individual animal populations, including endangered wild animals, “at the desired level based on scientific, technical and traditional knowledge”²⁹ to the sustainable use of wildlife, which adds to the above process the search for a balance of economic, environmental and social interests.

3. Practice of Implementing Sustainable Use Programs (Foreign Experience)

The United States was among the first countries to actively support the idea of sustainable use of natural resources as “conservation through wise use”³⁰. Moreover, the implementation of projects on sustainable use took place with the broad participation of both scientists and citizens who advocated for the protection of natural resources. Therefore, already in the 1980s, in some foreign countries, in addition to the basic laws on the animal world, defining the main provisions and criteria for the sustainable use of wildlife and the development of different programs for the sustainable use of wildlife objects increased greatly.

The supporters of sustainable use point out to a number of successful programs that implement the principles of sustainable use of wildlife and ensure a balance of interests of the citizens, business and the state. An example is the program developed by Garth Owen-Smith and implemented in the Kaokoveld Desert in Northwestern Namibia³¹. In particular, this program has made it possible to increase the incomes of the local population through the development of ecotourism. According to Owen-Smith, “The Purros program cost the villagers almost nothing, did not generate significant income for them”³². At the same time, the active and direct participation of people in the implementation of any sustainable use program is the most important principle of sustainable use. The support of the local population for the ideas of sustainable use of wildlife is important to achieve a successful outcome of a specific program. A project on the sustainable use and conservation of crocodiles has been implemented in Australia³³.

29 *Id.*

30 Henry Clepper. *The Conservation Movement: Birth and Infancy*. Ed. Henry Clepper. ORIGINS OF AMERICAN CONSERVATION. Ronald Press. (1966).

31 Raymond Bonner. *AT THE HAND OF MAN: PERIL AND HOPE AFRICA'S WILDLIFE*. Knopf (1993).

32 Catharine L. Krieps. *Sustainable Use of Endangered Species under CITES: Is It a Sustainable Alternative?* UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW, vol. 17, no. 1. 1996. Pag. 461-504.

33 *Los Angeles Times*. See Crocodile Skin Sales Boost Small Australian Tribe's Economy. September 6, 1993.

As a result of this project implementation, the annual income from the export of crocodile skins amounted to 340,000 dollars. In addition, the project made it possible to provide the local population with jobs, speaking about 100% unemployment before the project. In legal literature, attention is drawn to the fact that sustainable use programs that involve local population in planning and participation lead to positive results, and in some cases, "lead to the failure of more traditional environmental programs"³⁴. Thus, the practice of implementing programs for the sustainable use of wildlife is especially successful when they provide specific economic and social benefits to the local population.

Positive results have also been achieved within the implementation of the Program for the Sustainable Use of Natural Resources in Central Asia. The new policy of recognizing the value of wild animals by the local population through the practice of community management has given tangible results in restoring the population of wild animals in large areas. Thus, the practice of community management has been successfully implemented in Tajikistan, where, after five years of conservation activities, the number of individual species of wild animals has recovered and, as a result, the local community began to receive environmental and economic benefits from this. Two pilot community organizations have been established, equipped and trained in the principles of management, monitoring and protection of wild animals in Kyrgyzstan. In accordance with the Program for the Sustainable Use of Natural Resources, users were delegated the rights to manage wild animals and hunting grounds.

In Kazakhstan, due to the support of the political dialogue on the sustainable use of wild animals, a discussion of existing problems and opportunities on privatization in the hunting sector has begun. Thus, the practice of implementing various projects for the sustainable use of wildlife objects in foreign countries allows us to ensure a balance of interests of the state and society. At the same time, the sustainable use of wildlife gives a significant impetus to the economic and social development of remote underdeveloped rural areas. This conclusion was confirmed at the 2nd International Congress of the International Union for Conservation of Nature, held in Amman in 2000, where it was stated that the sustainable use of wildlife is an example of the legitimate use of natural resources not only in Central Europe, but throughout the world. Consequently, the needs of local communities that live through the use and conservation of biological diversity, as well as are affected by it, along with their contribution to its conservation should be reflected in the fair distribution of benefits from the conservation of those resources.

34 Catharine L. Kriepps, *supra*, note 32.

Along with strategic documents on the sustainable use of wildlife, ecological tourism is an effective way to implement the principles of sustainable development. In foreign countries, the potential of ecotourism as an effective tool for sustainable use is so high that currently many states, especially developing countries, include it in long-term plans for economic development. Ecotourism helps in the municipalities development by providing an alternative source of livelihood for the local community. The purpose of ecotourism is to preserve the objects of the animal world, to implement sustainable use of the resources of the animal world, to preserve the habitat and to obtain economic and social benefits.

Therefore, tourism can be sustainable if development meets the needs of tourists and local residents, protecting the biological diversity of the animal world. Otherwise, the use may lead to the reduction or even destruction of certain species of wild animals or their habitat. This happened in the Himalayas, when the number of tourists coming increased more than 25 times. Local residents began to cut down forests actively – for fuel, for campsites and numerous hotels. The ridges, which a few years ago were buried in thickets of rhododendrons, turned into barren wastelands, the trails were littered, the populations of many animals and birds decreased.

In general, there are not so many “absolutely positive” examples of ecotourism development in the world. Rather, we can talk about the successful implementation of certain specific principles of ecotourism³⁵. Nowadays, ecotourism has become the basis of a number of important official international declarations³⁶. As a result, the norms of international acts in the field of sustainable tourism development have become effective tools in the process of implementing the principles of ecotourism.

In many countries, and primarily in developing countries, the volume of organized hunting tourism has increased rapidly over the past 50 years. For the host country and its population, hunting tourism has numerous advantages, such as the following: preservation of ecosystems; income generation and job creation in poor and deprived areas; economical and rational use of habitats unsuitable for agriculture or conventional tourism; raising awareness of the local population regarding the value of wildlife, otherwise hunting tourism is associated with harm, problems and costs; less harmful impact on the environment than with other forms of tourism; reducing the

35 T. V. Bochkareva. *Ecotourism: Analysis of Existing International Experience*. Available at: <https://cutt.ly/ewWBUSuy>

36 Global Code of Ethics for Tourism (available at: <https://cutt.ly/owWBEiil>); Quebec Declaration on Ecotourism (available at: <https://cutt.ly/twWBEmp>); UNEP Environment Programme (available at: <http://www.un.org/ru/ga/unep/>); UNESCO Seville Strategy for Biosphere Reserves (available at: <https://cutt.ly/PwWBEgt0>); Principles of Environmentally sustainable tourism of UNEP (available at: <http://ecodelo.org/node/3489>)

level of poaching, thanks to the joint efforts of all parties interested in obtaining income from hunting tourism³⁷. Thus, hunting tourism gives a significant positive impetus to the economic and social development of remote underdeveloped rural areas.

So, the following aspects of ecotourism development can be regarded as positive: the preservation of wildlife and their habitat, the organization of new jobs for the local population, increased investment in infrastructure, the growth of the welfare of the local population, the development of local self-government. Along with the positive aspects of ecotourism in the context of the development of the idea of sustainable use of wildlife, a number of problematic issues should be pointed out. So, in practice, the inconsistency of the declared tourist programs with the principles of ecotourism is revealed. Often specialists in the field of tourism are invited "from the outside", which leads to a lack of motivation among the local population to participate in the implementation of projects for the sustainable use of wildlife. It is also necessary to highlight other factors that negatively affect the development of ecotourism, for example, the lack of infrastructure for tourists; "conservation of economic and cultural life for the sake of tourist needs"³⁸.

Consequently, we can conclude that it becomes impossible to preserve wildlife objects in the modern world without a combination of conditions and principles of sustainable use of wildlife, ensuring a balance of economic, environmental and social interests of society and the state, as well as without the organization of a management system in the field of protection and use of wildlife with clear powers and goals.

II. CONCLUSION

In general, it can be concluded that foreign legislation contains a fairly wide list of effective legal measures to ensure the sustainable use of wildlife aimed at achieving biological balance in nature, preserving ecological systems. Despite a number of shortcomings related to the definition of the concept of sustainable use of the animal world, the implementation of the mechanism of the animal world sustainable use and others.

Many of the provisions considered are of interest for the formation and improvement of Russian legislation on wildlife in the field of protection and use of

37 Rolf D. Baldus, Gerhard R. Damm, Kai-Uwe Wollscheid. *Sustainable Hunting Tourism: Position of the CIC Commission on Tropical Wildlife*. In: **BEST PRACTICES IN SUSTAINABLE HUNTING: A GUIDE TO BEST PRACTICES FROM AROUND THE WORLD**. FAO Publications. (2009).

38 T. V. Bochkareva, *supra*, note 35.

wildlife. In particular: focusing on the active involvement of interested citizens in the decision-making process related to the use of wildlife, and the involvement of local communities in the management of wildlife; the practice of implementing projects and programs for the sustainable use of certain species of wild animals, the result of which is the preservation of wildlife objects, which stimulates the economic and social development of territories; active development of ecological tourism, ensuring the preservation of ecosystems, reducing the level of poaching; economic stimulation of the protection and use of wildlife; the procedure for providing wildlife objects for use, etc.

Many of these provisions are of interest to Russian legislation and can be taken in order to improve the current Russian legislation on wildlife. Other provisions can be used in comparative characteristics to form new ideas in the field of sustainable use of wildlife.

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