

## LEGAL ASPECTS OF THE ENVIRONMENTAL SECURITY

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### **Abstract**

*The notion that the greatest threat to the existence of human civilization is an environmental threat is officially recognized at the highest interstate level. In general, environmental security is a phased, multifunctional social and legal phenomenon, and its provision is a very important type of dynamic, and sometimes legally significant activity. Threats to environmental security are always real. Due to the reality of threats to environmental security, we can conclude that the current state of the environmental sphere in most countries is critical. Environmental security is a special social and legal event. However, its identifiable or specific status remains unclear, which complicates its legal assessment and delays the resolution of relevant relations and legal liability issues. Ecological security includes elements of personal and public security, and ecological or public ecological security can be recognized as an element of public security, which is an integral part of a country's national security. Environmental security is ensured through the development and implementation of a set of measures aimed at the prevention of environmental violations. Nevertheless, there is a struggle against threats to the important interests of the individual, society and the state in the field of ecology.*

**Keywords:** security, environment, international law, climate change, natural resources, legal category, social ecology, energy, biodiversity.

Scientific and technological progress posed a threat of environmental disasters, and the concept of "development" was called into question. There was a need to revise the table of human values. Since the mid XX century, the degradation of the biosphere has been threateningly increasing: 2/3 of forests have been destroyed, and 2/3 of agricultural land has been destroyed. The bioresources of the oceans, seas and rivers are severely depleted, and the biodiversity of the planet is threatened. Currently, humanity consumes up to 40% of biological resources, of which 10% are used directly, and 30% are destroyed. Only in the last quarter of the 20th century, one third of natural resources has been destroyed. In the XX century, global environmental pollution led to global warming. The average annual temperature increased by 0.3-0.6 degrees, and by 2050 the temperature will increase by 1.5-2 degrees. This will lead to massive melting of glaciers, which will lead to sea level rise of 1.5-2.5 meters, which will lead to flooding of coastal areas and islands. Global environmental pollution is accompanied by a decrease in immunity and a deterioration in the health of people around the world, and new diseases appear. Many regions do not have access to drinking water. For comparison, in 2000, 1.1 billion people, that is, 18% of the world's population could not have access to drinking water [11, 22], by 2050, 2.5 billion people will face this problem [8, 252]. Nowadays, many cities have been deprived of fresh air. Natural disasters flood, earthquakes occur more often.

Over the past two centuries, the vast economic activity of mankind has been carried out without taking into account global environmental interests. Only the United States spends about 25% of world oil production, 40% of gasoline and 30% of fuel every

year. Oil consumption is expected to increase by 33-50% over the next 20 years [7, 484-485]. It is the high quality of the natural environment that is the main wealth of mankind and, undoubtedly, represents a valuable category. According to the World Health Organization, today 80% of all diseases are caused by poor-quality drinking water, 5 million people die from infected and poor water consumption every year [9, 143]. Because of oil is one of the main causes of the current armed conflicts, it is possible that drinking water will lead to armed conflicts in the near future. The quality of the environment as an indispensable resource due to its limitations will soon be more expensive than information technology and know-how. All this indicates the relevance of environmental security on the planet.

In general, environmental security is a phased, multifunctional social and legal phenomenon, and its maintenance is a very important type of dynamic and sometimes legally significant activity. The concept of "environmental security" is itself a synthesis and is reflected in the environmental prism not only in environmental law, but also in other legal issues.

Theoretically, environmental security issues were researched by such prominent lawyers as N. Myers, P. Erlix, W. Svenson, P. Gleick, M. Levy, G. Dabelko, F. Dodds, M. Brinchuk, A.K. Golichenkov. The issue of environmental security is regularly discussed at scientific seminars and conferences. However, environmental security problems are still widely interpreted and understood; there is no single terminology in this area. These conditions are not only inherent in environmental security, but are also characteristic of modern environmental legal doctrine and current legislation.

It is necessary to investigate a number of important features of this area in order to develop the concept of "viable" "environmental security" in a theoretical and practical context, adequate to the realities of modern society, to identify the subject to whom this phenomenon is applied, to avoid existing contradictions and worldviews.

Environmental security is a type of national security of a state. Despite the obviousness of this thesis, there are significant differences between these categories. This is one of the criteria for assessing the reality of a threat. Regarding national security, it is important to note that political speculation about this concept is common. As a rule, threats to national security arise from political motives. Jon Barnett says, Because of some interrelated developments that started in the 1960s, it emerged as an important concept in security studies [6, 190-207]. During this time, various events sparked the development of the environmental movement.

The second significant development that brought about the emergence of the idea of environmental protection was the number of scholars who began to critique the conventional notion of security and mainstream security debates in their research of the 1970s by highlighting their inability to deal with environmental issues at national and international security level. First commentators were Richard Falk who published 'This Endangered Planet' (1971), and Harold and Margaret Sprout who wrote 'Toward a Politics of Planet Earth' (1971) [5, 239]. Throughout their book, these two scholars argued that the notion of security can no longer be focused solely on military power, but that nations should jointly take action against common environmental issues as they pose a threat to national well-being and thus global stability.

Environmental degradation and climate change can sometimes lead to wars and violent conflicts between and within countries, which can significantly undermine national security. Environmental changes can undermine the country's military potential

and its economic prosperity, which plays an important role in its material strength. In some developed countries and in many developing countries, natural resources and environmental services are important factors in economic growth and employment. Agriculture, forestry, fishing, and mining can negatively impact the country's income and employment as a result of environmental security violations. If the natural basis of the economy collapses, it will also affect the long-term capabilities of its armed forces [10, 52-55]. In addition, changes in environmental conditions can pose a threat to human health and undermine human capital and its development. Thus, environmental security is an important factor in the economic development and stability of human society.

Climate change also could, through extreme weather events, have a more direct impact on national security by damaging critical infrastructures such as military bases, naval yards and training grounds, thereby severely threatening essential national defense resources [4, 25]. Thus, the violation of the ecological balance between nature and man poses a real threat to the existence of society. Environmental laws of countries summarize many environmental security requirements, such as requirements for planning, construction, operation of facilities; requirements for the use of chemicals; product requirements, technical requirements, etc.

Analysis of environmental requirements gives reason to conclude that, to some extent, compliance with environmental quality standards is a requirement in the implementation of economic or other activities.

Environmental security is a special social and legal event. However, his identifiable or specific status remains unclear, which complicates his legal assessment and delays the resolution of relevant relations and legal liability issues.

The concept of environmental security is used in many legislative acts and is actively used in political, economic, legal and scientific discussions, which reflects the importance of events reflected in their understanding.

Meanwhile, a single legislative, unambiguous scientific definition of this phenomenon does not exist. Such uncertainty complicates the analysis of the essence and socio-legal status of the phenomenon of environmental security, does not allow to distinguish it from the system of family relations of environmental management, environmental protection, security etc.

In reality, specific phenomena and processes, the contents of which should be indicated by the special term "environmental security", exist, they are organically connected with the phenomena and processes of nature management and environmental protection, they partially follow from them, but do not coincide with them. Already at a conceptual level, it is obvious that we are talking about a "butt-in", borderline between ecology and security phenomenon, not fully explained by either ecology or security, but for an explanation that requires a synthesis of knowledge of both [2, 108-111]. From the position of the epistemological genesis, ecology emerged as a field of knowledge about the relationship of organisms with their environment; she revealed the general, initially primarily biological patterns of life and development of organisms under the influence of changes in the environment, including such changes that are generated by these organisms themselves.

Subsequently, social ecology emerged from general ecology, which singled out human society from organisms and studies its interaction with the natural environment. In the field of social ecology, environmental law is necessarily formed, which solves the problems of regulating public relations arising from the use of environmental objects by

society. Legislation is being created that establishes the order of rational environmental management and protects the natural environment. An in-depth study of the processes of interaction between society and nature has led to an understanding of the exceptional role of an individual person, an individual. There was a need to study the attitude to nature not only of society, but also of man as some relatively independent organismic formation. This is the primary relation on which social ecology and ecology as a whole are built. A sphere of knowledge called human ecology has arisen.

The essence of environmental science created in this way was that at various levels (organism - social community - human individual) to track the negative changes that occur in nature, and take measures to minimize them, since a complete exclusion is impossible. One way or another, the task was reduced mainly to the protection of nature. Although it is obvious that at the same time the presumption of the social was realized, including human good, however, this good was considered in the system of interests only of environmental management.

Environmental security as a legal and scientific category appeared in connection with the need to study the processes of the influence of the natural environment on the security of a person, society and the state, due to the emergence of facts at a statistically detectable level that indicate the transformation of natural objects into a source of social threats.

In a conceptual sense, environmental security integrates in itself both the issues of nature protection and the issues of protecting people and society as a whole from the dangerous effects of natural factors. Environmental security as a theory has as its object the safety of man, society and the state, and the subject is the connection of this safety with changes in the natural environment.

Environmental security does not have security levels. In this case, we are not talking about the levels of territorial spread of danger, for example, local or global. It is about recognizing the absence of any acceptable hazard parameters. Environmental security has a systemic nature of manifestation. This is due to the fact that environmental hazard, as a rule, arises and manifests itself in the system of other dangerous factors: social, economic, technological, organizational and economic, etc. Means of protection of a person (society, state) have a single line, due to certain fundamental socio-economic transformations. There can be no ecological crisis in the absence of an economic crisis, since negative environmental trends are always detected and can be stopped in time if there are material opportunities and political will. Environmentally hazardous situations cannot arise when radiation, chemical, technological and other safety is ensured.

Thus, the hazard system operates comprehensively, in conjunction, which leads to the conclusion that is important for legal regulation about the need for an integrated approach to the organization of activities that counteract the dangers. It is impossible to deal with environmental or other dangers by investing forces and means mainly in one (environmental or technical) sphere. A parallel solution to security issues in many ways. Environmental hazards adversely affect human safety in a system of many factors; the allocation of the share of environmental impact in the overall system of negative forces acting on a person requires a complex factor analysis [3, 32-33].

When assessing the dangers of environmental factors, attention should be paid to the relationship between environmental dangers and more dangerous global processes in society. These processes include those that indicate a decrease in the value of human life.

Insufficiency of natural resources leads to the development of biotechnology, in particular, the increase in the production of transgenic food products, which are based on gene changes, the effect of which on the human body is unpredictable [1, 27].

The same environmental factors lead to dangerous intensification of people's livelihoods, their use of new types of food, and the expansion of their habitat, including at the expense of dangerous territories. Environmental security directly depends on the correct choice of the object of protection. The individualization of natural objects allows us to consider them not only as natural (material) objects, but also as legal objects, which are characterized by the norms and rules of their operation, protection, turnover, which are essentially law and order in environmental legal relations.

Industrial, economic and other types of activities are implemented in the process of interaction between society and nature in the forms of: environmental management, environmental protection and environmental security. They are interconnected and interdependent, the inability of society to organize nature management, which excludes negative anthropogenic impact on the environment, leads to the problem of its protection. In turn, the inefficiency of protection leads to the problem of ensuring environmental security.

One of the most important security facilities is the enterprise. It is an enterprise in the conditions of a market economy and legal reform in the country that becomes the center of concentration of priority problems, including in the environmental sphere. Another important security object is natural objects, the use of which is carried out by the enterprise in the course of its core business. Depending on the object of environmental security, the types of security differ: individual, local, local, territorial, regional, national, interstate (global, planetary).

The concept of "environmental security" is enshrined in the national legislation of most countries. Numerous regulatory acts are devoted to the regulation of this sphere. In our opinion, "environmental security" means the consolidation in legal institutions of such a system of relations regarding the environment, which can serve as the basis for a normal, stable existence of society and create conditions under which the state of all elements of the environment does not pose a danger to human life and health. In the scientific literature, cities and other settlements are referred to the human environment; industrial, agricultural, agricultural zones; green, suburban, forest parks around cities and industrial centers; Resorts recreation areas. The environment is characterized by a predominance of modified (modified) and transformed (transformed) human ecological systems.

The main threats to environmental security are economic or other activities that have a negative impact on the environment, which can lead to an increase in morbidity and mortality among the population. All this poses a serious threat to society and the state.

Despite the risk of environmental pollution, the risk of death due to depletion of natural resources (water, forests, land, minerals and other resources) is less likely at the present stage of community development. But these two problems are interconnected. It is safe to assume that in the future the threat of death due to depletion of natural resources will be more realistic than death from pollution. It is important to consider this factor in ensuring environmental security. The main condition for the implementation of economic or other activities should be their compliance with the requirements of environmental legislation.

If we generalize the whole variety of conceptual constructions of "environmental security", we can distinguish the following main approaches. The first position is based on the essence of environmental security. This approach considers environmental security as a certain state, in particular, as a state of protection of the vital interests of the individual, society and the state, as well as the natural environment from threats arising from anthropogenic and natural influences on them; a situation in which there is no threat of damage to the environment and public health.

The second position is reduced to understanding environmental security as a system of measures, norms; the sum of conditions, which is expressed in the following definition of environmental security, is a system of measures that eliminate the threat of mass death of people as a result of adverse anthropogenic changes in the state of the environment on the planet, in which a person, as a biological species, is deprived of the opportunity to exist, since it will not be able to satisfy its natural-physical and social needs due to the surrounding material world.

The third position of the approaches captures the understanding of environmental security as the degree of protection of its facility (person, state, nature, etc.). A similar position was reflected, in particular, in such a definition of environmental security - this is the degree of protection of the vital interests of the individual, society, state, world community from consequences and threats that are caused by negative changes (degradation) of the environment that is acceptable at this stage of socio-economic development arising as a result of anthropogenic and natural effects on it.

Based on the foregoing, it can be concluded that the concepts of "environmental protection", "ensuring environmental security" and "maintaining a favorable environment" contain much in common: all three concepts include preserving the natural environment, protecting it from the negative impact of economic and other activities.

As a result of the analysis, we formulate the definition of the desired concept. Environmental security - legal and organizational security of the individual, society and the state, based on a set of measures to predict, prevent or compensate for the onset of negative environmental events and phenomena.

#### **References:**

1. Altman Arie, Paul Michael Hasegawa. *Plant Biotechnology and Agriculture: Prospects for the 21st Century*. Academic Press, Amsterdam: 2012. 586p.
2. Barnett Jon. *The Meaning of Environmental Security: Ecological Politics and Policy in the New Security Era*. London: Zed Books, 2001. 184p.
3. Beer Tom. *Geophysical Hazards: Minimizing Risk, Maximizing Awareness*. Dordrecht: Springer Science & Business Media, 2010. 262p.
4. Busby W. Joshua. *Climate Change and National Security. An Agenda for Action*. Council on Foreign Relations Press, 2007. 40p.
5. Christopher M. Dent. *East Asian Regionalism*. 2nd Edition, London: Routledge, 2016. 320p.
6. Collins Alan. *Contemporary Security Studies*. Great Britain. Oxford, Oxford University Press. 2013. 576p.
7. Cowie Jonathan. *Climate Change: Biological and Human Aspects*. Cambridge, Cambridge University Press, 2012. 570p.
8. McKinney L. Michael. *Environmental Science*. Burlington, Jones & Bartlett Learning, 2019. 576p.

9. Munian A. Dynamics of Residential Water Demand and Supply in India: A Case Study of Chennai City. New Delhi, Gyan Publishing House, 2010. 364p.

10. Renewable Resources and Conflict. Toolkit and guidance for preventing and managing land and natural resources conflict. 119 p.

11. Water and Agriculture Sustainability, Markets and Policies: Sustainability, Markets and Policies. OECD Publishing, 2006. 480p.

**Date of receipt of the article in the Editorial Office  
(09.06.2019)**