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Strengthening environmental legislation in accordance with Russia's international obligations

Roman Y. Kolobov  

Federal Research Center “Irkutsk Institute of Chemistry named after A.E. Favorsky of the Siberian Branch of the Russian Academy of Sciences”. A. E. Favorsky Irkutsk Institute of Chemistry of the Siberian Branch of the Russian Academy of Sciences, *Irkutsk, Russian Federation*
 roman.kolobov@gmail.com

Abstract. The relevance of the study is determined by the need to fulfill the obligations of the Russian Federation under the Convention Concerning the Protection of the World Cultural and Natural Heritage and the decisions of the World Heritage Committee. The purpose of the analysis is to determine the appropriate ways to improve the Russian legislation in terms of strengthening the regime of protection of the World Natural Heritage. The materials of the study are the provisions of international treaties, decisions of the World Heritage Committee, provisions of the Russian environmental legislation and draft regulations. The study applies formal-legal, comparative-legal and system-structural methods. The main results of the study include the development of the theoretical construction of sui generis specially protected area, justification of the necessity to recognize the central ecological zone of the Baikal natural territory as a specially protected natural territory. The author describes the best ways to improve the legislation on the protection of World Natural Heritage properties in terms of preparing management plans and assessing the impact on their ecological condition. The conclusion states the need to establish in the legislation the specifics of protection of other international legal regimes of nature protection (for example, Ramsar sites).

Key words: world heritage property, international protection, lake Baikal, environmental law, protected areas

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Совершенствование природоохранного законодательства в связи с выполнением международных обязательств Российской Федерации

Р.Ю. Колобов  

Федеральный исследовательский центр «Иркутский институт химии им. А.Е. Фаворского
Сибирского отделения Российской академии наук», г. Иркутск, Российская Федерация

 roman.kolobov@gmail.com

Аннотация. Актуальность исследования обусловлена необходимостью выполнения обязательств Российской Федерации по Конвенции об охране всемирного культурного и природного наследия и решений Комитета всемирного наследия. Цель проведенного анализа – определение оптимальных способов совершенствования российского законодательства в части закрепления режима охраны всемирного природного наследия. Материалами исследования выступают положения международных договоров, решения Комитета всемирного наследия, положения российского природоохранного законодательства и проекты нормативных актов. В исследовании использованы формально-юридический, сравнительно-правовой и системно-структурный методы. К основным результатам исследования относится разработка теоретической конструкции особо охраняемой территории *sui generis*, обоснование необходимости признания центральной экологической зоны Байкальской природной территории особо охраняемой природной территорией. Описываются оптимальные пути совершенствования законодательства в вопросах охраны объектов всемирного природного наследия в части подготовки планов управления ими и оценки воздействия на их экологическое состояние. В заключении констатируется необходимость закрепления в законодательстве особенностей охраны и других международно-правовых режимов охраны природы (например, рамсарских угодий).

Ключевые слова: объекты всемирного наследия, международные режимы охраны, озеро Байкал, экологическое право, особо охраняемые природные территории

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Introduction

In today's international normative system, the significant attention is given to environmental protection. Over a relatively short historical period, a considerable number of international treaties and soft law instruments focused on environmental protection have emerged. The provisions of these instruments are generally non-self-executing (Marochkin, 2021), meaning that their effectiveness largely depends on the quality of implementing legislation.

Russia is a signatory to numerous international treaties designed to protect various components of the natural environment. For the implementation of some of these treaties, a comprehensive domestic regulatory framework has been established. However, there is a notable lack of legislative regulation for others. This includes acts that formalize international legal regimes of nature protection in specific areas. Primarily, we are referring to the protection regimes for World Natural Heritage Properties (WNHP)¹ and Ramsar sites². No less important are the emerging regimes in the soft law sector (Castaneda, 2013), such as biosphere reserves³ and UNESCO Global Geoparks. Despite their undeniable significance, these regimes are implemented in national legislation in a haphazard manner, and many critical issues – discussed below – remain unregulated at the domestic level.

In 2019, a draft law⁴ was published on the federal portal of draft regulatory acts. It proposed amendments to the Federal Law on Environmental Protection⁵ introducing separate articles dedicated to the protection of WNHP and wetlands of international

¹ Convention for the Protection of the World Cultural and Natural Heritage adopted in Paris 16.11.1972). Collection of International Treaties of the USSR. Vol. XLIV. M. 1990, 496-506 (hereinafter referred to as Convention, World Heritage Convention).

² Convention on Wetlands of International Importance Mainly as Waterfowl Habitat. Collection of Treaties, Agreements and Conventions in force concluded by the USSR with Foreign States. Vol. XXXIII. M., 1979, 462–466.

³ Man and the Biosphere Programme (MAB). Available at: <https://en.unesco.org/mab> [Accessed 12th October 2023]. At present, the provisions of the law On Specially Protected Natural Territories on biosphere polygons are no longer in force (Ref: On the invalidation of paragraphs 2-5 of Article 10 of the Federal Law On Specially Protected Natural Territories. Federal Law No. 191-FZ of June 28, 2022. Collected Legislation of the Russian Federation. 2022. No 27. Art. 4592).

⁴ Draft Federal Law On Amending the Federal Law On Specially Protected Natural Territories and Certain Legislative Acts of the Russian Federation. Available at: <https://regulation.gov.ru/projects#npa=96976> [Accessed 12th January 2023]. According to the information posted on the portal, a negative assessment of the regulatory impact was submitted for the draft law, and it was not presented to the State Duma.

⁵ On Environmental Protection: Federal Law No. 7-FZ of January 10, 2002. Collected Legislation of the Russian Federation. 2002, No. 2, Art. 133.

importance. Additionally, it suggested changes to the Federal Law on Specially Protected Natural Territories (SPNT)⁶ to establish a framework for biosphere polygons.

In the absence of other official documents addressing these issues, some proposals put forward by the author will be compared with the text of the draft law. The author believes that the most effective legal solution for fulfilling the outlined objectives is to include the section titled International Legal Environmental Regimes in the Federal Law on Specially Protected Natural Territories.

This study examines optimal methods for implementing international environmental regimes, using compliance with the World Heritage Convention⁷ as a case study in relation to the conservation of Lake Baikal⁸.

Natural World Heritage Sites: Key Challenges and Definitions

Since 2013⁹, the definition of natural World Heritage sites has been included in Article 1 of the Federal Law On Environmental Protection, which characterizes them as natural heritage sites listed on the World Heritage List (hereinafter referred to as the List). This definition emerged from modification to the provisions outlined in Article 2 of the Convention¹⁰. The primary characteristic of these sites is their compliance with the criteria for Outstanding Universal Value¹¹ (OUV); however, some sites may not be inscribed on the List.

It is important to note that the World Heritage Committee (hereinafter referred to as the Committee) had recommended for several years prior to the adoption of this law in 2013 that a special regulation dedicated to natural World Heritage sites¹² be established within the Russian legal framework. The legislative inclusion of these definitions likely reflects the Committee's positions¹³.

⁶ On Specially Protected Natural Territories: Federal Law No 33-FZ of March 14, 1995. Collected Legislation of the Russian Federation. 1995. No 12, Art. 1024.

⁷ This article will focus on *natural* World Heritage sites and potentially on mixed cultural and natural heritage sites. At the time of writing this article, there are 11 Natural World Heritage sites in Russia and none of the latter.

⁸ Lake Baikal was inscribed on the World Heritage List in 1996.

⁹ On Amending the Federal Law On Specially Protected Natural Territories and Certain Legislative Acts of the Russian Federation: Federal Law No. 406-FZ of December 28, 2013. Collected Legislation of the Russian Federation. 2013, No 52 (part 1), 6971.

¹⁰ The legislative definition, in particular, does not specify the composition of natural monuments (physical and biological formations) or the presence of Outstanding Universal Value in terms of aesthetics or science. It also does not include the characteristic of strictly protected areas regarding the conservation of habitats for threatened animal and plants.

¹¹ This key term, actively used in the documents of the World Heritage Committee, has significantly changed over the course of several decades (Droste, 2011).

¹² Ref: Decision 34 COM 7B.23 Volcanoes of Kamchatka (Russian Federation) (N 765bis). Available at: <https://whc.unesco.org/en/decisions/4131> (Accessed on 12.10.2023); Decision 36 COM 7B.24 Virgin Komi Forests (Russian Federation) (N 719). Available at: <https://whc.unesco.org/en/decisions/4673> [Accessed 12th October 2023].

¹³ Unfortunately, the explanatory notes to these draft laws do not contain a detailed explanation of the motives for the changes being made.

The relationship between these concepts is based on their original meaning as defined in the Convention. Most of its provisions apply both to sites included in the List and those not included, but identified by the State in accordance with Articles 3 and 11.1 of this international treaty. Such identification typically takes the form of tentative lists created by the States themselves¹⁶, following established practices and the provisions of the Operational guidance to the Convention¹⁷ (hereinafter referred to as the Guidance). Article 3 of the Convention also stipulates that each State identifies and delineates different properties referred to in Article 1 (cultural heritage) and Article 2 (natural heritage) located within its territory.

In other words, the text of the Convention establishes two types of natural sites within the broader concept of “heritage”. One type consists of sites inscribed on the List based on a decision by the Committee, while the other includes sites identified by the State but not inscribed on the List. It should be emphasized, however, that the Convention does not imply any fundamental differences in their legal regime, except for provisions regarding various forms of international assistance *typically* provided for “listed” heritage¹⁴.

In public and professional discourse, this dual understanding of the term “heritage” is often overlooked. Moreover, the World Heritage protection system has evolved in such a way that heritage not inscribed on the List has rarely received attention of its bodies. Its status is not discussed at Committee meetings, nor is it represented in profile studies conducted by the Committee’s advisory bodies. The Commentary to the Convention also states that UNESCO only declares the need to protect non-listed heritage in very exceptional cases¹⁵.

The various documents within the World Heritage protection system do not prescribe uniform standards for using these terms; therefore, different states develop their own systems of initial definitions in domestic law. For example, in Belarus, the legal framework uses the concept of a protected area of international importance – specifically referring to areas included in the List – within its Law On Specially Protected Natural Territories¹⁶ (Art. 33).

In turn, the Australian Environment Protection and Biodiversity Conservation Act 1999¹⁷ provides more detailed definitions of World Heritage properties. Article 13 of the Act defines a “declared world heritage property” as either a property listed on the World Heritage List or a property for which the Minister for the Environment has made a declaration in accordance with Article 14 of the Act. This provision allows the Minister to declare a property as a World Heritage property if it has been submitted to the World

¹⁶ Paragraph 62 of the Guidelines, which defines the Tentative List, provides that it is a list of those properties on the territory of the State which it considers suitable for nomination to the World Heritage List and refers to Articles 1, 2 and 11(1) of the Convention.

¹⁴ Similar positions are reflected in the authoritative commentary to the Convention (Francioni & Lenzerini, 2023).

¹⁵ This includes the destruction of the Bamiyan Buddha statues in Afghanistan (Francioni & Lenzerini, 2003).

¹⁶ On specially protected natural territories: Law of the Republic of Belarus. No. 150-Z of November 15, 2018. National Legal Internet Portal of the Republic of Belarus, No. 2/2588 of December 13, 2018.

¹⁷ Environmental Protection and Biodiversity Conservation Act 1999. Available at: <https://www.legislation.gov.au/Details/C2016C00777> [Accessed 25th July 2023].

Heritage Committee for inscription on the List per Article 11 of the Convention, or if the Minister believes that the property possesses, or is likely to possess, World Heritage values, or that such values are threatened. Such declarations are made after consulting with state authorities and are considered interim (Art. 14(5)). They expire upon the occurrence of one of the following circumstances: the end of the nomination period, cancellation of the nomination, or a decision by the Committee to inscribe or refuse inscription. The concept of a declared World Heritage property, in this two-part meaning, is also used in other legislative acts that ensure the protection of unique natural complexes¹⁸.

At the same time, it is important to note that the term “natural heritage site” used in the current Russian legislation is somewhat ambiguous, as its purpose¹⁹ and specific legal regime are not clearly defined. While retaining the term “natural heritage site,” it is necessary to more precisely articulate its content through legislative clarification of its significant characteristics: 1) possession of Outstanding Universal Value (OUV), with criteria for determining this value consistent with approaches recognized by the World Heritage Committee; and 2) inclusion on the Tentative List being formed by the Russian Federation, subject to subsequent inscription on the World Heritage List. This definition acknowledges that OUV is determined by three simultaneous conditions: compliance with criteria established by the Committee in its Guidelines, quality of integrity, and existence of a management and protection system (para. 78 of the Guidelines) (Droste, 2011).

On the one hand, the proposed changes and additions would enable compliance with the Convention’s requirements regarding the obligation to identify heritage (Art. 3 of the Convention), as well as the obligation to submit, as far as possible, a list of properties for inscription on the List (Art. 11.1 of the Convention). On the other hand, these changes allow for consideration of the evolving approach to the World Heritage protection system, which has historically focused exclusively on analyzing the state of inscribed properties. Additionally, this approach eliminates the need to establish a special artificial protection regime for a natural heritage property that are not included on the World Heritage List, a regime that is not currently provided for in national law.

The inscription of a property on the List implies that it meets the criteria for Outstanding Universal Value (OUV), is characterized by integrity, and has an established system of normative protection and management. This means that the legal regime for “natural heritage sites” and “natural World Heritage Sites” should be regarded as identical. In other words, domestic law already considers natural heritage sites to possess the characteristics of a natural World Heritage Sites.

¹⁸ For example: Offshore Petroleum and Greenhouse Storage (Environment) Regulation 2023. Available at: <https://www.legislation.gov.au/Details/F2023L00998> [Accessed 25th July 2023].

¹⁹ The Federal Law On Environmental Protection refers to natural heritage sites in Article 5, which addresses the competence of federal state authorities to compile a list of natural heritage sites recommended by the Russian Federation for inclusion on the World Heritage List. *One significant consequence of recognizing natural complexes as natural heritage sites is their classification as specially protected forest areas under Article 119 of the Forest Code of the Russian Federation.* These examples show that the current positive law does not provide a comprehensive protection regime for these objects.

Procedure for nomination of Natural World Heritage Sites: A global perspective

The Draft Law reflects general issues regarding nomination of World Heritage properties, but its regulation is rather broad. It stipulates that sites may be recommended for inclusion on the List upon submission by the competent executive authority, while the direct preparation of materials is carried out by the public authorities of the constituent entities of the Russian Federation. While we support the provisions proposed by the Draft Law in principle, we believe they are insufficient.

At the level of international legal regulation, one of the main mechanisms for selecting potential World Heritage properties is the Tentative List procedure²⁰. According to Item 63 of the Guidelines, examination of nomination materials by the Committee must be preceded by the property being on the Tentative List for at least one year²¹.

The basic requirements for preparing tentative lists are outlined in the Guidelines, and States are encouraged to consult studies from advisory bodies during their preparation (paras. 71 and 72 of the Guidelines). The relevant approaches to preparing tentative lists contained in these documents should be legally enshrined in national legislation. Specific legal and technical issues related to preparing such lists may be addressed at the subordinate legislation level. An authorized body among federal executive authorities may have the right to approve methodological recommendations that contain criteria for selecting objects for inclusion on tentative lists. Guidelines, various studies and guidance documents from the Committee's advisory structures can serve as a theoretical basis for developing these methodological recommendations. The Guidelines for the Development and Revision of Tentative Lists, which focus on the initial stages of nomination preparation²², can form a solid foundation for national guidelines.

A critical issue that inevitably arises during the nomination process is ensuring the rights of local communities and indigenous peoples living within the World Heritage property. The concern is reflected in Item 64 of the Guidelines, which requires the involvement of a wide range of stakeholders in establishing Tentative Lists. Decision 43 COM 11A of the Committee amended this provision by stating that when a proposed nomination will affect the customary life of indigenous peoples, public authorities must obtain their prior informed consent before inscribing the property on the Tentative List²³.

²⁰ According to the World Heritage Centre, as of August 15, 2024, thirty-one properties are inscribed on the Russian Tentative List. Ref: Tentative Lists. Available at: <https://whc.unesco.org/en/tentativelists/?action=listtentative&state=ru&order=states> [Accessed 05th August 2024].

²¹ A similar reference is found in the Guidance (1984 ed.) (Vigneron, 2016).

²² Guidance on Developing and Revising World Heritage Tentative Lists. Available at: <https://whc.unesco.org/document/184566> [Accessed 12th October 2023].

²³ At the normative level, the role of local communities and indigenous peoples in the protection and management of unique natural sites has been continuously reinforced throughout the existence of the World Heritage protection system. (Jang & Mennis, 2021).

It is important to recognize that the World Heritage protection system has faced controversial examples of site inscription regarding the rights of local communities and indigenous peoples (Disko & Dorrough, 2022). For example, Thailand nominated the Kaeng Krachan forest complex four times, with only the last attempt in 2021 being successful. The main obstacle to inscription for so long was the Committee's and its advisory bodies' concern that the rights of the indigenous Karen people would be violated during the nomination preparation activities. The decision of the 44th session of the Committee to include this site has received mixed reviews in academic literature (Bille Larsen, 2022; Tohsan & Thanachaitemwong, 2022). Such controversies are inevitable because the current model of the World Heritage Organization assumes that the Committee is a political body composed of representatives from States (Meskell, Liuzza, Bertacchini & Saccone, 2015), who are guided not only by the normative instruments but also by prevailing political interests.

Current domestic studies indicate that the selection of promising sites for subsequent nomination is not always accompanied by sufficiently representative expert discussions (Maksakovsky & Butorin, 2019), let alone actual involvement of the general public.

The content analysis of mass media suggests that a segment of the local population in the Central Ecological Zone of the Baikal Natural Territory (CEZ of the BNT) does not accept the WNHP regime. This resistance is largely due to a lack of outreach by authorities aimed at informing the public about the benefits that may accompany the implementation of Convention norms in preserving the Baikal ecosystem and improving local living standards. An equally important aspect is fostering a shared sense of responsibility for preserving this unique natural complex, which should be recognized by both the state and local communities.

One of the key obligations of States Parties to the Convention is to present heritage (Articles 4 and 5). Traditionally, tourism has been viewed as the primary means of fulfilling this obligation²⁴. However, we believe that education is equally important for disseminating information about the universal significance of World Heritage sites and promoting sustainable use of natural resources for the benefit of present and future generations. The need for such educational programs should also be enshrined in laws governing protected areas.

The proposed additions will also enhance the quality of nomination materials, as the Committee has increasingly tightened content requirements for nomination documentation over time (Maksakovsky, 2018).

²⁴ The available scientific literature on this topic can be categorized into two types: studies that establish a relationship between the growth of tourist flows and the World Heritage status of the site, and those that assert there is no such relationship. (Hosseini, Stefaniec & Hosseini, 2021; Cuccia, Guccio & Rizzo, 2016).

Institute of Specially Protected Natural Territories as a national approach to implementing the WNHP regime

The most important aspect of the emerging protection regime for unique natural sites should be the fundamental principles of nature conservation activities within World Natural Heritage Properties (WNHP). The draft law includes two key provisions regarding this issue. Firstly, it proposes to prohibit any economic or other activities that contradict the goals and objectives of these territories, particularly those that could harm natural complexes and the flora and fauna within World Heritage sites. Secondly, it stipulates that if a World Heritage property is located within the boundaries of a Specially Protected Natural Territory (SPNT), the protection of the components of the natural environment shall be conducted in accordance with the legislation governing specially protected natural areas.

The second provision anticipates scenarios where WNHP might be located outside specially protected natural areas. However, in the author's view, this situation is unacceptable. The need to ensure legal protection for World Heritage is mandated by the Convention (Art. 5(d)) and the Guidelines (paras. 15 (f), 53, 98). If the legal protection of any part of a World Heritage property is weakened or "denuded", the Committee warns the State of the potential inclusion of the property on the List of World Heritage in Danger²⁵. These consequences are outlined in para. 180(b), (i) of the Guidelines, which explicitly establishes a change in the legal protection status of a territory, leading to a reduction in its legal protection, as a criterion for inscribing properties on the List of World Heritage in Danger.

Unfortunately, the Russian Federation has experienced negative outcomes in fulfilling its obligations under the World Heritage Convention. In January 2010, new coordinate points of the boundaries of Yugyd-Va national park were established. This national park provides national legal protection to the WNHP Virgin Forests of Komi. As a result of boundary changes made by the Ministry of Natural Resources and Environment of the Russian Federation, the Chudnoe gold deposit was not included as a component of the Yugyd-Va National Park, which left a portion of WNHP without national legal protection²⁶. The Committee responded promptly to the described situation, stating that if the legal protection level for the property declines, such situation should be considered a basis for inscription on the List of World Heritage in Danger.

In the Russian Federation, the protection of valuable natural sites is enforced through the establishment of specially protected natural territories (SPNT). In this regard, it is necessary to either create a (special) *sui generis* SPNT that operates

²⁵ In exceptional circumstances, the absence of regulatory protection for a site can serve as grounds for its removal from the World Heritage List (Albrecht & Gaillard, 2015).

²⁶ In the scientific literature, there is a prevalent opinion that gold mining in the Kozhima mining district during the 2nd half of the 20th century caused significant damage to the ecological condition of the river systems within the national park. Teteryuk, Degteva, Kanev, Valuiskikh, Teteryuk & Kulyugina, 2020; Shubnitsina & Elsakov, 2014).

according to the norms of a specially developed legislative act, or a traditional federal-level SPNT.

In previously published works, the author has already defined the essence of the first proposal (creation of *sui generis* SPNT) in relation to the Conservation and Ecological Zone (CEZ) of the Biological Natural Territory (BNT), which is the first and, to date, the only candidate for such status) (Kolobov, Ditsevich, Ganeva & Shornikov, 2022). Therefore, this publication will only outline the main provisions of this proposed innovation. In fact, the CEZ of the BNT possesses all the attributes of a protected area, except for the formal one – recognition as such by law. This regime was established and operates for conservation purposes; its primary focus is on imposing restrictions on economic and other activities. The regime functions within defined boundaries. Thus, in essence, the CEZ of the BNT is indeed a specially protected natural territory.

Legal recognition of the CEZ of the BNT as a specially protected area can be achieved by amending Article 2 of the law on Specially Protected National Territories (SPNT) to allow for the creation of such areas grounded in federal laws. The general provisions of the legislation on SPNT will apply only to the extent that the issues at hand are not addressed by special legislation.

SPNT established under the federal law may include other “traditional” specially protected areas within their boundaries, similar to the central ecological zone of the Baikal natural territory, which includes various traditional types of protected areas. The *sui generis* design of protected areas, as recommended by the author, can prove effective in cases where it is necessary to properly manage the protection of extensive sites with significant populations residing within them. In such situations, forming traditional protected areas can be quite challenging, necessitating the establishment of exceptional rules and regulations.

The proposed measures to grant SPNT status to the CEZ of the BNT are primarily aimed at addressing practical institutional tasks, since the regime of restrictions on economic and other activities within its boundaries has already been established²⁷. These tasks include, first and foremost, the creation of a unified administration for the SPNT ‘CEZ of the BNT’, which will promote cohesive management of the Lake Baikal World Heritage site. This unified administration will facilitate the development of a comprehensive management plan for the site and enhance the effectiveness of educational activities.

In the future, Russia’s extensive experience in nature protection within SPNT will support the establishment of a unified zoning system for the CEZ of the BNT, which currently does not exist. Additionally, the political and legal aspects are crucial: recognizing the CEZ of the BNT as a specially protected natural area will reaffirm the priority of environmental policy in managing the Lake Baikal SPNT²⁸.

²⁷ On approval of the list of activities prohibited in the central ecological zone of the Baikal natural territory: Resolution of the Government of the Russian Federation No 2399 of December 31, 2020. Collected Legislation of the Russian Federation. 2021, No 2, Art. 448.

²⁸ It is important to note that the World Heritage system recognizes the need to promote World Heritage properties, primarily through the development of sustainable tourism. However, it places the ‘conservation’

These are just a few of the positive outcomes associated with the changes proposed by the authors.

Scientific literature has previously discussed a similar proposal to grant the CEZ of the BNT the status of a specially protected natural territory of international importance (Ryzhenkov, 2018). Acknowledging that the establishment of the CEZ of the BNT regime and the federal law On the Protection of Lake Baikal are closely connected with the protection of World Natural Heritage, it seems that this unique type of SPNT could subsequently be used to create environmental regimes beyond direct connections with the implementation of international instruments. In this context, it is advisable to establish the general possibility of creating such SPNT based on the provisions of federal laws.

The second option for ensuring national legal protection of WNHP involves the creation of traditional federal-level SPNT, which is necessary for several reasons. Currently, Russia has established practices that utilize the legal regime of regional-level SPNT for the protection of natural heritage sites.

A similar situation occurred with the Kamchatka Volcanoes WNHP, which received a controversial assessment from experts at IUCN and World Heritage Centre. The report from the mission that visited the property in 2007²⁹, recommended that the regional SPNT be designated as a national park; however, this recommendation was not implemented. In 2019, a reactive mission from IUCN and World Heritage Centre revisited the site and explicitly stated in its report that the presence of different levels of protected areas hindered the preparation of a unified management plan for the site³⁰.

Addressing these issues would be facilitated by granting the Government of the Russian Federation the authority to change the boundaries of specially protected natural areas, ensuring compliance with the international obligations of the Russian Federation. This should occur with mandatory adherence to the requirements of relevant international treaties and documents developed in their implementation³¹. The creation of various types of SPNT within the boundaries of a World Heritage property is supportable, but all of them should operate at the federal level and be managed by a single administration.

The establishment of buffer zones for World Heritage properties is also closely related to SPNT boundaries. Their establishment is outlined in paras. 103–107 of the

aspect of the World Heritage protection regime at the forefront. This emphasis is particularly evident in Paragraph 109 of the Guidelines, which stipulates that the objective of the management system for World Heritage Properties is to ensure their effective protection for present and future generations.

²⁹ Mission Report. Reactive Monitoring Mission to Volcanoes of Kamchatka, Russian Federation. August 29 – September 7, 2007. AVAILABLE AT: <https://whc.unesco.org/document/9900> [Accessed 05th August 2024].

³⁰ Joint UNESCO World Heritage Centre/IUCN Reactive Monitoring Mission to the World Heritage Property ‘Volcanoes of Kamchatka’, Russian Federation. August 08-14, 2019. Available at: <https://whc.unesco.org/document/183777> [Accessed 05th August 2024].

³¹ The presence of multilevel (federal and regional) specially protected natural areas within WHSs can complicate the development of unified management plans for multi-component World Heritage sites. Such a problem was noted in relation to the site ‘Volcanoes of Kamchatka’ by the IUCN and World Heritage Centre mission in 2019.. Available at: <https://whc.unesco.org/document/183777> [Accessed 12th May 2023].

Guidelines. According to these provisions, a buffer zone provides an additional level of protection for a World Heritage property, even though its territory does not fall within the property's boundaries and therefore does not formally possess the attribute of Outstanding Universal Value. The creation and modification of buffer zone boundaries are endorsed by the Committee and constitutes an area protected under the Convention, even if this regime is still in its formative stages.

Consequently, provisions regarding the regime and boundaries of buffer zones for World Heritage properties need to be enshrined in national legislation, following the proposed approach in the law on SPNT. In addition to the optional nature of buffer zones, the variable nature of the choice of their national form of establishment in domestic law should be reflected. For example, if the proposed buffer zone physically surrounds the site, it may be possible to establish a protected area within it, which would be the closest domestic analogue.

At the same time, it is entirely acceptable to establish another specially protected natural territory at the federal level that functions as a buffer zone for the WNHP. This approach is also recognized in the international practices for the protection of unique natural sites³².

When establishing a specially protected area to ensure compliance with international obligations under the World Heritage Convention, it is essential to give normative significance to the characteristics of unique natural sites that led to their inclusion on the World Heritage List. The World Heritage protection system has developed a specific category to describe these characteristics – Outstanding Universal Value (OUV) – which is articulated in a statement that must be approved by the Committee. This statement outlines an assessment of compliance with OUV criteria, as well as adherence to integrity requirements and site management standards. The legal significance of this statement is that it serves as the foundation for planning future protection and management activities for the site (para. 155 of the Guidelines).

The wording approved by the Committee should be incorporated either into the regulations of the relevant SPNT protecting the World Heritage property or into the federal law that establishes the possibility of creating such *sui generis* SPNT³³. The direct inclusion of the Outstanding Universal Value terminology into domestic law will help draw attention to the conservation of WNHP by both the administrations of the established SPNT and the regulatory and supervisory bodies responsible for implementing related functions.

Additionally, it should be noted that for a long time, the Committee did not emphasize the absence of a formalized formulation of the OUV for the World Heritage

³² In Nahanni National Park, the protection of the 'outer contour' of the HCVF was achieved by extending the boundaries of the protected area without altering the boundaries of the HCVF or creating a buffer zone for the World Heritage property, and the Committee welcomed this approach. Ref: Convention concerning the protection of the World cultural and natural heritage. AVAILABLE AT: <https://whc.unesco.org/archive/2018/whc18-42com-8Eadd-en.pdf> [Accessed 12th May 2023].

³³ In legal-technical terms, such wording can be formalized as an annex to the law. Such a technique is used, for example, in the Law of the Russian Federation On International Commercial Arbitration, which contains two annexes. The Federal Law On the Federal Territory of Sirius contains three annexes. This solution may be appropriate, since formulations of outstanding universal value are usually quite voluminous.

property of Lake Baikal. It was only in the report of the Committee's mission following its visit to the lake in 2023 that the importance of formalizing this value was highlighted. In 2024, the Committee supported this recommendation in Decision 46 COM 7B.52. The prolonged lack of formalized Outstanding Universal Value for Lake Baikal has been a significant factor hindering the full potential of the World Heritage regime, as the mechanisms implemented within the World Heritage protection system are directed towards safeguarding the OUV elements identified in this formulation. These mechanisms include, first and foremost, impact assessments, which are discussed later in this article.

Implementing Preventive Measures to Protect the Outstanding Universal Value of World Heritage Properties

The above-mentioned problems are directly related to the institutions of the World Heritage protection system, which ensure the prevention of deterioration of the state of conservation of unique sites and deserve to be enshrined in the proposed section of the law on Special Protected Natural Territories (SPNT).

The first of these institutions is contained in para. 172 of the Guidelines, which calls for States Parties to the Convention to communicate plans for large-scale construction works on World Heritage properties in advance. This is intended to assist in finding a compromise between the interests of territorial development and nature conservation.

With regard to Lake Baikal, the Committee has repeatedly requested information from Russia under this provision of the Guidelines. On these occasions, the Committee has focused on projects for the construction of wharves in the Republic of Buryatia, projects for the development of special economic zones, and the construction of hydraulic structures on tributaries of the Selenga River. Finding the best solutions for the conservation of Russian World Heritage properties in general, and Lake Baikal in particular, can be facilitated by establishing a procedure for notifying the Committee of planned construction projects and non-capital structures on the territory of the WNHP³⁴.

Fulfilment of obligations under the Convention will allow for the use of best international practices and will contribute to meeting the international obligations of the Russian Federation, thereby preventing claims from the Committee. For example, the General Plan of Listvyansky Municipality, located on the coast of Lake Baikal and approved in 2022³⁵ provides for the construction of a bridge connecting Nikola village

³⁴ Despite the lack of publicly available information on the technical characteristics of the previously mentioned Ferris wheel in Listvyanka village, Irkutsk region, it seems quite possible that it is a prefabricated structure that does not fall under the formal definition of a capital construction object. However, the erection of this structure appears to be subject to an assessment of its impact on the aesthetic value of Lake Baikal.

³⁵ On Approval of the General Plan of Listvyansky Municipal Formation of Irkutsk District of Irkutsk Oblast. Available at: <http://listv-adm.ru/content/ob-utverzhdenii-generalnogo-plana-listvyanskogo-municipalnogo-obrazovaniya-irkutskogo-0> [Accessed 12th January 2023].

and Baikal port³⁶. The implementation of this project may significantly impact the natural beauty of the site and affect biodiversity, hydrological characteristics, and other aspects. While inclusion in the Master Plan does not obligate construction, however, early notification of the Committee, accompanied by a comprehensive environmental assessment, will help avoid potential questions from entities within the World Heritage protection system. Most importantly, this will contribute to preserving the unique aesthetic value of the lake.

The second, more complex issue concerns the direct implementation of the norms regarding impact assessment of WNHP. General provisions on this topic are contained in Article 110 of the Guidelines, which stipulates that impact assessments for proposed anthropogenic interventions are essential for conserving all World Heritage properties. A specific and detailed provision on this subject is presented in Item 118bis of the Guidelines.

States, in accordance with this provision, should ensure that various types of impact assessment are carried out in advance of any construction or development activity within or immediately adjacent to these sites.

The advisory bodies of the Committee have adopted various documents on standards for the implementation of environmental assessment. At the time of writing, a new methodological guidance on environmental assessment, developed in 2022³⁷ is in force.

Currently, domestic legal regulations concerning impact assessment procedures require a mandatory environmental impact assessment as part of the state environmental expertise. However, other types of impact assessment used in international practice³⁸ are not recognized in Russian legislation³⁹. Consequently, while it is desirable to include a requirement for various types of impact assessments in the federal law on SPNT, doing so at this time may be impractical until a detailed legal framework for this institution is established⁴⁰.

Management of natural World Heritage sites

Another set of significant issues that should be enshrined in the Russian legal system is the creation of management plan for natural World Heritage properties. Paragraph 108 of the Guidelines stipulates the mandatory

³⁶ The bridge from Nikola to Port Baikal across the Angara River is included in the general plan of Listvyanka. Available at: <https://ircity.ru/text/transport/2022/08/02/71535587/> [Accessed 12th January 2023].

³⁷ Guidelines and Toolkit for Impact Assessment. Available at: <https://whc.unesco.org/document/195279> [Accessed 12th January 2023].

³⁸ These include, inter alia, social impact assessment, health impact assessment, strategic impact assessment and others. (Morgan, 2012).

³⁹ The Report on the State of Conservation of the UNESCO World Heritage Site 'Lake Baikal' (Russian Federation, No. 754 in 2021–2022) explicitly states that the SEA strongly recommended by the Committee is not required by Russian law. Ref: Report on the State of Conservation of the UNESCO World Heritage Site 'Lake Baikal' (Russian Federation, No. 754) in 2021 – 2022, p. 8. Available at: <https://whc.unesco.org/document/198559> [Accessed 05th August 2024].

⁴⁰ It will also benefit from international experience. (Shornikov, 2021; Marsden, 2011).

preparation of such documents (management plan or documentary management system) for each property. Flaws in the management system may lead to a property being inscribed on the List of World Heritage in Danger (para. 180). The Committee has repeatedly emphasized the need to prepare these long-term planning documents in its communications.

An analysis of the practice of protecting natural World Heritage properties in Russia reveals considerable variation in the preparation of management plans. For example, no management plan has been developed for the Lake Baikal World Heritage property. Conversely, for the multi-component Volcanoes of Kamchatka World Heritage property, management plans for 2020–2024 have been prepared. However, based on an analysis conducted jointly by IUCN and the World Heritage Centre, it appears that this report was created using a common method of copying as it contains a set of uniform errors⁴¹. In contrast, the management plan for Virgin Forests of Komi (2017–2031) outlines key activities aimed at conservation⁴².

The Committee has been requesting a comprehensive management plan for Lake Baikal and individual specialized planning documents (e.g., a fire management plan) for several years. As of now, such plans have not yet been prepared.

We believe that one reason for the difficulties in preparing management plans for WNHP in Russia is the lack of a legislative basis for these efforts. Making the development of management plans mandatory would create conditions for assigning approval functions regarding methodology to a specific authorized authority, presumably the Ministry of Natural Resources and Ecology or the Federal Service for Supervision of Natural Resources Management (Rosprirodnadzor), which operates under this ministry's jurisdiction. Additionally, when developing these methodological materials, it is essential to consider the legal positions of the World Heritage Committee and the International Union for Conservation of Nature. Currently, the only normative legal act regulating procedures for developing management plans for certain types of specially protected natural areas is Rosprirodnadzor Order No. 491 On Improving the System for Planning the Basic Activities of State Nature Reserves and National Parks⁴³. The norms outlined in this order apply regardless of their legal protection status as World Heritage sites. Consequently, this normative legal act does not enshrine specific requirements from the World Heritage protection system documents. In particular, it lacks requirements for disclosing outstanding universal value, highlighting its attributes and values, and utilizing environmental assessment mechanisms in accordance with World Heritage protection standards.

⁴¹ WHC-IUCN Mission report Volcanoes of Kamchatka. Available at: <https://whc.unesco.org/document/183777> [Accessed 12th January 2023].

⁴² The total length of this strategic planning document is 186 pages.

⁴³ On improvement of the system of planning of the basic activity of the state natural reserves and national parks (along with Regulations for the development, coordination and approval of planning documents of the state natural reserves and national parks, Recommendations on the development of medium-term management plans of the state natural reserves and national parks): Order of Rosprirodnadzor No 497 of December 3, 2007. ConsultantPlus legal reference system.

Developing management plans for extensive sites (such as Lake Baikal) can take many months or even years. Therefore, during the development period of a long-term integrated management plan, it would be advisable to grant administrations of specially protected natural territories established to ensure World Heritage protection the authority to adopt *temporary* management plans⁴⁴.

Conclusion

Despite the long and active participation of the Russian Federation in international environmental treaties, national legislation ensuring their implementation is still in its infancy. Implementing proposals to supplement the Federal Law on Specially Protected Natural Territories with a special section enshrining international nature conservation regimes will promote the Russian Federation's compliance with international treaty norms and serve as an impetus for increased activity in the conservation and sustainable use of unique natural complexes of universal value.

This the problems associated with implementing international legal environmental regimes, focusing specifically on the World Heritage protection system. However, issues related to normative regulation and compliance organization for other previously mentioned international environmental institutions, such as wetlands of international importance, biosphere reserves, and future conservation regimes of international character (as their enforcement and legal essence are developed) require in-depth study. This includes sites recognized within the UNESCO Global Network of Geoparks.

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⁴⁴ This practice was supported by the Committee in relation to the Pirin National Park in Bulgaria. (Kolobov & Ganeva, 2022).

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About the authors:

Roman Y. Kolobov – Candidate of Legal Sciences, Associate Professor, Leading Researcher, Federal Research Center “Irkutsk Institute of Chemistry named after A.E. Favorsky of the Siberian Branch of the Russian Academy of Sciences”; 1, Favorsky str., Irkutsk, 664033, Russian Federation.

ORCID: 0000-0003-1488-7530; Researcher ID: H-4644-2016; Scopus Author ID: 57210558887

e-mail: roman.kolobov@gmail.com

Сведения об авторе:

Колобов Роман Юрьевич – кандидат юридических наук, доцент, ведущий научный сотрудник, Федеральный исследовательский центр «Иркутский институт химии им. А.Е. Фаворского Сибирского отделения Российской академии наук»; 664033, Российская Федерация, г. Иркутск, ул. Фаворского, д. 1.

ORCID: 0000-0003-1488-7530; Researcher ID: H-4644-2016; Scopus Author ID: 57210558887

e-mail: roman.kolobov@gmail.com.