EAEU ENVIRONMENTAL LEGISLATION: DECLARATION OF PRINCIPLES IN UNION LAW AND PROBLEMS OF DE-ECOLOGIZATION AT THE NATIONAL LEVEL

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Abstract. The article analyzes the legal norms of Russia and Kazakhstan – the member states of the Eurasian Economic Union (EAEU). The legislation of these two EAEU countries on environmental protection and rational use of natural resources was considered within the framework of a risk-oriented approach. Special emphasis is placed on the legislation concerning specially protected natural areas, resorts and other unique natural objects and complexes. Alongside the existing national law, the article examines the practice of its application, as well as the current and potential legislative activities in the future. The article examines the current legal norms that contribute to the emergence of corruption, and practical recommendations are developed to overcome this negative trend. The authors state that there are attempts by certain financial and economic groups to lobby their commercial interests in the field of lawmaking, which, at the present stage, leads to the de-ecologization of the national legislation in the EAEU countries. This trend is illustrated by an example of the latest changes in the legislation concerning specially protected natural areas in Russia and Kazakhstan, as well as the active attempts to change legislation towards the liberalization of the protection regime. Similar trends of de-ecologization of eco-environmental and natural resource legal norms are being identified in two EAEU countries. The conclusion was drawn that the flaws in environmental policy in the post-Soviet countries entail insufficiency and inconsistency of the newly adopted norms.

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The authors identify these deficiencies and indicate their possible negative consequences for law enforcement. Options for solving existing and potentially possible problems in the EAEU countries are proposed, with a concurrent consideration of the possibility of receiving such solutions by other states at the stage of their economic integration within the Union.

Keywords: environmental protection, legislation, specially protected natural areas, Eurasian Economic Union, EAEU.

1. INTRODUCTION

The Eurasian Economic Union (hereinafter referred to as the EAEU) was established in 2014 as a regional international organization with the goal of achieving economic integration among its member states by ensuring the free movement of goods, services and labor resources among them, as well as conducting a single or coordinated policy in various economic sectors (Baieva et al., 2018). Currently, five states are full members of this international organization - Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia (Glazyev, 2014).

At first glance, the goal of interstate integration within the EAEU seems purely economic and has little relation to the scope of environmental and natural resource legal norms. However, upon closer consideration of these problem areas, it becomes clear that there is much in common between them, since it is natural resources serve as the basis for economic development, and, therefore, the success of economic integration largely depends on the convergence and improvement of the relevant branches of legislation and the practice of application in the member states (Klyukovskaya, 2022).

In this process, not only the movement of goods, services and labor (Jackson and Decker Sparks, 2020) between the EAEU countries, but also joint business projects, the movement of capital, the development, and deepening of investment activities by residents one member states of the Union on the territory of others, etc. Since the implementation of all this often involves the use of land and other natural resources, effective systems of national natural resource legislation become an important factor in the effectiveness of economic integration (Barashyan, 2023).

Currently, the study of legal means to ensure the effectiveness of interstate associations has gained particular relevance worldwide. The world's leading peer-

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reviewed scientific publications regularly publish articles containing a legal analysis of the activities of the European Union (EU), the Commonwealth of Independent States (CIS), the North American Free Trade Association (NAFTA), the South American Common Market (MERCOSUR), the Association of Southeast Asian Countries (ASEAN) and other interstate integration associations (Mavlyanova et al., 2018). Dozens of monographic studies in a wide variety of languages are devoted to the legal aspects of integration processes in many countries. Scientific forums and conferences actively address these issues (Diakonova et al., 2021).

The EAEU, despite its relatively recent history in comparison with the named organizations, has confidently entered the number of objects of constant and close scientific interest. A number of scientific works has also been published about it. The peculiarity of the majority of these works, specifically concerning the EAEU, is that their authors are predominantly scholars living in the post-Soviet space (or immigrants from the corresponding countries).

On the one hand, this indicates a close connection and insider involvement of these researchers in the studied socio-economic processes, a personal interest in optimizing them and increasing the efficiency of integration between our countries which share so much in common (Baieva et al., 2019).

On the other hand, this circumstance indicates the insufficient interest in the EAEU it emphasizes the necessity for further promotion of the unifying ideas and values of the EAEU in the world (including, and especially, at scientific sites), and there is an urgent need to draw attention to this young and dynamically developing interstate block in scientific circles across different countries. This is especially important in relation to those states that traditionally lean towards cooperation with the EAEU countries (such as India, China, Iran, Syria, etc.).

2. METHODS

This study, like most legal works of this kind, is based on an analysis of legislative norms and the synthesis of views from legal scholars, that are in some way related to the issues under consideration. Additionally, the authors use systemic and functional legal methods. Moreover, the legal norms governing environmental protection are considered both in the current version and in their retrospective. The

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relevant legislation is analyzed by taking two countries that are members of the EAEU as examples. In this regard, this article is characterized by the comparative legal and comparative historical methods. The latter method is especially relevant for the EAEU since the post-Soviet states that formed it have a common historical fate and a collective experience in legal regulation of environmental relations (Khotko, 2023).

The study is conducted based on the analysis of the legal norms of the EAEU and the national legislation of its member states concerning environmental protection. The article considers a number of problematic issues in the practice of applying both union and national legal norms in the EAEU countries. The study is carried out in accordance with the standards of the latest scientific approaches in the field of jurisprudence, using modern interdisciplinary and comprehensive methods applied within the framework of studying the subject matter.

The aauthor's focus is on the rapid development of the EAEU's union law and current changes in modern national environmental legislation. In many post-Soviet countries, there are significant shortcomings, and sometimes even the absence of a coherent and clearly formulated state policy in the field of environmental protection, can be observed. Flaws in such policies lead to inconsistency, inadequacy, and contradictions in newly adopted norms. The article, firstly, identifies some of these shortcomings and indicates their possible negative consequences in the process of legal application. Secondly, by synthesizing norms in the studied area and leading them to a "common denominator," an attempt is made to identify the weaknesses of the relevant legislation for the purpose of rectification. Thirdly, solutions to existing and potentially possible problems in the EAEU countries are proposed, with the accompanying consideration of the possibility of other states adopting such solutions during their economic integration within the Union their economic integration within the Union.

The article touches upon specific examples of rule-making and law practice that lead to negative and socially dangerous consequences in the field of environmental protection. The authors analyze their causes and attempt to identify the legal norms within the EAEU that contribute to undesirable outcomes. These norms and situations from legal practices are evaluated from the perspective of the member states of the EAEU not achieving the intended socially significant goals of legal regulation of

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relations in the environmental sphere, which ultimately leads risks to life, health, safety and the quality of life of citizens (risk-oriented approach).

3. RESULTS

Worldwide, environmental and natural resource laws affect the interests of businesses, which often consider legal prohibitions and prescriptions as obstacles and barriers to achieving their commercial goals. The state's task in formulating and implementing public policy in this area is to find the optimal balance between economic development and the social interests in preserving nature, as well as rational utilization of its resources for the benefit of current and future generations. In turn, business structures, often having much more influence than civil society institutions, strive to gain a significant advantage in this fragile balance. In different countries, business actively lobbies its interests during the development of environmental and natural resource legal acts, not to mention their application.

In recent years, not only in Russia, but also in other post-Soviet states, there has been a clear tendency towards de-ecologization of relevant legislation. Previously existing prohibitions are being lifted, and well-established ecological and natural resource legal institutions undergo a noticeable deformation, which does not improve the state of affairs in this area in any way, but instead it opens up "new opportunities" for resource processing, construction and other businesses. Law enforcement practice also suffers from significant shortcomings that do not contribute to the effective achievement of the environmental conservation goals declared by states.

3.1 Environmental protection in the EAEU constituent documents

Issues of environmental protection and rational use of natural resources occupy an important place in the Treaty on the Eurasian Economic Union (Astana, 29.05.2014), which serves as the legal foundation for the functioning of the EAEU. The entire XXV section of the Treaty (Articles 94-95) is dedicated to measures supporting agriculture and coordinate agro-industrial policies, which are closely related to rational land use. In connection with this matter, Appendix No. 29 was also developed, contains

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the Protocol on Measures of State Support for Agriculture. Some provisions of this Protocol regulate the support of environmental protection programs in the EAEU Member States (paragraphs 1, 7 of paragraph 15; para. 25). Many provisions of the Agreement and its appendices address issues related of the exploration, production, trade and use of natural gas and other minerals. The environmental and legal content of the Agreement introduces concepts such as "risk," "unscrupulous business entities," etc. (paragraph 2 of Appendix No. 9 to the Agreement, etc.).

Article 52 of the Treaty on technical regulations of the EAEU states that they are adopted within the framework of the Union to protect human life and health, the environment, life and health of animals and plants, ensure energy efficiency and resource conservation, etc. (paragraph 1).

A particularly significant provision of is paragraph 7 of paragraph 6 of the Protocol on Trade in Services, Establishment, Activities and Investment (Annex No. 16 to the Treaty), which includes, among other things, the rights to carry out business activities provided under the laws of Member States or under the treaty, including, in particular, the rights to explore, develop, extract and exploit natural resources. These rights, as defined in the treaty, are considered intangible values that an investor from one EAEU member state can invest in business facilities in the territory of another member state in accordance with the legislation of the latter.

Paragraph 5 of this Protocol establishes a crucial norm that the EAEU member states do not use the mitigation of requirements provided for by their legislation concerning the protection of human life and health, as well as the environment, as a mechanism for attracting persons from other member states, or third countries to establish themselves within the territories of member states.

In other words, it is specified that the pursuit of investments and other interests in business and trade development should not lead to the de-ecologization of national legislation, no matter how potential investors lobby for the elimination of imaginary legal "barriers" related to environmental protection (Shugurov, 2019). The Treaty emphasizes the priority of environmental protection over economic development if certain aspects of it pose a threat to environmental well-being.

Appendix No. 3 to the Protocol on Procurement Regulation Procedure (Appendix No. 25 to the Contract) in the list of cases of procurement from one source

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or from a single supplier (contractor) included the acquisition of the right to environmental management (paragraph 32).

Paragraph 5 of Art. 68 of the Treaty imposes the obligation on each Member State to immediately inform other Member States and the EAEU Commission if it has become aware of the actions of any of the service providers, individuals involved in establishment or activities, or investors who are capable of causing damage to the health or safety of people, animals, plants or the environment in the territory of either that State or any other of the Member States of the Union.

Of particular importance are the provisions of the Treaty establishing special restrictions and individual exceptions to the general provisions on economic integration and market liberalization necessitated by the need to protect the environment and preserve natural resources. In particular, Art. 29 of the Treaty provides for the right of EAEU member countries to apply restrictions in mutual trade in goods (provided that such measures are not a means of unjustified discrimination or hidden trade barriers) if such restrictions are necessary for the protection of the environment, animals and plants (paragraphs 3-4 of paragraph 1 of article 29).

The Protocol on Uniform Rules for the Provision of Industrial Subsidies (Appendix No. 28 to the Treaty) deserves particular attention as it gives the EAEU member states the right to use specific subsidies that may distort trade, but only if such subsidies are introduced under exceptional circumstances and their introduction is due to the need to protect depleted natural resources (clause 5 of paragraph 77 of the Protocol). However, the document also imposes a condition according to which these measures should be carried out simultaneously with the restriction on domestic production or consumption, and also provided that the purpose of these measures is not to restrict the import of goods from the territories of other Member States and such measures must not have discriminatory nature.

Paragraph 84 of this Annex regulates the specifics of the provision of government subsidies in order to facilitate the adaptation of production facilities to new environmental requirements imposed by law, which may entail additional restrictions and increase financial burden on economic entities.

Paragraph 38 of Annex 7 to the Treaty dedicated to non-tariff regulation measures concerning third countries, also establishes that the EAEU may impose restrictive measures on the import or export of certain types of goods if such measures

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are necessary for the protection of human life and health, environment, animals and plants, preventing the exhaustion of irreparable natural resources, and if these measures are carried out simultaneously with the restriction on domestic production or consumption associated with the use of non-renewable resources (paragraphs 2, 5). Additionally, Such restrictive measures may also be introduced if they are necessary to ensure compliance with non-contradictory international legal acts relating to environmental protection (paragraph 10, paragraph 38).

Since national environmental and natural resource legislation in each of the EAEU member states becomes a significant factor in the effectiveness of economic integration within the Union, the requirements for transparency imposed by Art. 69 of the Treaty should be applied to such legislation in each of the countries. In accordance with it, the EAEU countries ensure the openness and accessibility of all relevant national legislation. Monitoring of reference and legal systems, as well as resources of the information and telecommunication network "Internet" shows that this requirement regarding natural resource legislation, is generally fulfilled by all EAEU states. The main legislative acts regulating environmental protection and rational use of natural resources are quite available for study and analysis, at least in Russian (Navasardova et al., 2022).

These norms need serious understanding, since environmental requirements and prohibitions, as we saw, are in some cases legal "brakes" on the path of economic integration of the EAEU countries (Agabekyan et al., 2018). This is quite natural, since this installation is intended, first of all, to ensure the sustainable development of the EAEU member states and the Union as a whole, so that economic interests are not realized to the detriment of other, sometimes much more important public interests. However, such legal "barriers" should be used by States reasonably and in good faith, and not for the purpose of creating a favourable treatment for their business entities when discriminating against others. Natural resources and environmental norms must achieve their goal without creating unnecessary and senseless obstacles to economic development. It is very important here to achieve the very balance between environmental and economic interests, which are much mentioned in the documents of international law and national legal acts of different countries. It cannot be said that in the legal space of the EAEU, these relations are perfectly balanced. There is still a lot of work to improve legislation about natural resources, environmental protection and

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related norms both within the Union as a whole and in each of its participating countries separately.

3.2 De-ecologization of legislation in the EAEU countries: an example of Russia and Kazakhstan

Characteristics trends in the de-ecologization of natural resource legislation in the EAEU member countries, contrary to the consolidation of the opposite in the founding documents of the Union, can be identified on the example of Russia and Kazakhstan. In our opinion, this is a consequence of lobbying by certain social groups of their commercial interests in the field of lawmaking, which leads to a deterioration in the legal regulation of these relations, and as a result, to environmental degradation.

Let's take a change in the legal regime of specially protected natural areas in the Russian Federation as an example. Federal Law No. 406-FL of December 28, 2013 "On Amendments to the Federal Law "On Specially Protected Natural Areas" and certain legislative acts of the Russian Federation" seriously reduced the list of protected areas in the country. Medical and health areas and resorts were excluded from it under the pretext that their legal regime is regulated by a separate federal law. This led to the emergence of significant gaps and contradictions in the legislation concerning both resorts and protected areas, which created conditions for the formation of such a corrupt factor as the uncertainty of legal regulation.

Following this, several more new laws appeared that seriously changed the legal regime of specially protected natural areas. In particular, the Federal Law No. 321-FL of March 3, 2018 "On Amendments to the Federal Law "On Specially Protected Natural Areas" and certain legislative acts of the Russian Federation" changed the property regime of the components that make up the reserve in paragraph 2 of Art. 6 of the Federal Law No. 33-FL of March 14, 1995 "On Specially Protected Natural Areas" (hereinafter referred to as Law No. 33-FL). By the new law it was determined that although land and natural resources located within the boundaries of state nature reserves are federally owned, only land plots are not subject to alienation from the latter.

In other words, the lands of the reserves are declared withdrawn from civil circulation, and other protected natural resources are not withdrawn from circulation

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and are not even limited to circulation. This means that the animal and plant world, minerals of state nature reserves, etc. potentially become objects of civil law transactions. It is difficult to imagine a situation in which these protected resources should be involved in civil circulation - even to a very limited extent. It seems that all the natural resources of the reserves, along with land, should be completely excluded from civilian circulation.

The same should be said about the natural resources of national parks, which are also no longer withdrawn from civilian circulation as a result of changes made to paragraph 2 of Art. 12 of Law No. 33-FL. These changes weaken restrictions on economic activity within specially protected natural areas, lead to its expansion, and also create a threat of corruption as any exception to the rules or narrow assumption in the conditions of general restrictions inherent in the regime of such protected areas.

Also, in 2018, paragraph 2 was excluded from Art. 14 of Law No. 33-FL, which provided for the mandatory presence of a positive conclusion of the state environmental expertise to transform state nature reserves into national parks. This legislative work went in parallel with the transformation of four Russian reserves (Teberdinsky in Karachay-Cherkessia, Stolby in the Krasnoyarsk Territory, Gydansky in the Yamalo-Nenets Autonomous Okrug and Komandorsky in Kamchatka) into national parks. The removal of this provision from federal law means that for the radical transformation of the organizational form of the four Russian reserves (with a significant change in their legal regime), it was no longer necessary to conduct a state environmental examination, which seems to be a very significant omission. Environmental expertise, when making this important decision, could help assess all its consequences and therefore, in this case, it could neither be abolished nor ignored.

However, from Art. 11 of the Federal Law No. 174-FL of November 23, 1995 "On Environmental Expertise," clause 6.1 was excluded, which previously referred to the objects of state environmental expertise as materials justifying the transformation of state nature reserves into national parks. The Refusal of conduct an environmental expertise in this case, in our opinion, was a significant mistake. Making decisions to transform nature reserves into national parks without a state environmental review is neither sound nor convincing to the public. Not to mention the opportunities for corruption abuse opening up in this regard (Vardanyan, 2020).

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The legal regime of Russian protected areas underwent an even more serious transformation in connection with the adoption of the Federal Law No. 505-FL of December 30, 2020 "On Amendments to the Federal Law "On Specially Protected Natural Areas" and certain legislative acts of the Russian Federation". By this act, land plots from specially protected natural areas located within the boundaries of settlements (with the exception of the lands of state nature reserves) were returned to civil circulation. In other words, the lands of even federal specially protected natural areas within settlements can now be freely transferred to regional, municipal and even private property. These plots from lands of specially protected natural areas can be provided to citizens and legal entities for gardening and horticulture, individual housing, garage construction, and similar purposes.

Such a softening of the legal regime of the lands of national parks and other protected areas, which was justified by the need to ensure the constitutional rights and legitimate interests of citizens living there, is not supported, however, by any "restraining" norms. The law implies that the provision of the land under consideration for use by citizens and legal entities should be carried out by regional executive bodies and local governments. But it is completely unclear under whose control they will do so. It seems that the uncontrolled disposal of land on the territory of national parks by, say, local governments, taking into account possible corrupt and other negative factors, is fraught with many risks and therefore unacceptable.

In our opinion, the activities of local self-government bodies to provide land from specially protected natural areas within the boundaries of settlements for the use of citizens and legal entities should be carried out under the control of the executive bodies of state power of a constituent entity of the Russian Federation. And the relevant activities of the regional authorities are under the control of the federal executive body authorized by the Government of the Russian Federation (for example, the Ministry of Natural Resources and Ecology of the Russian Federation). Such a hierarchy of "restraining" powers, in our opinion, should be reflected in the legislation on specially protected natural areas. The same scheme can be proposed to other EAEU member states.

The current Russian legislation calls the condition for transferring the land of a settlement from specially protected natural areas to the ownership of a constituent entity of the Russian Federation or a municipality (with the subsequent provision of

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such land for use by citizens and legal entities): entering information on the boundaries of the corresponding settlement into the Unified State Register of Real Estate (hereinafter referred to as the Register). However, there are some doubts about the sufficiency of such a measure and its proportionality to the changes that have taken place. It seems that for more reliable control over the use of land in settlements where there are specially protected natural areas, the Register should include not only information about the boundaries of settlements, but also information about all territorial zones allocated within these settlements in accordance with their urban planning regulations. After all, the local governments themselves can arbitrarily change the boundaries of the territorial zones established by them. If each such change is reflected in the Register, it will provide comprehensive control over the activities of providing land for use from the protected areas. Moreover, the Federal Law No. 218-FL of Julay 13, 2015 "On State Registration of Real Estate" allows you to enter information on the boundaries of territorial zones in the Register (section "Register of Borders").

Thus, it must be stated that over the past few years, the regime of Russian specially protected natural areas has been largely mitigated in the interests of developers and other economic entities. The lands of protected areas within the boundaries of settlements were involved in civil circulation. Civil circulation of other natural resources has been allowed already in all protected areas without any exceptions. Some of these territories were transformed into a different organizational form with a more lenient legal regime. The possibilities of conducting a state environmental examination in relation to specially protected natural areas have also been legally narrowed. The powers of local governments (which in Russia are not part of the system of state authorities) in relation to the lands of protected areas, on the contrary, have increased. In practice, all this gives rise to numerous opportunities for abuse and already recorded corruption manifestations.

The same trend, related to the de-ecologization of legislation on specially protected natural areas manifested itself at the level of the Russian Federation's constituent entities. In particular, in the Stavropol Territory, the reform of regional legislation on reserves has also recently begun. The innovations proposed here, related to the regulation of the procedure for the liquidation and reorganization of reserves of regional importance, seem extremely undesirable and dangerous.

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As for the proposals for introduction legal regulation on the liquidation of regional wildlife sanctuaries, they are considered by us as an absolute and unacceptable legislative vice. The first specially protected natural areas in the country appeared during the time of the Russian Empire and was actively created throughout the existence of the USSR. As far as we know, none of these territories recognized as such in both imperial and Soviet Russia have been abolished to this day. There are no objective prerequisites for such an undesirable development of events in the future. In Russian federal legislation, the possibility of abolishing protected areas is not provided for and therefore is not procedurally regulated in any way. Therefore, this should not be the case in regional legislation.

During the reform of environmental legislation in the Stavropol Territory, the term "reorganization" of nature reserves is proposed, among other things, to understand the change in their area and borders, as well as the special protection regime.

This means that if the corresponding changes are adopted, the existence of nature reserves in this Russian region will no longer be a sufficiently tough, uncompromising tool for protecting unique natural environments and environmental components. If the proposed innovations receive the force of regional law, then any of the existing reserves of regional significance can be reduced by reducing its area or weakening its protection regime, allowing there those types of activities that were previously not allowed.

Indeed, such a broad interpretation of the concept of "reorganization" appears inappropriate. At a higher, federal level - in Law No. 33-FL - the concept of "reorganization of specially protected natural areas" does not exist at all. Federal legislation also does not provide for the possibility of reducing their area or arbitrarily weakening the security regime by decision of the executive authorities. Regional legislation, following the federal one, should be aimed at preserving reserves and their natural resources, but not at reducing their area or weakening protection. The very mention of such a probability in regional legislation seems extremely undesirable, not to mention the opportunities for all kinds of abuses that arise in this regard.

Considering what increased interest in the "undeveloped" lands of regional reserves exists among all kinds of developers, it is necessary to conclude that the proposed changes are highly corrupt. It seems obvious that reducing the area or

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liberalizing the security regime of reserves can be lobbied by developers who are not satisfied with the restrictions on economic activities established by law for the relevant territories with a special regime of use. The initiatives under consideration are thus fraught with a number of dangerous risks, including environmental and corruption.

For the Stavropol Territory, this is an urgent issues, because all the existing specially protected natural area on its territory, except one (national park in the city of Kislovodsk), have regional importance. Thus, we are talking about almost all reserves within the region. Earlier attempts to reduce the area of protected areas existing in the Stavropol Territory in the interests of developers caused a large, extremely negative public outcry (for example, when trying to reduce the area of the regional reserve "Russian Forest").

The regional legislative initiatives being introduced now, alas, do not provide for public discussion procedures for such important and potentially resonant issues. If the region faces an objective need to adjust existing protected areas in the interests of implementing large socially significant projects, then the procedure for implementing the relevant changes would need to be prescribed somewhat differently. In particular, such changes should be considered as a phenomenon of an exceptional nature, having strict restrictions - in subject matter, locally and in time.

The regional law could indicate that in accordance with the proposed procedure for the territory of reserves of regional importance, as well as the regime of their protection, can be adjusted within a year from the date of entry into force of the law for the construction of specific facilities, listing those municipalities on the territory of which the project is planned. At the same time, it is imperative to provide for a public discussion procedure during the adoption of these decisions. Such a legal algorithm would be more understandable and less controversial than the introduction of an unlimited possibility either geographically or in time of an arbitrary "reorganization of specially protected natural areas," which obviously reduces the effectiveness of their regime as an environmental protection tool, and in the future it completely reduces it to "no".

Since federal legislation does not allow the reorganization of protected areas of federal significance (especially in the form of a decrease in their area or a weakening of their protection regime), in our opinion, such norms are unacceptable in regional legislation. If the executive authorities in the regions have the opportunity to arbitrarily

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adjust the boundaries of nature reserves and the regime of their protection, one can imagine how this will affect the strengthening of the corruption of relevant environmental relations.

However, it may seem that the described problems of transforming the legal regime of specially protected natural areas are characteristic exclusively of the Russian Federation, but this is far from the case. Other EAEU member states face similar difficulties. So, in February 2021, the Kazakh Mazhilis (parliament) approved the Law of the Republic of Kazakhstan "On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Tourism Activities". This regulatory act also significantly changes the legal regime of protected areas established earlier in the country.

The concept of "priority tourist territories" is introduced, on which it is planned to stimulate the development of tourism in accordance with a special state program. These "priority tourist territories," however, are formed on the long-standing specially protected natural territories in Kazakhstan. This entails a number of potential enforcement challenges. For example, the Ministry of Culture and Sports is in charge of tourism in the country, and the Ministry of Ecology, Geology and Natural Resources is in charge of the protection of reserves. In the context of an inevitable departmental conflict, priority will be given to the Ministry of Culture and Sports as responsible for a promising tourist destination in terms of investment. It is clear that with this state of affairs, the interests of nature conservation can fade into the background and significantly suffer.

The development of priority tourist areas involves the construction of capital infrastructure facilities with the connection of engineering networks to them. And this is in the absence of special legislation on resorts in Kazakhstan. Their regime in this country is regulated by certain norms of the Environmental and Land Codes, as well as other regulatory acts. At the same time, in the legislation of Kazakhstan there is no regulatory definition "resort," although this concept itself appears in national legislation.

Representatives of the expert community of the Republic of Kazakhstan have repeatedly spoken out for the adoption of a special law on health areas and resorts. But so far they have received only a law on the development of tourism in protected areas and resorts, the legal protection regime of which is not clearly defined and is not sufficiently secured. At the same time, in Kazakhstan, resorts, like in Russia, are not

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included in the list of special territories we are considering, and their regime is not regulated by the Law of the Republic of Kazakhstan No. 175-III of Julay 7, 2006 "On Specially Protected Natural Territories".

The lands of specially protected natural areas in Kazakhstan, like in Russia, were at one time completely or partially withdrawn from economic use and civil circulation in connection with the establishment of a special protection regime on them. However, then in some such territories limited economic activities were allowed in the interests of the population living there, as was done in Russia. The overall trend,therefore, is evident (Seidakhmetova et al., 2022).

In the recently adopted Kazakh law on priority tourist areas, management of them, in addition to executive authorities, is entrusted to a certain "management company." It is curious that the Ministry of the Russian Federation for North Caucasus Affairs (before its abolition) actively promoted a similar concept - private management of the resorts of the Caucasian Mineral Waters through a similar "management company." There is a feeling that the Kazakh and Russian authors of these rule-making initiatives drew their ideas from one source, which, unfortunately, in both of these countries, the EAEU leads to the de-ecologization of legislation on specially protected natural areas and resorts.

Indeed, in the Republic of Kazakhstan, as well as in Russia, even before the adoption of new legislation in this area, numerous violations of the established regime for the protection of natural territories and resorts were noted. "Despite the tendency to increase interest in resorts," writes Kazakh scientist T. Au, "and the gradual growth of their status (they have become investment attractive for entrepreneurs), there is a possibility of their liquidation, which may negatively affect the environmental protection of the region as a whole. For example, the development of the Shchuchinsko-Borovskaya resort area is carried out in violation of environmental legislation. The construction of hotels, restaurants, fast food outlets, parking spaces, as well as individual housing construction is in violation of the rules and standards governing the conditions for the protection of nature, subsoil, atmospheric air" (Au, 2010).

The researcher notes that law enforcement practice in this area does not achieve its objectives, including due to insufficient legal regulation of the relations under consideration. He considers it necessary to adopt a special law on resorts in the Republic of Kazakhstan, where their legal concept would be enshrined and their legal

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regime determined in detail. The importance of this is increasing in connection with the strengthening of interstate economic integration, which is designed to attract even more foreign investors to Kazakhstan.

"The modern period," writes T. Au, "is characterized by investment in the health sector. A number of domestic and foreign entrepreneurs, as mentioned above, are already violating environmental requirements when obtaining land plots suitable for the construction of resorts during the operation of the latter. Republican legislation, unfortunately, cannot adequately respond to them. The legislation of the Republic of Kazakhstan does not establish liability for violation of the resort regime, which makes it difficult to prosecute violators in such cases. Only the application of general articles is possible" (Au, 2010).

4. DISCUSSION

From everything said, it is evident how much the EAEU countries need to develop their ecological and natural resource legislation. It does not stand still now, and the process of its transformation will continue. At the same time, it is extremely important that its evolution does not follow the path of its de-ecologization in pursuit of momentary investment benefits, but with strict observance of a reasonable balance between the economic and environmental interests of society, aimed at sustainable development.

Why are these environmental problems relevant today for the EAEU? The fact is that close interstate integration in the post-Soviet space within the framework of this block implies the interpenetration of investments in large construction and other commercial projects in the territories of the member states. For investors, legislative restrictions on economic activities adopted in different states are of great importance (Smirnov et al., 2022). Economic actors may consider such restrictions as undesirable barriers to construction and other investment activities. At the same time, for investors, particularly attractive are the specially protected natural areas as they hold significant potential in terms of tourism development and other promising directions.

On the one hand, the inflow of foreign investment associated with strengthening interstate integration can contribute to the development of the economy. On the other hand, this process is fraught with additional environmental risks that pose a threat to

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the preservation of natural areas. In this area, it is very important to maintain the fragile legal balance that can ensure dynamic economic growth without compromising environmental protection and rational use of natural resources.

In this context, both the current and the developed legislation of the EAEU countries should undergo an expert assessment within the framework of a risk-oriented approach (Lipatov et al., 2023). This means that with reasonable consideration of economic interests, they should necessarily be commensurate with the risks of an environmental and other nature that inevitably accompany their implementation. Any proposed innovations in environmental and natural resource legislation are subject to indispensable assessment in terms of the potential risks that they are fraught with.

The importance of such a risk-oriented approach increases many times in the context of economic integration within the EAEU and the international investment activities that increase in connection with it.

5. CONCLUSION

Despite the fact that the main goals of state integration within the EAEU are not environmental, but economic, the first of these aspects cannot be ignored, since the achievement of the most important economic goals depends on the harmonization of natural resource legislation within the Union - in particular, in the field of energy, agriculture, mining and movement of minerals, etc. (Glazyev and Tkachuk, 2014). We tried to show using specific examples the inconsistency of some legal approaches to regulating environmental management in different EAEU countries, the lack of a unified environmental policy, which can become a serious obstacle to their further integration. The most successful experience in this regard should be recognized as the development of union standards on the issues of ensuring sanitary and epidemiological well-being, quarantine phytosanitary and veterinary and sanitary security of the Union. Much has been done in regulating waste management on the territory of the EAEU (Navasardova et al., 2020). However, there are areas that are not yet affected by either supranational regulation or the harmonization of relevant norms within the legal systems of Member States in the interests of their joint integration - for example, in the field of land, forest, mountain, faunal relations, etc. A particular problem, as shown

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above, is the de-ecologization of legislation on specially protected areas in such EAEU countries as Russia and Kazakhstan (Sivohip, 2019).

Strengthening the integration of legal regulation in the field of rational environmental management and environmental protection is possible only on the basis of the introduction at the EAEU level of a more or less uniform system of legal norms governing environmental relations. In this regard, it is especially important to update the provisions of the EAEU Treaty and other legal acts of the law of the Union, in terms of securing in them the basic provisions of the legal regulation of rational environmental management and environmental protection, followed by ensuring their uniform application.

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