

# Legal and moral basis of nature management control and nature protection activity

*Olena Ryabinina*<sup>1</sup>, *Lyubov Yurchenko*<sup>2</sup>, *Tamara Prykhodko*<sup>3</sup>, *Lyudmyla Gontarenko*<sup>4</sup>

<sup>1</sup>National University of Civil Defence of Ukraine, Department of Social Sciences and Humanities, 94, Chernyshevska Str., Kharkiv, 61023 Ukraine

<sup>2</sup>National University of Civil Defence of Ukraine, Department of Social Sciences and Humanities, 94, Chernyshevska Str., Kharkiv, 61023 Ukraine

<sup>3</sup>Kharkiv State Zooveterinary Academy, Department of Philosophy and Social Sciences, 1, Akademichna Str., Mala Danylivka, Dergachi district, Kharkiv region, 62341 Ukraine

<sup>4</sup>National University of Civil Defense of Ukraine, Department of Social Sciences and Humanities, 94, Chernyshevska Str., Kharkiv, 61023 Ukraine

**Abstract.** The legal basis of nature management and nature protection activities were studied and generalized. The ecological character of the state is manifested in the role of law in regulating the interaction between nature and society. The most essential rules of such behavior are enshrined in law by the state and become mandatory for the implementation. Special attention is paid to the formation of the ecological network in Ukraine, which is an important administrative act aimed at ensuring real basic human rights, in particular the right of every citizen to a favorable environment for life. The process of creation and development of the ecological network contributes to the further integration of Ukraine into the European reality. In the context of modern ecological culture, the following basic principles of nature management are outlined: the priority of the ecological paradigm in the general state policy as well as in the state budget; approximation of technological cycles to the requirements of biosphere compatibility (inclusion of waste to natural biogeochemical cycles without violation); change of a person and the understanding of ecological values. The main tools for optimizing the interaction of society with the natural environment, creation of environmental safety and environmental beliefs are considered.

Nowadays in Ukraine, as well as around the world economic activity is carried out mainly by nature and future generations. Dramatic collisions that occur in modern nature-transforming human activities lead to a rethinking of the content of human relations with natural environment and radical changes in the methodology of scientific knowledge. Ecological situation in the world, especially in Ukraine requires to create some kind of bridges between ecology, as a theory of human behavior in modern world and nature management. As a result, ecology loses its academicism (and it is also necessary as a guarantor of a high level of theoretical development) and emphasizes the problems of the environment and the harmonization of relations between man and nature. Nature management is not just the use of power and nature resources in the human interests. Due to these interests it becomes rational and environmentally reasonable.

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Facing numerous economic problems, ecological concept is included in the field of nature management. The need to create a theory of nature optimization has led to politicization of ecology (or ecologization of politics).

In retrospect of nature management land ownership suitable for agricultural production was not equal to nature ownership. Clean air and water, recreational areas, even minerals were not a rarity and therefore were considered as those which belonged to nobody and were free, despite their vital necessity for humans. With the appearance of signs of the global environmental crisis at the turn of the 60's and 70's of the last century the situation in nature management has changed dramatically. Ecological problems have acquired new features that allowed to consider nature taking into account political and economic management measures. Nature has acquired value, and not only from the consumer point. Incompetent and short-sighted management leads to environmental disasters. In the meantime, we can state that the extinction of living species impoverishes the genetic fund of the biosphere, depriving future humanity of the opportunity to use nature and leads to information and cultural impoverishment.

It is noteworthy that the issues of nature management, environmental activities at the global level began to be considered at the UN almost since its inception. The European Community is making fundamental efforts towards the rational nature management and the conservation of certain species and ecological systems.

The authors consider it relevant to bring the environmental issue to its logical conclusion - by creating European ecological network. Nowadays the creation of European ecological network is one of the most important issues in the field of environmental protection, which is under the close attention of the European Council and gets its support. In general, since 2000 the state program of ecological network formation in Ukraine has become the main task of the state's environmental policy, in which the principles and state of ecological culture and the requirements of ecological safety are closely intertwined [1]. The main priorities of this program were the following:

- maintenance for the development of national ecological networks and their inclusion in the European ecological network through technical assistance and joint transboundary programs;
- informing the population concerning European ecological network (in particular, the exchange of knowledge for the creation of educational and communicative programs).

The ideology of rational nature management and the formation of pristine islands of nature did not arise by accident. It became a logical introduction to the development of environmental thought in general. It is well known that the first steps in nature protection were taken in different countries in the Middle Ages, when hunting of certain animals was prohibited, thus contributing to their protection. The systematic environmental movement that emerged in the late nineteenth and early twentieth centuries also focused on the protection of certain species of animals and plants. This period lasted for quite a long time: in fact, till the 60-70s of the twentieth century. At that time, it was clear that it is impossible to preserve certain species of flora and fauna without preserving the entire ecosystem in which they exist. It was proved by the findings of science that the species can have a sustainable development in space and time only if it is included in the system of relations with other biotic and abiotic components of the environment.

At that time, at the initiative of UNESCO within the framework of the Man and the Biosphere Program and other environmental programs, the Program for the Conservation of Ecological Systems came into force evidenced by the system of creating and maintaining biosphere reserves and those systemic biosphere formations that represent biogeographical and landscape areas. Although even within this ideology, it has become clear that such biosphere reserves and other protected areas are only representative items and cannot be considered as full representatives of biosphere integrity and system. On the territory of the

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planet, they look like mosaic, between the elements of which there are huge gaps. Therefore, at the end of the XX – the beginning of the XXI centuries there was a necessity to create a wide network of environmental facilities that would represent the biosphere in its system of integrity and quality. The ideology of ecological network formation, in particular the European one is dedicated to this goal, as Europe initiated the creation of this new type of nature protection objects. The process of eco-network formation is based on the coordination of everything that already exists within the territory, but with the provision of interconnection and permanence, which allows the exchange of adaptive goals of each species to be realized according to the laws of classical evolution.

It should be taken into account that the scientific basis for the creation of a single interconnected environmental system and its localization in certain landscapes is still far from completion due to the complexity of the problem and the barbaric nature management. Ecosystems are certain dynamic variable objects that can change. For example, the steppe ecosystem turns into a forest through a number of forest-steppe ecosystems and it is almost impossible to establish clear boundaries.

In addition, the creation of connections of these systems encounters huge administrative and managerial problems, as they disrupt the existing system of economy, transportation, energy, etc. Thus, the implementation of environmental objectives in this case is closely related to the problems in the field of environmental management in general. In this context, it is important to create buffer zones, which should serve to mitigate mutual influence, on the one hand - human rights legislation, which should implement itself in the field of economy, management, recreation, leisure, and on the other hand – urgent needs to conserve natural resources of the state. Thus, buffer zones should have compensatory functions, but the ultimate goal of creating these zones is to reduce human activity in them to zero. Finally, a component of the ecological network is the creation of appropriate zones, which should perform the function of restoring the natural landscape value of important areas. This category includes anthropogenic landscapes, former steppes, forests, swamps, rivers, which were fully or partially involved in the nature management zone and, thus, lost their natural identity.

The development of the environmental management system is based on a number of authoritative international agreements. In particular, we are talking primarily about the Berne Convention (1979) “On the protection of wild flora, fauna and natural habitats in Europe”. This Convention requires the conservation of wild flora, fauna and natural habitats, especially species, the protection of which requires the cooperation of states. Thus, it is an agreement of interstate, global meaning, which establishes rules covering interstate obligations for the protection of wildlife, but which, unfortunately, is limited to the protection of certain species, especially those which are not related to human activity. The Berne Convention requires each country to preserve only wild flora and fauna and natural habitats, but ignores the fact that there are limited wildlife habitats in Europe today. In any form, they are santropic, that means that they depend on human activity and to a large extent receive the resource of their existence either due to or contrary to this activity.

We should also consider another fundamental agreement, namely the UN Convention on the Law of the Sea (1982). Its focus is on the biological resources of the sea. According to it, all countries that take part in this Convention undertake necessary measures within their competence that are important to ensure the conservation of these resources. If we take into account that the World Ocean takes three quarters of the earth, and the bioproductivity of the ocean, in particular, planktonic and especially phytoplankton is one of the most important factors in biosphere interaction, i.e. the flow of energy in the cycle of consumers, reducers, producers this Convention is of great importance in the biosphere dimension, as a political and legal basis for the regulation of nature management in the use of water, especially marine resources.

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The Convention on Biological Diversity was signed at an environmental conference in 1992 in Rio de Janeiro. It has established a world framework for the protection of all existing wild or domestic species and regulations for their long-term use in habitats. This Convention signed by almost all the leaders of the world's leading countries provides for the development of national strategies, plans or programs and the inclusion of the regulations by each state for the conservation and balanced use of biological diversity in its own plans, programs and regional natural resource management policies. The world community has defined the environmental actions of each individual executor and each state that has acceded to the Convention. Thus, the real participation of the countries of Europe, America, Africa, Asia, and Latin America testifies the desire, real intentions of the world community to preserve the natural environment not only for present but also for future generations.

The Convention "On the World Cultural and Natural Heritage", which was adopted in 1972 takes a special place among the international political and legal documents of UNESCO, the UN specialized agency for science and culture. It provides for the inclusion in the international list the endangered species of animals and plants that are of exceptional value from the point of view of science or nature protection. The world heritage also includes unique or anthropogenically changed landscapes as ecological systems that have unique significance both for the biosphere and human activities. It includes completely undamaged, wild systems - the Himalayas, deserts, tropical forests, as well as unique samples of human activity - irrigation facilities in Mesopotamia, landscape systems of the Alps, arid systems of Central Asia, restored forest and steppe networks in Hungary, etc. In this context, the world heritage is not only its own natural reality in its unchanging form, but also the natural reality included in the sphere of human activity. They are a condition for the survival and existence of mankind. This is a world heritage that is an example of effective, harmonious use of the environment and destructive negative attitudes of man to the natural environment.

The Ukrainian state has also been actively involved in environmental protection on the European scale, and, therefore, in creating an appropriate legal and political framework for the implementation of these processes. Ukraine's political and legal field in the sphere of environmentally friendly development corresponds to the European nature protection strategy. Ukraine has acceded to the vast majority of international agreements of the European Convention in this area, according to which it has developed its own legal framework for nature management.

The authors consider the following main conceptual practical and managerial environmental guidelines and priorities to which the policy of environmental governance should be directed. First of all, we are talking about creating a universal natural structure that would solve the problems of flora and fauna conservation. Improving natural conditions is the basis for planning the development of the national economy to improve the health, living conditions of the population of Ukraine and in general leads to the growth of environmental security of the state. It is a basis for sustainable development of both individual regions and the country as a whole. The balance of the natural environment in turn is a condition for inexhaustible rational nature management in the large part of Ukraine. Conditions are created for the further development of recreational valeological and tourist territories and objects, which will contribute to the well-being of the population, resistance to the pandemic, solution of the demographic problem and increase of the index of human life in general.

The characterization of the ecological management strategy of the state would not be complete without consideration of ecological culture as the main factor in the process of creating ecological security of the state. In the history of human society there is a constant change of different types of human relationships with nature. These relationships were

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conditioned and based on a certain archetype of human perception of the natural environment.

In this study we briefly refer to the analytical generalizations of the genesis of worldview concepts of the formation and application of ecological culture as a factor of organizational and regulatory activities in society and state aimed at protecting and improving the natural environment, effective combination of nature management and environmental protection functions.

In ancient times, man's attitude to all living beings and nature in general is characterized by all-encompassing love and mercy [2]. Such perception of nature provided a high level of loyalty to the environment, allowed to fit organically into the metabolic processes without significant disturbance of the balance. In ancient times, there was such a perception of nature, that a person was considered rationalistically, schematically. Due to the abstract approach, nature was an external reality for man and existed outside and independently as an object that had an independent value. Man of the ancient world perceived nature as an object of contemplation, a reference model for the development of the spirit and only later as a field of application of the creative transformational efforts [3]. The Middle Ages were characterized by such a perception archetype of the natural environment, according to which nature was a symbol of divinity and was governed by divine forces. The world was an arena of struggle between celestial and demonic forces, and a man felt like a toy. [4]. The ecological culture of the Renaissance is an attempt to get rid of religious dualism, to restore the rights of the natural, sensual principle, and to place God as a creator into the background [5]. At that time, the science liberation from theology began and nature actually acquired full independence. This guideline is most vividly and consistently substantiated and affirmed in modern times. A utilitarian-practical approach to nature is formed, the domination of the human mind over nature is substantiated [6]. In the New Age, in addition to the opposition of man to nature, there was a direction that defended the unity of man and nature in the form of complete subordination of man to the laws of the latter as a part of the whole [7, 8]. Later, there was such a perception of the natural environment considered from the point of strict utilitarian purpose as an inexhaustible source of wealth. Such views have been established for many years and, in fact, are dominant to this day [9].

It led to a global ecological crisis in the XX century, to the question of the existence of man and the civilization created by a person. It is time to realize the need for a radical overhaul of the relationship that has developed in the system "man – nature". V. Vernadsky's teaching on the transition of the biosphere to the noosphere as a transformed biosphere of the Earth by mankind on the basis of mind and social justice played an important role [10]. There is a statement of a new archetype of a natural environment - consideration perception of the nature as the most important value which is necessary to a person not only as raw material, but also as something created not by a person and something that is everlasting.

Man protection, ecological imperative of the survival, which involves numerous problems, including socio-economic and political ones is the essence of modern ecologization of public administration of nature management.

Today, in the context of ecological culture the following vectors of state environmental management can be identified:

- taking into account long-term environmental factors; priority of ecological policy in the general policy of the state, in the state budget;
- rethinking development from primitive economic (only as an increase in consumption) to the creation of a decent human environment;

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- maximum reaching of technological cycles to the requirements of biosphere compatibility (full use of resources involved in processing, inclusion of waste to natural biogeochemical cycles without violation);

- change of a person and understanding of values.

For a long time humanity fascinated by the success of science was calmed down by the so-called scientifically based management of the natural complex, but suddenly it turned out that we do not fully know the mechanisms of the biosphere in order to manage them wisely. As a result, even brilliant political decisions implemented without basic environmental requirements often lead to consequences that completely cancel out the planned economic effect. Due to unsuccessful environmental management and environmental incompetence we have to face many environmental problems.

An important aspect of the formation of ecological culture as a factor of environmental management is the ecological beliefs of the subject of ecomanagement [11]. The concept of this cultural element is to teach a person to make decisions and be responsible for their consequences. This was stated in the Final Act of the Helsinki Conference on Security and Cooperation in Europe.

The next in environmental policy is the task to form attitudes to ecologically correct behavior. The latter in turn is closely related to the problem of environmental needs, as the formation of a sustainable attitude is possible only in the presence of a need as an incentive to action.

Needs are the activating principle of human activity, and they determine a certain belief that governs human behavior. Consequently, the problem of formation of spiritual needs (perception of nature as an inalienable value, communication with nature, enjoyment of its beauty, nature knowledge, comparing of the existence of a person with the fullness of nature) plays an important role.

Another determinant of environmental management is the situation in which the need is met. Ecologically rational management implies in the consciousness of the belief that everything in our lives - from economic level to public consciousness and culture - is somehow connected with environmental safety.

## Conclusion

Thus, environmental management is a central element of ecological culture and is inconceivable without environmental knowledge and high environmental awareness, without environmental beliefs, attitudes to environmentally rational behavior, environmental needs, especially spiritual. They are tools of balanced environmental management in order to optimize society's interaction with the natural environment, and creation of environmental safety.

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