
ECOLOGICAL TERRORISM IS AN ACTUAL CHALLENGE OF OUR TIME

Serebrennikova Anna Valerievna

Doctor of law,

Professor of criminal law and criminology

Moscow state University. M. V. Lomonosov

Russia, Moscow

ORCID: 0000-0001-7199-5277

Lebedev Maxim Vladimirovich

Postgraduate student,

Department of criminal law and criminology

Moscow state University M. V. Lomonosov, Russia, Moscow

ORCID: 0000-0001-7199-5277

DOI: [10.31618/ESU.2413-9335.2019.4.64.238](https://doi.org/10.31618/ESU.2413-9335.2019.4.64.238)

ABSTRACT

Purpose. The article discusses issues related to the development of a multidimensional concept of "environmental" terrorism. Analysis of the genesis of the norms establishing criminal responsibility for environmental terrorism. The study of historical legislative and practical problems of law enforcement, the search for ways to solve the gaps and imperfections of the current criminal legislation of the Russian Federation (Article 205 of the Criminal Code of the Russian Federation). **Methodology:** induction, deduction, analysis, synthesis, formal-logical and historical methods. **Findings.** 1. Analysis of scientific findings on the concept of ecological terrorism, including its variety – ecocide. 2. On the basis of the conducted research, amendments are proposed to article 205 of the Criminal Code of the Russian Federation. **Scientific and practical significance.** The research carried out in the article gives an idea of the genesis and development of the concept of ecological terrorism, reveals to the reader his views, gives examples from practice related to modern manifestations of ecological terrorism. This study is devoted to the transformation of this concept and its types in dynamics under the influence of foreign policy and internal factors. The work, in our opinion, can be useful for a wide range of readers: from university students, graduate students, teachers and researchers, to practitioners, law enforcement officers, lawyers, prosecutors and judges who perform qualifications on a professional basis.

Key words: Ecological terrorism, its types, Criminal Code, ecocide, social danger, natural environment, qualification.

In the right opinion, the term environmental terrorism can be understood in the following two senses:

1) ecocide is (deliberate large-scale environmental pollution). From the criminal-legal point of view, Ecocide is close to genocide in nature and degree of international danger.

The legal definition of ecocide as a crime against the safety of mankind (article 358 of the Criminal Code of the Russian Federation) originates in the documents regulating the rules of conduct of armed conflicts.

Thus, part 3 of article 35 of Additional Protocol 1 to the Geneva Convention of 1977 prohibits the use of "methods or means of warfare which are intended to cause or may be expected to cause extensive, long-term and serious damage to the natural environment". And in article 55 of the same document, the parties to the armed conflict are required to show "concern for the protection of the natural environment from extensive, long-term and serious damage. Such protection includes the prohibition of the use of methods or means of warfare which are intended to cause, or may be expected to cause, such damage to the natural environment and thus to the health or survival of the population"[7, p.238].

Then, the understanding of the ecocide evolved in the direction of its recognition not just a war crime, but a crime against the security of all mankind.

Thus, the Convention on Effects on the Environment establishes the obligation not to resort to military or any other hostile use of means of influencing

the natural environment, "which have wide, long-term or serious consequences, as methods of destruction, damage or harm to any other State participant" (Art. 1). The term "means of influencing the natural environment" refers to any means of changing by deliberately controlling natural processes, the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or outer space (Art. 2).

Thus, committing an act of an ecocide has become regarded as a crime against the security of mankind, regardless of whether it is committed in time of war or peacetime, and without compulsory linking it with an armed conflict. [2]

2) radical actions of groups and people fighting for animal rights, and advocating for the release of animals [10], as well as of any "green"

Individual animal rights advocates, supporters of biocentrism, are grouped into groups that commit provocative, including illegal actions against animal cruelty. [5] The FBI USA defines environmental terrorism in this context as the use or threat of criminal violence against innocent victims or property of citizens from environmentally oriented, transnational groups for environmental and political reasons, or aimed at attracting attention. According to the FBI, since the beginning of the 21st century, the activities and tactics of a number of such activist groups have undergone significant changes and become dangerous for society. The first such unlawful actions, according to the FBI, were taken in 1977, when Greenpeace

activists and organizations of the Marine Fauna Protection Society cut fishing nets.

Radical environmental organizations are engaged in eco-terrorism in order to influence public opinion. They even introduced a new term, ecotage (environmental sabotage) [6].

The FBI calls the activities of militant environmentalists and animal advocates "the biggest terrorist threat in the United States" and considers them the threat of a nation [6]. It accuses eco-terrorists of arson of residential buildings, research laboratories and car dealerships, the organization of explosions in offices. [6]. According to experts, the damage from the actions of "green" exceeded \$ 100 million, and it is only a matter of time when such criminal activity will lead to the death of people.

The US Department of Homeland Security also considers some environmental organizations to be terrorist [9].

From 1997 to 1999, the Earth Liberation Front (ELF) activists caused damage in the amount of \$ 40 million, having made 33 actions, including the arson of a ski resort in Veyle (1996), the arson of the land management bureau in the state of Oregon and the ranger offices of the Federal Forest Service in Oak Ridge (\$ 9 million damage), arson of the slaughter in Redmond, California (\$ 1.3 million damage, 1997), the explosion and the total destruction of the office of Boise Cascade, which planned to start building a woodworking machinery complex in Chile (1999), arson of the residential complex in San Diego, California (2003) [4].

The goal of the Front's activists is to restore the original ecosystems, which "were destroyed by the unscrupulous and egoistic actions of the human race." According to the leaders of ELF, "the highest goal justifies the means, and no sacrifice (the so-called side effect) should stop us." A very superficial acquaintance of "green" terrorists with environmental science and a modern mechanism of state policy leads to a moral breakdown and cynicism of fighters for the revival of virgin nature". [8]

At the end of the 20th century, activists of the organization united with the Animal Liberation Front (ALF). The FBI in 2001 added it to the list of terrorist organizations. The branch of the organization operates in Russia.

In October 2008, hearings in the case of animal rights activists began in the UK. They are accused of spreading information for 6 years, defaming the staff of the British Biomedical Center of Huntingdon Life Sciences and threatening to crack down on their families. Five of the eight defendants are members of Stop Huntingdon Animal Cruelty ("Stop Huntingdon Animal Cruelty"). Animal rights activists are accused of allegedly sending threatening letters and fake bombs to the center's employees, spoiling their cars, writing on the walls of their houses and entrances stating that "pedophiles live here" or "killers of puppies live here." Animal rights advocates promised to leave biomedics alone only if they refuse to work with Huntingdon Life Sciences.

In January 2009, seven animal protection activists in the UK received prison sentences of 4 to 11 years for blackmailing scientific and pharmaceutical companies. They were found guilty of organizing campaigns against firms using animal experiments. As the court determined, the group's actions were aimed at stopping laboratory experiments with animals and the criminals tried to create an "atmosphere of fear" in scientific institutions and pharmaceutical companies. According to the police, these sentences "have led the movement of extremist animal rights activists in Britain".

In 2004, a group of unknowns made a series of attacks on the biological faculty of Lomonosov Moscow State University, kidnapping a number of experimental animals from the Department of Zoology of Vertebrate Animals and the Department of Higher Nervous Activity. Crows, a large number of rats, and five rabbits disappeared from the laboratories (probably released). The walls were inscribed and logos indicating the organization "Animal Liberation Front", but the suspicion also fell on the students themselves or the staff of the biological faculty (due to the fact that the kidnappers had intruded the faculty and opened the door with a key) [1].

A little earlier, in February 2004, 119 frogs were released from K. Anokhin research institute under similar circumstances, r.

The staff noted that if the animals are really released, they will inevitably die, because of their inability to live in the wild, and in some cases — due to the special nature of the experiments already conducted on them, excluding the possibility of further independent existence without medical control (such as implantation of electrodes, forced accustoming to alcoholism and drug addiction, etc.).

In February 2012, in the US, 27-year-old Meredith Lowell from Ohio tried to hire a killer through Facebook to kill a man dressed in furs. The girl needed a pretext to distribute leaflets about animal abuse. She was detained by the FBI.

Thus, it can be concluded that the concept of environmental terrorism (in its various forms) exists as a significant threat.

It is noteworthy that in 2019 in the Republic of Kazakhstan the CODE of the REPUBLIC OF KAZAKHSTAN - the ENVIRONMENTAL CODE OF THE REPUBLIC OF KAZAKHSTAN (as amended and revised as of April 11, 2019) was adopted. Of course, it does not criminalize environmental terrorism (this is a task *на эпу* Criminal Code), but legislates many terms related to the basic terms of environmental law. Such legislation in our country has not yet been adopted.

In order to resolve the issue of correctly qualifying the actions of the guilty who committed a terrorist act on the territory of the Russian Federation, we propose the following.

The examples given in this article show that the commission of terrorist acts often leads to environmental disasters, namely the destruction and pollution of the environment. In this regard, we consider it necessary to introduce an environmental category as an additional object of a terrorist act

(Article 205 of the Criminal Code of the Russian Federation). The analysis of the considered cases indicates the need for a legislative initiative related to the introduction in parts 2 and 3 of article 205 of the Criminal Code of the Russian Federation of such a qualifying attribute as "environmental harm" depending on the severity of the committed act, respectively.

Bibliographi

1. Alexander Andryukhin Defenders of animals released from the laboratory of Moscow State University more than a hundred rats // Izvestia, 14.05.2004
2. Davitadze M.D. Modern problems of criminal policy. Bulletin of Moscow University of the Ministry of Internal Affairs of Russia. 2018;(6): 122—126.
3. Dictionary of Human Ecology Archival copy of November 5, 2012 on the Wayback Machine // V. Boreyko. "The Popular Dictionary of Environmental Ethics and Humanitarian Ecology." - K.: KEKTS, 2003. - 96 page (Environmental Protection Propaganda) Issue 22.
4. Extremism in the USA V.Ovchinsky, M.Kochubey <http://www.crime.vl.ru/index.php?p=2012&more=1&c=1&tb=1&pb=1> (the date of access to the electronic resource 18/07/2019.)

5. Extremists with Special Interests .— US Fear of Islamists and Animal Defenders Archival Copy dated August 27, 2013 on the Wayback Machine // Agentura.ru

6. FBI: eco-terrorists - a new threat to America <https://www.newsru.com/world/20may2005/fbiter.htm> 1 (the date of access to the electronic resource 23/07/2019.)

7. Kibalnik AG Modern international criminal law. Concept, objectives and principles. Under the scientific editorship of the doctor of legal sciences A. V. Naumov. - SPb.: Legal Press Center Publishing House, 2003. - page 252. ISBN 5-94201-157-5

8. Marina Latysheva "Secret services against environmentalists: the American experience" <http://web.archive.org/web/20150402093149/http://www.agentura.ru/dossier/russia/people/latysheva/usecologs/> (the date of access to the electronic resource 23.07.2019.)

9. Rood, Justin. Animal Rights Groups and Ecology Militants Make DHS Terrorist List, Right-Wing Vigilantes Omitted // Congressional Quarterly, 25. 2005

10. Yaminieva Yu. B., Khvoshev V. Ye. The Modern World: Increasing Threats of Environmental Terrorism // Department of Political Science, South Ural State University

ПРАВОВОЙ АНАЛИЗ ФОРМИРОВАНИЯ ЗАКОНОДАТЕЛЬСТВА О ГОСУДАРСТВЕННОМ УПРАВЛЕНИИ И САМОУПРАВЛЕНИИ В КЫРГЫЗСКОЙ РЕСПУБЛИКЕ

Табалдиев Нурбек Алимбекович

*преподаватель кафедры
теории и истории государства и права,
Ошский государственный университет
Кыргызская Республика*

DOI: [10.31618/ESU.2413-9335.2019.4.64.241](https://doi.org/10.31618/ESU.2413-9335.2019.4.64.241)

АННОТАЦИЯ

В статье дается историко-ретроспективный анализ формирования в Кыргызстане законодательства о местном государственном управлении и самоуправлении.

Автор, с позицией современной правовой действительности, рассматривает эволюцию правового института местного самоуправления и государственного управления, отмечая, при этом, возможность восприятия отдельных элементов партиципации и советского периода.

Ключевые слова: Советская власть, конституция, государственное управление, местное самоуправление, законодательство, политико-правовые процессы, компетенция.

В советской теории и права игнорировалось разделение властей, но это происходило по ряду причин, поскольку государство рассматривалось как механизм осуществления власти, поглотившей политические структуры. Первые советские конституции устанавливали не только единовластие Советов, но и права трудящихся на пользование землей, участие в рабочем контроле и управлении производством, в использовании свободы мнений, союзов, собраний, избирательных прав.

Советская модель устройства местного управления, противопоставленная буржуазному местному самоуправлению, стала порождением общества тоталитарного типа, превратилась в важный инструмент сверхцентрализованной

системы управления страной [1].

Период с 1921г. по 1927г. стал периодом поиска путей создания рациональной системы, в которой централизованная власть сочеталась бы с самоуправлением. Складывается система советского местного самоуправления, ставшая результатом компромисса между первоначальным курсом большевиков на сверхцентрализованное государственное управление и новой экономической политикой.

Начало 20-х -30-х годов XX века было периодом, в котором сложилась система республиканских законодательных актов, всесторонне регламентировавших полномочия и деятельность местных органов Советской власти. Именно к этому времени относится