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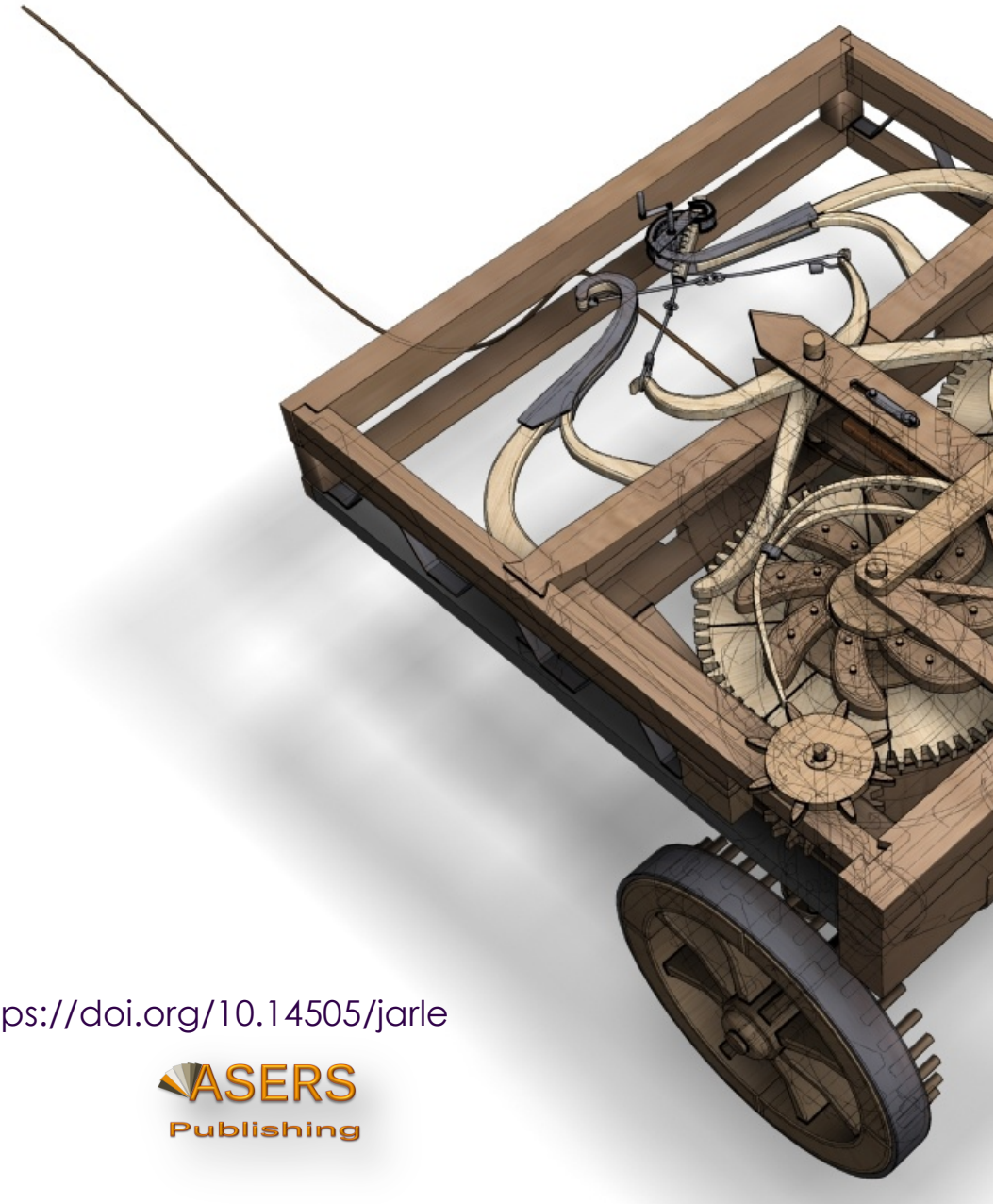

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Journal of Advanced Research in Law and Economics

J*ournal of* **A***dvanced* **R***esearch in* **L***aw and* **E***conomics* is designed to provide an outlet for theoretical and empirical research on the interface between economics and law. The Journal explores the various understandings that economic approaches shed on legal institutions.

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International Legal Aspects of the Environment Protection in Modern Conditions

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Abstract:

The international legal system, the basis of every international law are specific guidelines to the industry. As a 'support structure' of each industry are the basic principles of international law, but each branch of international law, and has its branch principles. The need for comprehensive application of the rules of international

environmental and international economic law specifies the relationship and interaction of the special principles of these two branches of international law, which are considered in this section of the dissertation research.

The appearance of the principles of international law 'gave international law a completely new quality - right forces has given way to the force of law.' In the science of international law, there are several approaches to the classification of the principles of international law. Russian science has traditionally allocates the basic (common) principles of international law and the specific principles of international law. Today, the development of the principles of international law affect global problems, most of which have economic and environmental dimension.

Nature is not a free application to the economy; it has its own value. Final Act of the CSCE in 1975, provides that States Parties undertake to promote the progressive development, codification and implementation of international law as a means of preservation and improvement of the human environment, including principles and practices that have been adopted by them with regard to combating pollution and other damage to the the environment, arising from activities undertaken within their jurisdiction or control and influence other countries and areas.

The principles complement each other, and the application of the principle of due to the use of others. The content of the universally recognized principles of international law is specified in the specific principles of the relevant branches of international law. Since general international law, in addition to the principles underlying its entire system of norms, includes such principles are based on the first, form the basis of the relevant international law sector. It should be noted that the system of special principles of international environmental law is in the making. International instruments contain various lists of principles of international environmental law, the same can be said about the international legal doctrine. In particular, many States have recognized principles of international environmental law legally binding. The principles of international environmental law are reflected in international treaties, acts of international organizations, State practice and rules of soft law ... is potentially applicable to all members of the international community.

Keywords: ecology, management, law, structure, development, determination, the ability, cooperation.

JEL Classification: K14, K36, Z18.

Introduction

The Declaration on Environment and Development in 1992 contains 27 principles, but most of them are not the principles of the rules. Special principles, norms of international environmental law provides most of the protection of the multilateral environmental agreements. An attempt to codify specific principles, norms of international environmental law is the development of the International Union for the Conservation of the International Covenant on Environment and Development in 1995. However, be aware that the list of principles contained in international instruments, and the doctrine cannot be considered exhaustive, as the process of their formation is not yet complete. As pointed Kopylov MN and SM Kopylov, 'features the ongoing process of formation of international environmental law should be explained by the fact that the industry guidelines in this area can not be regarded as something frozen, finally formed.'

With regard to the specific principles of international economic law, the approaches to their classification in international legal doctrine and international instruments also vary greatly. Since the Declaration on the Establishment of a New International Economic Order in 1974 and the Charter of Economic Rights and Duties of States in 1974, it established a list of principles that can be attributed to specific principles of international economic law. However, in this thesis the special classification of the principles of international environmental law and international economic law is not part of the research subject. Therefore, there will be analyzed only those that have the greatest impact on the regulation of both international economic environment and international relations.

Illustrative in this respect is that in the Charter of Economic Rights and Duties of States in 1974, in which, as previously mentioned, secured special principles of international economic law, announces one of its goals 'to protect, preserve and improve the environment' (Preamble). This once again emphasizes that the specific principles of the international economic and international environmental law effectively interact with international environmental regulation and international economic relations. The name of the principles of the (special principles of international environmental law) are important for solving the problems of the output of the economic crisis and create the conditions for environmental safety. The principles of international environmental law aimed,

ultimately, the formation of economic model, harmoniously reflecting the economic, social and environmental interests of society. 'Special principles of international environmental law, it is advisable to consolidate the state environmental policy with science-based combination of environmental and economic interests of society, providing real guarantees of human rights to a healthy and favorable for life environment.' Thus, the effectiveness of the special principles of international environmental law is directly connected with the economic interests of the states. In turn, the economic interests of the state are realized through international economic relations, which are based on industry principles of international economic law. Consequently, there is a special relationship of the principles of international environmental and international economic law.

1. Literature review

The issue of international environmental cooperation and international economic law still has not been the subject of a special study in the domestic science of international law. Certain aspects of the impact of international environmental law, international economic relations were considered in the Soviet era scientists. Among them, first of all, it should be noted monograph J. Bäumler 'International legal protection of the environment' (Bäumler 2017, 6), in which the scientist emphasizes that the basis for the development of the state should be on the concept of a balance between economic and environmental interests of society. L. Guadagno emphasizes that international environmental law should be developed in such a way as to not block the sound economic growth, and economic relations between the states should be based on the concept of responsibilities minimize negative impacts on the environment (Guadagno 2017, 27).

General issues of cooperation in international economic relations and international law are considered R.S. Jakhu, J.N. Pelton, Y.O.M. Nyampong (Jakhu 2017, 150). Problems of the influence of economic and human economic activities on the environment and liability for damage to the environment caused by such activities addressed in the works of D. Matthews, S. Veitch (Matthews 2016, 352).

In the writings of C. Reeves explores the process of formation of international environmental law, as a branch of international law and analyzes the various spheres of international relations (Reeves 2016, 327), including related economic activities, in the context of their impact on the natural environment. Several authors have dealt with subjects under consideration in relation to special areas of international legal regulation. Thus, the problem of the impact of economic activities on the state of fish stocks studied in K.H. Hassan, S.A. Sakina, F.M. Maizatul investigated adjustable sea fisheries, both living marine resources management component (Hassan 2016, 375). The risks of damage to the environment, as a result of nuclear activities investigated R. Anderson (Anderson 2016, 18). International control issues in international environmental law considered R.S. Jakhu, J.N. Pelton, Y.O.M. Nyampong (Jakhu 2017, 150). The issue of the international legal regime of natural resources in the Antarctic touched A. Wilkerson 'History and modern aspects of the international legal status of Antarctica' (Wilkerson 2016, 3) and the master's thesis B.A. Warwas (Warwas 2017, 112). Among the scientists - experts in the field of international economic law should be noted works R.S. Jakhu, J.N. Pelton, Y.O.M. Nyampong (Jakhu 2017, 55), which points to the need to integrate environmental concerns in the application of the rules of international economic law.

From the published works in recent years, it should be noted monograph NA Sokolova 'International legal control in the sphere of environmental problems of the environment', which formulated the concept of management in the sphere of environmental protection and rightly points out that 'the objective need for such goods as a healthy environment, its role in social and economic progress determine the need reforming the current system of international governance in the field of environmental protection'. International environmental governance issues through the establishment of the international regime and, thus, securing the sustainable development concept are considered in the monograph of G. Daleure 'The international regimes in international environmental governance' (Daleure 2017, 92). Specific aspects of the impact of economic activities on the environment in the context of sustainable development addressed in the works of A. Munro, M. Valente (Munro 2016, 326).

Power relations of foreign investment and environmental law dedicated to the collection of articles Institute of State and Law, Keele University. Christian Albrecht and the Russian-German Institute of Law, which included articles by specialists, not only in the field of public international law, and private international law, environmental law, Russia, Kazakhstan, Germany and legal practitioners.

2. The principle of sovereignty of States over their natural resources

It is noted that in the recent literature, 'there are increasing allegations of the obsolescence of the sovereignty of its incompatibility with the international community and the existence of a common trend and legal integration, this debate is particularly relevant in the field of international environmental regulation and international economic relations.

For example, the principle of permanent sovereignty of States over their natural resources interplay special principles of international economic and international environmental law is manifested with particular evidence. It is noteworthy that some authors attribute this principle to specific principles of international economic law. Others are specific to the principles of international environmental law. Moreover, some experts point out, this principle as the special principle of both sectors under consideration. The principle of permanent sovereignty of States over their natural resources is a concretization of the principle of the sovereign equality of States in both international economic and international environmental relations.

The UN General Assembly resolution 'Permanent sovereignty over natural resources' of 1962 points to the fact that the free and beneficial exercise of the sovereignty of peoples and nations over their natural resources must be furthered by the mutual respect of States based on their sovereign equality.

An indication of the link between the sovereign equality and respect for the rights inherent in sovereignty, at the same time specifies and expands the content of this principle, which is the basis for international cooperation. This is particularly evident in the field of economic relations, where the most acute problem of protection of the sovereign rights of many states. In accordance with the principle of permanent sovereignty of States over their natural resources, the state freely possess, use and dispose of the natural resources under their sovereignty.

Natural resources are one of the most important economic state values. Illegal encroachment on the natural resources of the state would be in violation of its territorial integrity of the State. Therefore, the provision of the rights to develop the natural resources of third countries is only possible with the consent of the State under the sovereignty of which are the natural resources, because of the state are independent and have the right to decide on the disposal of national resources. So in the 'Island of Palmas' (Netherlands / USA), in 1928 the arbitrator M. Huber (M. Huber) pointed out that the sovereignty in relations between states means independence. Independence in relation to any part of the globe is the right to carry out in this part of the functions of the state without the intervention of other states. If the state gives way to another State the right to develop its natural resources in any area, it gives part of its rights, not their sovereignty over their natural resources in general. It is more correct to talk about the assignment of rights of use in some within those or other resources, even sovereign rights or rights which are in the potency of native sovereignty. Sovereignty can be real for all the states only in terms of international law. International law fixes the legal recognition by such qualities as their sovereignty with all its consequences – especially of sovereign equality and thereby mutual respect for their sovereignty. Thus, the sovereign authority of other states limits the sovereign power of the state. Consequently, the adverse effects on the environment of any state are an affront to its sovereignty. On the other hand, all States have an equal right to their own economic development. So, in accordance with the principle of sovereignty of States over their natural resources, States have the right to free and independent development of the economy and the exploitation of its natural resources, but this freedom is limited by the duty not to cause damage to the environment and economic development of other countries, as well as the imperative of ecological safety of others States and the international community as a whole (Vargas 2016, 975).

According to the UN, 'Permanent sovereignty over natural resources' mentioned earlier General Assembly Resolution 1962, exploration and exploitation of natural resources and disposal, as well as the import of the required for the purpose of foreign capital should be made in accordance with the terms and conditions which the peoples and nations freely consider to be necessary or desirable to permit, restrict or prohibit such activities. Thus, already in 1962, this resolution laid the preconditions for restricting economic activities environmental interests. The resolution, among other things, directly points to the value of natural resources for the economic development of the states and they say that all the measures in respect of natural resources should be taken on the basis of respect for the economic independence of States. The principle of permanent sovereignty of States over their national resources secured by more than 80 resolutions of the UN General Assembly. Also considered the principle contained in the International Covenant on Civil and Political Rights 1966 and International Covenant on Economic, Social and Cultural Rights of 1966, as well as a number of international treaties governing the foremost international environmental relations. This principle is contained in the Charter of Economic Rights and Duties of States in 1974, the Declaration on the Establishment of a New International Economic Order 1974 - the

sources of international economic law. Also, the principle of permanent sovereignty of States over their national resources provided Rio Declaration on Environment and Development 1992 – the source of international environmental law.

Thus, the interpretation and application of the principle of permanent sovereignty of States over their natural resources should be carried out taking into account the standards as an international economic and international environmental law. In this case, the rules of international economic law and the norms of international environmental law can be attributed to a complex of norms that characterizes how grouped around the basic conceptual rules, principle and concretizing this rule, for example, the principle of sovereign equality and respect for the rights inherent in sovereignty.

As we can see, the principle of permanent sovereignty of States over their natural resources is an international legal basis for the economic development of the state, on the one hand, and environmental security on the other hand. The problem under consideration is extremely important for Russia, especially given the fact that, on the one hand, the natural-resource sectors of the Russian economy are very attractive for foreign investors. On the other hand, the very ecosystems located on the territory of Russia are of great value, both for Russia and for the world community as a whole. In Russia there are about 9 million sq. M. km. intact ecosystems. By absorption (through forests and swamps), carbon dioxide (about 40%), Russia ranks first in the world. Second place goes to Brazil – 20%. Habitat functions of Russian nature – the world's largest 'natural capital', which defines the central role of our country in the task of saving the biosphere stability. Maintaining the stability of the biosphere functions – is to ensure global environmental security, and then Russia's role is no less important than in the area of formation of international energy security.

Depending on the scope of the environmental law – international and national – is determined by the spatial and scope as the environment in general, and natural ecological systems. For the national law, it is limited to the territory of a State, or, depending on the interests of the state, - outside the territory of the subject of the Russian Federation ... Dedicated space-territorial boundaries of natural ecosystems - pure convention. It is also necessary to note that the State has the right to protect the environment of the exclusive economic zone and continental shelf.

The Report of the United Nations Development Programme (UNDP) Human Development in Russia (2005), states: 'the world's growing awareness of the fact that Russia is a major' environmental donor 'of the planet, making the biggest contribution to the sustainability of the biosphere (Daleure 2017, 118).'

Long-term economic growth for each state and the international community as a whole is largely dependent on the state of the environment and natural resources as its member. Therefore, the principle of permanent sovereignty of States over their natural resources is a cross-cutting principle of international environmental and international economic law, its content, interpretation and application is determined by the mutual coupling of economic and environmental interests of the states. Protection of natural resources is the major factor contributing to long-term economic growth, even more so that all States differ in terms of economic development, and the composition and quantity of natural resources. Unfortunately, today the solution of environmental safety problems, often not a goal, but a means of pressure on the partner in international economic relations. As a result, the effectiveness of both economic development and the prevention of damage to the environment, including human health and environmental safety is very low. Since the objective interests of the states may not be the same, and even contradict each other, the interstate competitiveness manifests itself in different, sometimes diametrically opposite interpretations themselves of international legal norms. Therefore, it is necessary to develop common rules to combat both the illegal exploitation of natural resources, and to prevent damage to ecosystems as a result of legitimate economic activities and environmental safety.

3. The principle of international environmental cooperation and the principle of mutual benefit

The principle of international environmental cooperation is enshrined in the Stockholm Declaration on Environment 1972 (Principle 24 of the Declaration), which states that 'cooperation is very important for effective control, prevent, reduce and eliminate the negative environmental impact associated with the activities carried out in all areas, and this cooperation should be organized in such a way as to adequately take into account the interests of all sovereign states.' In our opinion, the number of such 'sovereign interests' includes economic interest - for mutual benefit in the implementation of economic activities using natural resources. You can not get to work if it is not profitable. The principle of mutual benefit has become a necessary complement to the principles of equality and cooperation, a part of their content. It is significant that the principle of environmental cooperation provided Art. 30 of the Charter of Economic Rights and Duties of States (the source of international economic

law). Rio Declaration on Environment and Development of 1992 (source of international environmental law) also contains this principle and associates it with the international economic relations: States should cooperate to promote a supportive and open international economic system that would lead to economic growth and sustainable development in all countries, and to better address the problems of environmental degradation of the environment. In accordance with para. 2 of Art. 1 International Covenant on Civil and Political Rights, 'All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation based on the principle of mutual benefit, and international law.'

Thus, the development of environmental cooperation will be effective only if the principle of mutual benefit. It indicates as reasons for the development of international cooperation in the sphere of ecology extension of ecological linkages among all States, a growing environmental interdependence between the exchange rate on the restructuring of international environmental relations on the basis of equality and mutual benefit. Among the socio-economic factors, environmental cooperation scientist considers, in particular, the interest of the peoples in a fair exchange of economic means of life, based on the use of natural resources and further emphasizes that international cooperation should be carried out on an equal and mutually beneficial basis, with respect to environmental issues means in particular, the intensification of trade exchange environmentally-friendly equipment and technology, the sale of patents and licenses related to environmental protection. Contemporary international environmental cooperation covers a wide spectrum of areas, from the preservation of ecosystems, modern water management to the exchange of best available technologies and the adoption of agreed conservation measures in the development of transboundary natural resources. On the relationship of the principles of environmental cooperation and mutual benefit show and other authors' international issues related to the preservation of the environment, should be resolved in a spirit of cooperation by all countries, based on equality and mutual benefit, in order to prevent, reduce and eliminate the negative impacts on the environment and restoration of natural resources (Il□ev 2017, 205).

The principle of mutual benefit is the mutual right of States to a fair distribution of the benefits and obligations of comparable size. The concept of 'benefits and obligations' as the components of the principle of mutual benefit, must be included not only benefits from the consumption of natural resources, but also the benefits of preserving the environment and commitment to prevent environmental damage. Otherwise, when the damage caused to the environment, will not be taken into account when evaluating mutual benefit, such an assessment is inadequate and incorrect. Since the effects of environmental damage may occur for a certain, and sometimes a very long time, the magnitude of the damage can be considerable, and such damage may even be irreversible. In that case, if you do not prevent the onset of such effects, the observance of the principle of mutual benefit will be difficult or even impossible.

The interaction of the principles of environmental cooperation and mutual benefit with special clearly manifested in the use of natural objects outside the sovereignty of States and the action of shared natural resources. Thus, in accordance with the Agreement on the implementation of the UN Convention on the Law of the Sea of 10 December 1982 relating to the conservation of straddling fish stocks and highly migratory fish stocks and management in 1995, the state - participants have the firm intention to ensure long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks, Resolved to improve cooperation between States to that end, seek to address, in particular, the problems in fisheries management on the high seas in many areas and the over-exploitation of certain resources; note there are problems of unregulated fishing, over-capitalization, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear, unreliable databases and lack of sufficient cooperation between States (preamble) (Jakhu 2017, 82). Based on these provisions of the Agreement, it is clear that the right of states to a fair distribution of benefits from fisheries on the high seas due to the duty of cooperation in order to maintain populations of harvested species. Contractual and legal registration in 1995, the precautionary approach as a principle of international law of the sea claimed the legal implications of the forecast of this principle. Its cumulative impact, along with other provisions of the Agreement in 1995 (on stocks of transboundary and highly migratory species), as well as the provisions of the 1982 Convention, including the settlement of disputes, creating a new international legal regime for the conservation of marine living resources and marine biodiversity.

Thus, the implementation of the principle of mutual benefit in the implementation of fisheries on the high seas is only possible with the effective cooperation of conservation to preserve the harvested species. In this context, in our opinion, in formulating the content of the principle of mutual benefit, fair complement its duty of States 'by their actions (or inaction) not interfere with the implementation of this right (right to a fair distribution of the benefits and obligations of comparable size), taking into account each other's national interests'. In this case, the public interest, on the one hand, are in receipt of benefits from fisheries on the high seas, and, on the other

hand, in the preservation of populations in a stable condition. A similar provision is contained in the Convention on Biological Diversity 1992. In the Preamble of the Convention stresses the importance of and the need to promote international, regional and global cooperation among States and intergovernmental organizations and non-governmental sector for the conservation of biological diversity and the sustainable use of its components. In Art. 1 of the Convention states that the objectives of the Convention are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits.

With regard to shared natural resources, they should be used taking into account the interests of all states on whose territory they are located. First of all, this applies to international water resources, ecosystem integrity, located on the territory of two or more States, populations of animals or valuable plants, the habitat of which cross national boundaries. use mode has its own specifics. Shared natural resources is inextricably biogeophysical unity and internal communication, interacting in this unity can not be changed or even abolished by the presence of national borders. Speaking of shared natural resources, the issue is transferred to the plane of international cooperation to protect them. Internal 'protective measures in this regard, if adopted, should be strictly coordinated with the international. Especially clearly the principles of interaction of environmental cooperation and mutual benefit in the operation of shared natural resources is manifested in bilateral agreements. Of particular relevance is the problem for Russia 'possesses huge reserves of natural resources and enormous economic potential, and therefore, it is extremely important to determine whether there is a real cooperation and mutual benefit have to talk about trying to build a relationship of partners to the detriment of Russia (Daleure 2017, 4).'

Russia is rich in water resources. In its territory there are about 70 full-flowing and extended the transboundary rivers. Some of them are shared with other countries in natural resources with other states. There is also to demonstrate the principles of interaction of environmental cooperation and mutual benefit analyze Russian agreements and the People's Republic of China as well as Russia and the European Union as the states with which Russia has a shared water resources in the east and the west.

Along the rivers Amur, Argun, Ussuri and Lake Khanka is the border between Russia and China, on the River Vuoksi the border between Russia and Finland, on the river Neman - with Lithuania, on the river Western Dvina (Daugava) - Latvia, on the river Narva - Estonia. After the major rivers of Europe there is a connection with the Azov and Black Seas. At these water resources to carry out various economic activities, which has a significant economic importance for Russia and the states sharing these rivers and lakes. Such activities include the work of HPP, the work of industrial enterprises (wood processing, metallurgical, steel, pulp and paper, etc.), Rafting, fisheries, agriculture, transport (Wanka 2017, 103).

Between Russia and China has a number of agreements based on the principles of environmental cooperation and mutual benefit. All of these agreements establish a mutually beneficial mode of economic activity in Russia and China shared water resources, taking into account environmental interests of both states. Thus, in the preamble of the Agreement between the Russian Federation and the Government of China on cooperation in the field of environmental protection by the Government in 1994 contains a provision under which the parties base collaboration in the field of environmental protection on the mutual benefit. Art. 1 of the treaty directly specifies the principles of cooperation environmental cooperation and mutual benefit: 'The Parties shall promote cooperation in the field of environmental protection on the basis of equality and mutual benefit.' Agreement between the Government of the Russian Federation and the Government of China on cooperation in the field of conservation, regulation and reproduction of living aquatic resources in frontier waters of the rivers Amur and Ussuri 1994 specifies the specified position with respect to the implementation of economic activities on the rivers Amur, Ussuri, and Argun. The agreement contains provisions establishing a detailed legal regime of economic activity in these rivers. In particular, set the size and species of fish, the catch of which is prohibited, prohibited fishing season and tools, etc. Agreement between the Government of the Russian Federation and the Government of China on the joint economic use of certain islands and adjacent waters of border rivers, 1999 in the preamble to directly contains a provision that the parties are guided by the principle of mutual benefit, and later in art. 7 provides for the obligation to limit economic activities and environmental interests of the Parties to the duty to cooperate in this direction through the competent authorities of each of the states. The preamble of the Agreement between the Russian Federation and the Government of the PRC on the rational use and protection of transboundary waters in 2008 also contains a reference to the recognition of the equal importance of the use and protection of transboundary waters.

4. European development of international cooperation in the field of environmental law

It must be recognized that today the EU environmental law is the most advanced in comparison with other regions of the world, which is reflected in the practice of concluding bilateral agreements with the European Union aimed at protecting the environment. The main multilateral treaty in the area under consideration, which involves both the EU and Russia is the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 1992. In accordance with Art. 4 of the Convention the coastal countries 'shall cooperate on the basis of equality and reciprocity, through bilateral and multilateral agreements in order to develop harmonized policies, programs and strategies covering the relevant catchment areas, or parts thereof, for the security and reduction of trans boundary impact and aimed at the protection of the environment of trans boundary waters or the environment influenced by such waters, including the marine environment. 'For example, in Russia bilateral agreements on cooperation in the field of environmental protection with the states of the European Union, with which Russia has shared natural resources, provides a direct indication of the connection between the two principles discussed. In accordance with the Agreement between the Government of the Russian Federation and the Government of the Republic of Latvia on cooperation in the field of environmental protection of 2010 (Art. 1) The parties shall cooperate in the field of environmental protection, rational use and reproduction of natural resources, Guided by the principles of sustainable development on the basis of equality and mutual benefit. In addition, the legal regime of the activities related to the use of shared natural resources, is also set in the framework of cross-border cooperation between the EU and Russia. Thus, in accordance with the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities, 1980 under the cross-border cooperation shall mean any concerted action aimed at strengthening and promoting relations between neighboring territorial communities and authorities. The said Convention's definition of cross-border cooperation is concretized in the concept of cross-border cooperation in the Russian Federation, approved by Government in 2001. In accordance with this concept among the main tasks of cross-border cooperation in the Russian joint decision indicated the economic, transport, energy, utilities, environmental, socio - demographic, humanitarian and other problems of border areas, and the creation of natural resource and socio - economic conditions for the development of border areas (Jakhu 2017, 117).

These examples both multilateral and bilateral international legal regulation of international economic relations with the use of natural resources demonstrate the relationship of the principles of international environmental cooperation and mutual benefit. When integrated application of both principles is carried out, on the one hand, the liberalization of international economic relations, and on the other hand, to prevent damage to the environment and environmental security. Compliance with these two principles can maintain a balance between economic development of states and environmental protection. Only the interpretation of the principles of environmental cooperation and mutual benefit in the context of each other and complete their application in practice should be the basis of the international economic order. In this case, international economic relations, connected with the exploitation of natural resources, will truly mutually beneficial, both at the global and regional levels.

Formation of the principle of 'the polluter pays' took place in the framework of the Organization for Economic Cooperation and Development (OECD). As indicated in the document of the Council of the OECD 'Guidelines on international economic issues in environmental policy,' this principle 'stipulates that the polluter should bear the costs related to the measures to prevent pollution and combat it, the decision which was made public bodies to ensure an acceptable environment. In other words, the cost of these measures should be included in the cost of goods and services, which led to pollution in their production (the provision) and / or consumption. ' The principle of 'polluter pays' means that the person who causes damage to the environment, must cover the damage. In other words, manufacturers of products responsible for any environmental pollution caused in the manufacturing process, and therefore must pay for measures to prevent damage to itself and to cover the damage caused by the environment. The principle of 'the polluter pays' provides a number of international treaties. In addition, the principle of 'the polluter pays' was enshrined in the Declaration on Environment and Development (Rio de Janeiro, 1992), in accordance with Principle 16 that 'the national authorities should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment. ' Thus, the principle of 'the polluter pays' has been recognized as a general universal principle of international environmental law. The principle of 'the polluter pays' today is a general principle of international environmental law. ' As the content of the 'polluter pays' principle, its objective is to internalize the costs of pollution prevention.

The concept of the internalisation of environmental costs is intended to include in the market price of goods (services) in the use of natural resources, costs, pollution, waste disposal, and a number of other environmental costs. The problem is that as a result of economic activities such damage is caused to natural resources, which are also public goods, for example, such as clean water, and public goods such as clean air. The costs related to the prevention of such resources become pollution externalities.

Externality costs - one of the key categories of the modern environmental economics. Such costs are a source of conflict of interests of various entities of nature. One of the most practical tools to minimize externalities is the internalization of environmental externalities. Practical regulation of externalities hampered by the lack of effective tools internalization. One such effective tools is the principle of 'the polluter pays'. As the content of the principle of 'the polluter pays' in him was not only includes the duty to bear the costs caused by the constant pollution of the environment, but also the obligation to compensate for the costs caused by accidental pollution. For example, in the OECD 'Recommendation of the Council concerning the application of the principle of' the polluter pays 'Accidental pollution' states that 'hazardous installations operators are obliged to take reasonable measures in emergency situations in the event of an accident.'

Thus, in essence the principle of 'the polluter pays', recognized as the industry principle of international environmental law, is, in fact, the economic principle. The implementation of this principle is carried out through the use of non-tariff barriers in international trade, the tightening of the conditions of the legal regime in the international investment system, the very same principle is one of the financial.

Conclusion

The effectiveness of implementation of the 'polluter pays' principle in international relations is directly related to the observance of the principle of economic discrimination, according to which no State should not be put in a worse condition compared to other states. This provision applies to all aspects of international economic relations, including the application of non-tariff trade measures and the legal status of the foreign investor. As previously indicated, the internalization of costs in accordance with the principle of 'the polluter pays' is possible through the use of various non-tariff barriers for trade and investment. In particular, by introducing a tax on air pollution, water, soil, etc., quality standards, standards for emissions (discharges into water), technical standards for production, producer subsidies, using environmentally friendly technologies, etc. All these measures should be applied in accordance with the principle of economic discrimination. Moreover, considering the interaction between the principle of 'polluter pays' principle and economic discrimination, it is necessary to note the trend that emerged in the WTO rules and extends to the international economic law as a whole. There was a kind of 'imposition' of the principle of non-discrimination on the principle of most favored nation. Under these conditions, not only discrimination is a denial of the principle of most favored nation treatment, and denial of most favored nation treatment constitutes discrimination. The report of the WTO Secretariat indicated that the principle of non-discrimination includes two components: a clause of the most favored nation and national treatment principle. A similar position is held by the OECD, which indicates that the principle of non-discrimination includes the principle of most favored nation and national treatment principle. Thus, a violation of the principle of most favored nation is discrimination on the basis of origin of goods (capital), and violation of the principle of national treatment is discrimination between foreign goods (capital) and national. Therefore, we can talk about the interaction of the principle of 'polluter pays' principles of most favored nation and national treatment as elements of the principle of economic discrimination. In the case of the principle of 'the polluter pays' we are talking about equalization liabilities of national and foreign contaminant, as well as the victims, regardless of their location. In addition, states should be approached on a non-discriminatory basis to damage their own environment, and damage to the environment of other States or international areas of common use. Thus, the interaction of the principle of 'the polluter pays' and the principle of economic nondiscrimination leads, in particular, in a situation where 'victims' as a result of the cross-border pollution and on the territory of different countries have the same opportunity to protect their rights at both the precautionary measures before the pollution of the environment, and at the stage of elimination of the consequences of such pollution. As rightly pointed out in the Russian international legal doctrine of 'an important guarantee of the rights and freedoms of the individual is to ensure the right to a remedy.' (Ilčev 2017, 412)

Furthermore, the damage suffered by the party shall be entitled to choose between the courts of the State of origin and activity of the state. In accordance with the UN Law of the Sea Convention, 1982 (paragraph 2 of Article 235): 'States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief for damage caused by marine pollution natural and legal persons subject

to their jurisdiction.' That is, the Convention also provides for the right of equal access to the national defense, regardless of the nationality of the injured party.

Thus, the interaction of the principle of 'the polluter pays' and the principle of non-discrimination is not only material, but also the procedural aspect. The procedural aspect of the principle of non-discrimination presupposes the abandonment of some requirements of the procedural legislation of the State of origin, including in particular the requirement for foreign plaintiffs warranty cover the costs, the provisions on refusal of legal aid and the provision on jurisdiction in matters affecting other countries. In general, 'the right to a remedy is a kind of indicator of the legal status of the individual in society, by way of example software can identify the main problem of domestic regulation of the rights and freedoms of the individual, which is of particular importance when it comes to the human right to a healthy environment.

Consequently, the principle of 'the polluter pays' provides that the operator of international economic relations to take a number of measures limiting economic activities (such as trading and investment) in order to prevent damage to the environment and environmental security. This principle allows for the most efficient allocation of costs associated with the adoption of measures to combat pollution and its prevention. Thus, the principle of 'the polluter pays' is the economic criterion on the basis of which carried out the rational use of environmental resources; preventing violations of international trade and investment systems; Disclaimer of various government subsidies to those industries whose activities cause pollution.

However, the effectiveness of the restrictive measures will be high only in the case of non-discriminatory approach to their use, both on the basis of origin of goods or capital, and in comparison with the national goods or capital. An example of an integrated approach to the application of the principles of 'the polluter pays' and cost of non-discrimination may serve as the UNECE Convention on the Trans boundary Effects of Industrial Accidents 1992 (Item 3 of Art. 9), which states that state on a reciprocal basis provide natural or legal persons, are experiencing, or may experience the adverse trans boundary effects of an industrial accident, the same access to administrative and judicial procedures, and that persons who are within their own jurisdiction.

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