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## Modern Politics and Policies for Environmental Protection

### 1. On the human environment

Human environment is a very complex group of phenomena with very divergent connections. Society cannot exist outside nature; society originates from nature, it is not the same with nature and cannot be torn out of it.

In the centre of the process taking place between society and nature is *work*. Society shapes natural environment according to its interest by *civilisation*. That part of nature which made connection with society and was formed resolutely by it — is the *civilized* human environment. This environment is a *formed one*, the change of which is as much significant as the mood of *production of society* develops.

Development of mood and techniques of production of society on the one hand enlarges the civilized territories and alters them, and on the other hand the effects of human activity cover those territories as well which are not yet used, and formed by society at all. In this way the non-civilized parts of nature also form *connection* with society and the medium of connection is production of society again.

The natural state of original nature may become damaged, deformed by the wilful or negligent *social effects*. In such case there is also link between nature and society and in this connection man influences nature and at the same time the damaged wild nature reacts on the civilized human environment, too — so owing to this connection between society and nature we speak about human environment.

The *human environment* includes first of all the *civilized human environment and all parts of nature, wilderness, covered by the effects of human activity*.<sup>1</sup> Extension of this human environment is changing during *history* of mankind; and growing larger in accordance with the development of *mood of social production* and *technology of production*.

Protection of human environment is not a new problem for mankind. It is a wellknown fact that the enormous growth of industrialization and traffic, the growing exploitation of natural resources, the increased use of agricultural chemicals and nuclear power, and the rapid utilization of space for industrial and residential purposes have damaged the human environment and endangered human health. In Hungary, as in other European countries, there has been a tremendous increase in the interest in environment in the last ten years. State organs, social organizations, individual citizens as well as scientists have played a very important part in actively working with information and agitation through papers, books, meetings and demonstration.

<sup>1</sup> See András Tamás, *Az emberi környezet védelmének egyes állam- és jogelméleti kérdéseiről* (Some questions of the protection of the human environment from the point of view of the theory of state and law), *Jogtudományi Közlöny*, 1974, No. 9. pp. 495—498., Jenő Pintér—András Tamás, *Penal protection of the human environment in the Hungarian People's Republic*, *Revue Internationale de Droit Pénal*, 4<sup>e</sup> trimestre 1978, No. 4. p. 149.

Environmental problem has a close *contact with human actions* which caused it directly or let start dangerous phenomena indirectly. Such series of dangerous actions can be overcome and terminated by protection of environment.

In a broadest conception protection of human environment appears to be a deliberate, planned, scientifically established way of life of mankind, aiming at to save the life. And by the means of human conduction the existence of life and human environment can be reproduced.

But first of all this problem exists for activities of a society *as a political question*. Really, one of the key issues of present-day social activities is connected with questions of political character in both theoretical and practical respects.

## 2. On the environmental policy

The concept of environmental policy which appears to be quite obvious at a first glance can have varied interpretations. The present paper examines certain general political questions relating to the governmental direction of environmental protection.

The questions of *principle* of the direction of environmental protection can be regarded primarily as the *general issues* of the direction of society and secondly as *special issues*,<sup>2</sup> but the extent to which the two categories listed above are *relative* in terms of separating them from one another is no question of third rate importance either.

The protection of human environment, however fundamental its importance is in our age, has not as yet brought about *fundamental* changes directly in the structure of society, in the mechanism of its operation, nor has it led to any basic change in the principal regularities governing society. Solution to the problem of environmental protection takes place within the framework of social determinants.<sup>3</sup>

Social activities which are composed of the recognition and evaluation of environmental problems as well as of the determination and subsequent implementation of tasks designed to serve the protection of the human environment constitute a relatively independent *functional unit*<sup>4</sup> and its comprehensive direction is also a relatively *autonomous entity*.<sup>5</sup> The general principles applying to and methods adopted for the management of society generally determine<sup>6</sup> but cannot substitute the special principles and methods that can be applied to or adopted, respectively, for this field.<sup>7</sup> Settlement of this issue is far from being self-evident and, above all, it is *not* fitted *automatically* into the mechanism guiding the activities of society.

<sup>2</sup> Compare Ю. С. ШЕМШУЧЕНКО, *Комплексная экологическая экспертиза и мониторинг, окружающей среды*, Советское государство и право, 1978, No. 10. pp. 91—97.

<sup>3</sup> See András Sajó, *A környezetvédelem jogi szabályozásának lehetőségei jogelméleti nézőpontból* (The possibilities of the legal regulation of the protection of environment from the viewpoint of theoretical jurisdiction), in *Környezetvédelem és jog* (Environmental protection and law), Budapest, 1981, p. 16.

<sup>4</sup> Compare Z. Madar, *Československé právo, státní správa a životní prostředí* Ustav Státní Správy, Praha, 1977, chapter II., В. Р. БАЛЕЗИН, *Право природопользования в СССР* in Научно-технический прогресс и правовая охрана природы, МГУ. Москва, 1978, p. 43., В. Pospisil, *K vymezení obsahu pojmu životní prostředí*, Právník, 1981, No. 1. pp. 20—33.

<sup>5</sup> Compare Ю. С. ШЕМШУЧЕНКО, *Охрана окружающей среды; как составная часть комплексного развития территорий*, Советское государство и право, 1982, No. 7. pp. 75—82.

<sup>6</sup> See О. С. КОЛЬБАСОВ, *Проблемы охраны окружающей среды в новой Конституции СССР*, Советское государство и право, 1978, No. 5 p. 21—29.

<sup>7</sup> Compare *A környezetvédelem jogi kézikönyve* (The legal manual of environmental protection), edited by András Tamás, Budapest, 1981, pp. 30—32., Z. Madar, *Právo socialistických států a péče o životní prostředí*, Praha, 1983, pp. 12—14., W. Radecki, *Odpowiedzialność administracyjna w ochronie środowiska*, Wrocław—Warszawa, 1985, pp. 31—32.

In legal and political economical literature on the subject in the socialist countries, the concept — as one of the concepts and being the one of simplifying matters excessively — that in the socialist countries the fact that the means of production are owned by society and there is planned economy exclude the possibility of harmony between society and environment being disrupted to any considerable degree was still holding strong in the early 1970's. For it is in the interest, it was then maintained, of the social classes in power to take into consideration environmental aspects in the course of their production and other types of activities. For this reason the socialist enterprises are prepared to do everything in their power to protect the human environment on a voluntary basis without any administrative measures having to be taken. Thus the task of the authorities of state administration is confined to formulating uniform objectives and to coordinating the activities. Under such conditions it is unnecessary as was suggested then, for environmental policies to be independent of and separated from other kinds of policies. In other words, it was thought that general social politics, or party politics and environmental policies were identical.

This optimistic and hypothetical view, however, is not verified either by theory nor practice.<sup>8</sup>

### 3. On the politics

According to Marxist social theory it is true that in general terms *power* and *interest* are closely associated with one another and simultaneously they also constitute the general conditions of politics. A political issue, it is argued, is invariably a problem related to interests.

On the one hand, politics is interest-focused because it involves the interests of a social class, stratum or group; on the other hand, it is also power-focused because these interests find expression in power relations.

However, it does not mean that any interest would involve a political content and as such it would be associated with the manifestation of power or would be strictly confined to political power.

The political element is immediately induced at points at which the joint *interests* of social structures *are involved* and this can be expressed in terms of social power relations.<sup>9</sup> The expression of an interest in social power relations can take different forms: it can be manifested in both the integration and suppression of interests, it can be a compromise or an antagonism. However, it is impossible that it would be exclusively transient or blindly intolerant in every direction.

It is inherent in power that it wishes to enforce *an order* designed for *social structures and functions*. The will to this effect is *determined* by social existence. Consequently, the direction in which social power wishes to act or move is established generally according to the spheres of the degree of the integration of people into a community. Thus the "anatomy" of power is built up, on the one hand, in accordance with the social *structures* (classes, strata and groups and their organizations concentrating their interests) and *functionally*, on the other; in general terms, in the spheres of *economic, ideological and political power*.<sup>10</sup>

The relationship between social power structures and spheres is one of mutual presupposition and dependence. In the spheres of social power — in economic, ideological and politi-

<sup>8</sup> See *Выполнение юридических требований охраны окружающей среды в стадии технико-экономического обоснования строительстве производственных объектов*, СЭВ, обзор, составили: Г. Киленьи. А. Тамаш, 1985. pp. 54—55.

<sup>9</sup> György Antalfy—András Tamás, *The state and law-making*, Acta Universitatis Szegediensis de Attila József nominatae Acta Juridica et Politica, Tom. XXXIII. Fasc. 1. Szeged, 1985, p. 15.

<sup>10</sup> Mihály Samu, *A hatalom és az állam* (The power and the state), Budapest, 1977, p. 87.

cal power — the stability of the dependence structures is essential for the ruling class and the state, while undermining the stability of the conditions of dependence and restructuring them to be tailored to their own interests are top priorities for the oppressed classes.<sup>11</sup>

It is of common knowledge that the related process is *history itself*. In the course of this process society is necessarily concerned *with itself*, with *its own internal relations* and problems emerge and take shape around power which is the cementing force of society. These are the internal regularities of society which are influenced by *external* factors such as, for instance, the *natural environment* of society, to rather an insignificant extent and if so, only through the *mediation of internal factors*.<sup>12</sup>

*Political power* has an outstanding role to play in the process of history.<sup>13</sup> It exceeds power relations linked directly with production and even the relations of power with the knowledge and intellectual values of society. In other words, in quantitative terms political power is less than economic and ideological power but it is more than that in terms of quality.

Political power is prepared to take over only the essence of economic and ideological power which is, in general, indispensable for the uniform direction and management of society and for providing a comprehensive guidance for its affairs. It does not substitute either economic or ideological power; instead it concentrates and socializes them, in other words, renders them to be of common interest.

Political power encompasses the totality of a society and while doing so it concentrates on the correlations in a selective manner which are of fundamental importance in the internal order of society.

In today's society and under the present politico-economic conditions each element of the direction of society is of a *political nature* in a direct or indirect fashion. This politico-social environment renders the decisions for direction of society as a whole to assume a political nature.<sup>14</sup> Thus the political and non-political decisions come to be very much linked with one another. This, however, *can by no means be interpreted as all sorts of the direction of society being absorbed in politics* and that the *different types of decisions could be substituted by political decisions*.

In Marxist social theory *Lenin's* views on politics have outstanding significance. It is of common knowledge that Lenin supplied three types of interpretations of politics. His three descriptions are as follows:

1. it is the concentrated expression of the economy;
2. it represents the relations between social classes;
3. it means governmental-political direction.

1. So far as its essence is concerned the fundamental and principal factor determining politics is the economy. *Politics is the concentrated expression of the economy*.<sup>15</sup> Politics which is impossible economically and which fails to rely on economical foundations is sheer nonsense — equivalent to the suicide of politics.<sup>16</sup>

<sup>11</sup> Ю. С. ЗАВЯЗОВ, *Политические интересы и их реализация в СССР, Советское государство и право*, 1973, No. 1.

<sup>12</sup> András Tamás *Politika és környezetvédelem* (Politics and environmental protection), Állam és igazgatás, XXXII, 1982, No. 12. p. 1075.

<sup>13</sup> Compare Ф. М. БУРЛАЦКИЙ, *Ленин. Государство. Политика*, Москва, 1970, p. 118.

<sup>14</sup> See Kálmán Kulcsár, *Társadalom—politika—jog* (Society—Politics—Law), Budapest, 1974, p. 56.

<sup>15</sup> «Политика есть концентрированное быражение экономики» В. И. ЛЕНИН, *Еще раз о профсоюзах*, Полн. собр. соч., Т. 42, Москва, 1963, п. 278.

<sup>16</sup> В. И. ЛЕНИН, *О продовольственном налоге*, Полн. собр. соч., т.43. Москва, 1963, p. 222.

2. *Politics represents the relations between social classes*<sup>17</sup> which decides in a general fashion the lot of society which has been organized into a state.

In this interpretation *politics is by all means superior to the economy*,<sup>18</sup> with the political means not being of equal footing with those of the economy in terms of value. If a social class happens to seize power in leading society but fails to appeal to the people correctly in political terms, it will be unable to retain its power, and for that matter, it cannot accomplish its production task either.<sup>19</sup>

3. To this end it is indispensable for politics to be capable of defining the way power should actually be practised, of directing the different social powers and forces in a uniform manner. The principal means to this effect is the state both as an institution and as an organization. *The more solid (this apparatus) as an ancillary means, the better and more suitable it is for manoeuvring. And if it fails to meet this demand, it will achieve nothing.*<sup>20</sup>

In this sense politics is nothing but the means of *participation in the affairs of the state, direction of the state and the factor determining the form, tasks and the content of its operation.*<sup>21</sup> Any essential social issue, let it be directly of an economical or even of an ideological nature, will necessarily become an independent political question as well as a result of this structural-functional setup. At the same time, however, it can only become an essential issue for society if it emerges as a political issue as well.

It is obvious from the foregoing that politics is *structured*<sup>22</sup> when considered as the policy of social classes, strata and groups and their respective organizations; furthermore, it is a specifically determined unit in the form of *state politics*.<sup>23</sup> With regard to its direction and *social functions* it is linked with the satisfaction of different social demands and interests which, in turn, are implied and enforced consciously not only in collective goals and collective actions but also in the operation of institutions.

Thus politics cannot be considered as the direction of society in general but as the general and comprehensive direction and guiding of society.

State guidance which is the most essential means from among the structural components of the political system, is basically *differentiated*. Its special areas such as economical, social, cultural etc. guidance are regarded as fields that have become constant in the role of politics designed to meet social demand. This is actually the *division of labour* of politics. In addition to actual expedience, traditions and a number of other factors have a role to play in this division of labour. Here the social satisfaction of demands is naturally directed invariably with the assistance of power relations and power mechanism. This is actually where the *specific professional element* of politics comes into play.<sup>24</sup>

It follows from the structure and operation of a political system that in case a social problem leads to tension and calls for changes, it immediately assumes a *political nature* and becomes first and foremost a political issue in order to promote the retention of the

<sup>17</sup> «Политика есть отношения между классами» В. И. ЛЕНИН, Ibid.. Полн. собр. соч. т. 43. р. 72.

<sup>18</sup> «Политика не может не иметь первенства над экономикой.» В. И. ЛЕНИН, *Еще раз о профсоюзах*. Полн. собр. соч., т. 42. р. 278.

<sup>19</sup> В. И. ЛЕНИН, Ibid. Полн. собр. соч., т. 42. р. 279.

<sup>20</sup> «аппарат, как подсобное средство, чем тверже, тем он лучше и пригоднее для маневров. А если он не в состоянии этого выполнить, он ни на что не годен.» В. И. ЛЕНИН, Полн. собр. соч., т. 42. pp. 72—73.

<sup>21</sup> «политика есть участие в делах государства, направление государства, определение форм, задач, содержания и деятельности государства.» В. И. ЛЕНИН, Полн. собр. соч. т. 33. р. 340.

<sup>22</sup> Compare Kálmán Kulcsár, *op. cit.*, pp. 19—49.

<sup>23</sup> See György Antalfy, *Allam, politikai rendszer, társadalom* (State, political system, society), Budapest, 1979, pp. 141—149.

<sup>24</sup> See KÁLMÁN KULCSÁR *op. cit.*, pp. 19—49.

prevailing power relations flexibly. In actual fact it does not emerge as a political question "in general" but as a question involving the general direction of society as a whole and simultaneously it is *classified into the system in which the division of labour of politics* is functioning.<sup>25</sup>

As a result of all this the idea according to which the general social politics of socialism would be rendered identifiable with the special policy of environmental protection cannot be verified in principle. Identification in such a manner of these two different phenomena is in fact *indicative of the absence* of specialized policy. General social politics as a totality is merely a *condition* for the elaboration of environmental policy which is a specialized policy but it is not at all identical with it.

It can be noted in this connection that in principle this type of error can be detected but in an entirely different version of interpretation in the political movement described as „greens". This movement which is evolving now in the non-socialist countries mostly, cannot exceed the level of a special policy and cannot assume the function of a general social politics if it continues to stick to environmental problems only. However, if it is made to be a general social politics, it may well become a very deficient one-sided policy, or if it relegates its original content into the category of secondary importance, it will no longer be environmental policy.

#### 4. Politics and environmental policy

Coming back to V. I. Lenin's political concept, which is naturally not the complete exposition of the concept of policies and policies but giving prominence to certain essential elements, it is of a certain measure of interest to associate environmental protection with the correlations listed above.

1. Thus the first sphere of question can be the problematics of the *economy and environmental protection*.

This is of fundamental importance from the point of view of the implementation of environmental protection as well.<sup>26</sup> Environmental protection is most closely linked with production and within it with production in the economy and production technology, which, in turn, has a function entirely different from that of environment protection. In general and in the final resort the settlement of the problem of protecting the human environment can be defined as the *transformation of social production, production by the economy, bringing about a new mode of social production of which the transformation and novel treatment of the relations between nature and society* are characteristic.<sup>27</sup>

But for the time being and presumably for a long time to come production will *remain to fundamentally production* and will not become environmental protection even if environmental precautionary measures and rational approaches will be enforced in them.<sup>28</sup> As a functional sphere of existence economical production is indispensable from the aspect of the *existence*

<sup>25</sup> András Tamás, *Környezetvédelmi jog* (Environmental law), Tankönyvkiadó, Budapest, 1982 pp. 56—57.

<sup>26</sup> Compare A. C. ТИМОШЕНКО, *Правовые основы планирования деятельности ООН в области окружающей среды* Советское государство и право, 1978, №. 11. pp. 97—102., H. Klimková, *Právnopolitické aspekty vzťahu: člověk—životné prostredie*, Právnické Študie, XXV. 1979, pp. 142—148.

<sup>27</sup> *A környezetvédelem jogi kézikönyve*, op. cit., p. 23., András Tamás, *Jog és környezetvédelem* (Law and environmental protection), Gazdaság- és Jogtudomány, XII. 1978, No. 1—2, p. 175.

<sup>28</sup> András Tamás, *A környezetvédelem jogi szabályozásának egyes kérdései* (Some questions of legislation of environmental protection), Magyar Jog, 1974, No. 8.

of society; it cannot be eliminated and all that can be done is to reduce it within very narrow limits.

For that matter the laws regulating production will continue to apply *primarily* as long as environmental protection does not become a matter of vital importance to be of equal value with economic production (this would assume very much degraded global environmental conditions). In principle it can be assumed, of course, that the interest of production and that of the environment can be identical, but *for the moment this is not the case anywhere in the world*. Production can be defined as the *day-to-day vital issue of society*, while environmental protection can assume the same status *maximum in perspective*. Today, however, it is by no means of such importance in general, apart from certain geographically definable small areas in which the problem can be eliminated locally.

In the most general terms the fundamental issue lies in the correlations between the reasonable use and protection of the environment and production (and consumption belonging to it)<sup>29</sup>

This reveals to a certain extent, given today's production technology, *symmetrical correlations* in several fields: the fewer the environmental specifications which must be complied with, the more profitable production can be. Naturally it cannot be asserted that this is the only available formula that characterizes the relationship between and junctions of environmental protection and economical production. It is beyond dispute that each measure designed to protect the environment has an economic impact. It incurs costs in the same manner as normally with a view to the future and if considered in the long run each measure designed to protect the environment which has not been taken or selected inadequately can have economic impacts and the costs incurred can be quite high.

From this the conclusion can be drawn that *a well-established economic potential which is capable of undergoing transformation and of making tolerant movement is the precondition for finding a solution to environmental problems*. And it is a realistic approach that environmental policy is built upon economic policy.<sup>30</sup>

The underlying contradiction here is that at the moment any developed economic potential operates, as a rule, with increased pollution to the environment. Thus social production and environmental protection *are opposed* to one another: they are rivals.

Corresponding to this state of affairs economic policy enjoys *priority over* environmental policy, although it is by all means a point of junction of interests that environment pollution is identified which constitute a direct threat to production by the economy. Fortunately (?) there are ample examples of this kind, but disregarding them and giving a specific weight to the issue to carry we may well say that *environmental policy operates as a sort of criticism of economic policy on the ground provided by the achievements of economic policy*.

2. Environmental policy as a part and parcel of politics naturally constitutes *relations between social classes*. But the essence of this correlation is not revealed by mechanical views that tend to simplify matters nor can it be shown by the way texts are generally interpreted by the classic thinkers.

The actual roots of the problem lie, after all, in the *interest* displayed. But this evolves along lines of force very different from those of other fields.

Interest in production by the economy, for example, is first of all a *universal* kind of interest which involves society as a whole. The same interest, however, is also a *polarized*

<sup>29</sup> К. В. АНАНИЧЕВ, *Проблемы окружающей среды, энергии и природных ресурсов*. Москва, 1975. p. 3.

<sup>30</sup> Compare J. Małeczki, *Pozabudżetowe fundusze ochrony i kształtowania środowiska*, *Krakowskie Studia Prawnicze XVI*, 1983, pp. 137—144., Łustacz, *Rola państwa i prawa w ochronie środowiska*, in *Prawo a ochrona środowiska*, edited by Łustacz, Ossolineum, 1975, p. 121.

interest simultaneously meaning that there are capitalist and non-capitalist interests, or interests of the working people or the exploited as distinct from those of the exploiters. This distinction is made basically on the grounds of the share of a social structure in production and in consumption. This renders the political goal or the ties that hold together a class or a group of society quite clear.

The interest<sup>31</sup> associated with environment protection is first and foremost a *universal* interest, in other words, the interest of society as a whole or mankind.

The same interest, however, is manifested simultaneously in *plurality* which has so far shown *no polarized* arrangement.

It is quite obvious today that society cannot be divided into a group polluting the human environment and another one that is suffering from this pollution either in respect of individuals or social groups. It is the inherent characteristic of activities endangering the environment that they are of the dimensions of society and this is the only reasonable way in which they should be evaluated. It is wrong to assert that individual plants or factories operate, for in actual fact production-systems operate related to one another. And in the course of their business and industrial operation even the non-polluting activities take advantage of the services offered by the super-polluting ones. In this connection it must be noted that even the super-polluting factors or activities also suffer damage caused by pollution they themselves or others have brought about. In addition, not only the producer but also the consumer can do damage to the environment: The industry manufacturing equipment designed to protect the environment and the related commercial network, in short, the "environmental protection industry" is based upon environmental interests.<sup>32</sup>

Thus interests in this field cannot be divided into two categories like in the case of the antagonism between capital and labour; so far as *the conditions or state of the environment is concerned today the individual social structures such as classes, strata or groups are factors whose interests are at stake and simultaneously they are also compromised*. Who is the environmental polluter and who is suffering damage or loss? This is a *relativity* of a given situation only from the point of view of protection of the general environment or of particular aspects of it.

The issue of interests is made somewhat more complicated by the fact that with regard to the protection of the environment it is customary to speak about the present and future generations' interests as well. This, however, cannot change the plurality of the interests of environmental protection, nor does it bring about any change in the related system that has developed because *the interests of future generations can only be represented by the present generations*. Therefore the environmental interest of future generations is not a realistic fact but it is a fiction or a special kind of argumentation of present generations.

Environmental policy considered as relations between social classes actually lies in a class being prepared to declare it as a programme designed to protect the environment and what it is ready to do in its interest.

Their impact and those of their various activities may have raised general public consciousness as to the urgent need for environmental protection and improvement, as well as having made governments and business or industrial enterprises sit up and take stock of the extent to which environmental degradation may have been carried.

In this type of interpretation environmental policy is more like a means than an objective, one of the means of social politics first of all in spite of the fact that it expresses environmental goals. Its significance lies in the fact that it makes the state act, *exerts an influence or*

<sup>31</sup> Compare J. Boć, *Interes jednostki w prawie ochrony środowiska naturalnego*, Krakowski Studia Prawnicze, XVI. 1983, pp. 51—61.

<sup>32</sup> See Géza Kállányi, *A környezetvédelmi jog elméleti alapjai* (Theoretical bases of environmental law), Budapest, 1979, p. 24.



pressure<sup>33</sup> on the environmental policy pursued by the state in which environmental protection is necessarily an independent and primary objective goal.

3. Now we have arrived at the third type of interpretation in which environmental policy as state policy or governmental policy guidance. This is in fact specialized state policy and as such it represents power in the direction of economic policies and also in respect of the relations between classes.

At the moment the protection of human environment is an *inseparable part of economic and social development*.<sup>34</sup> Protection of the environment means simultaneously the protection of the social sphere. Although this activity is directly geared towards the protected objects of environment, being as it is and as regards its essence society defends its own existence in perspective and in actual fact the existing social order.<sup>35</sup> It is the environmental policy pursued by the state that is the official recognition of the above fact. Again, environmental legislation, environmental administration and a host of environmental institutions also constitute the official recognition of the fact discussed above, factors that can naturally be identified today in the governmental administration of both the socialist and non-socialist countries.<sup>36</sup>

The problematics of environmental protection equally involves the economic, ideological and political sphere.<sup>37</sup> The environmental policy pursued by the state is extended to all the three areas. State policy for environmental protection can be defined as a *specialised policy of general application* which is based upon the principles of the guidance of the ruling class and, in particular, its party and which has been elaborated in the *division of labour of the state mechanism*.

Being the setting of state *policy target* it is such a will that express the actual problem, the given social situation as well as the social demands and requirements in respect of *power*, with the means and possibilities necessary for attaining the objectives being taken into consideration.

Regarding its nature as the setting of goal state policy for environmental protection is nothing but a hierarchic and very high level decision. It is made *for practice* and it is implemented in the course of the accomplishment of governmental tasks. For this reason it is *task-oriented*. It can by no means be subjective, a pretty collection of empty slogans that can never actually be translated into practice. Desires and cherished wishes are merely thoughts which carry no real policy value whatsoever.

The term "environmental problems" is an *empirical* collective notion. It comprises a very broad range extending from the pollution of air, waters and the soil, etc. to the reasonable utilization of natural assets and resources. To extend equal protection to all objects of the environment renders the problem impossible to solve, for it moves within very broad limits. While being placed appropriately in space and time *a ranking list must be established* for the issues, with important and less important solutions as well as those that can or cannot be delayed being taken into account.

The establishment of the priority list is, by itself a *political issue* of major importance. While establishing it the direction is specified by *interests*. With regard to environmental problems, however, social interests are extremely varied.

<sup>33</sup> See, for example, J. Kodwo Bentil, *Environmental suits before the courts — the prospects for pressure groups*.

<sup>34</sup> О. С. КОЛБАСОВ, *Экологическая политика Советского Союза*, Советское государство и право, 1982, № 3. p. 79.

<sup>35</sup> Compare И. И. ВЕРЕМБЕНКО, *Сущность и понятие общественного порядка*, Советское государство и право, 1982, № 3. p. 79.

<sup>36</sup> See Géza Kisényi, *op. cit.*, p. 50.

<sup>37</sup> See О. С. КОЛБАСОВ, *Экология: политика — право*, Москва, 1976, p. 276.

Interests have their own *subjective* implications, a factor that cannot be ignored at all. For instance, if the drinking water of a city is polluted, the population are interested first and foremost in finding a solution to this problem and compared to this they are not interested subjectively in air pollution posing a problem to the population of another town,<sup>38</sup> In other cases the provisorical working place of inhabitants and the migration of the population caused the absence of the interest in environmental protection.<sup>39</sup>

Without entering into further details about the issue, the final conclusion is that it is hardly possible to summarize or average *interests relating to environmental protection without the process coinciding with a certain measure of the violation of interests*. The decision taken must by all means be based upon a *rationalism of a higher order and it must also express it*.

Thus rationalism is a sort of *abstraction*: rationalism which has been elaborated for society as a whole. This is a very composed task first of all *for experts*.

Therefore, in a certain sense, state environmental policy is an *abstraction the duty of which is to express a specific rationalism and render it generally acceptable*. Making the whole society accept it is partly a matter of *guidance* and, on the other hand, information and conviction: in other words, a *campaign*.

##### 5. On the governmental guidance and campaign for environmental policy

It goes without saying that the prerequisite of *guidance* in question is the existence of an *organizational* and a *normative* mechanism which should be of an appropriately high level. The organizational mechanism can be rendered identical with the special governmental authorities and other organs of public administration in charge of environmental problems, while the normative mechanism can be identified with the legal norms designed to serve environmental protection, preservation and planned shaping of human environment, and with other norms, for instance with the standards. It is the operation of this mechanism in which environmental political guidance primarily takes shape.

Considered in a general sens, mechanism by itself is *an intervention*. For the issue of environmental protection is actually implemented by those who adopt different solutions in the interest of the environment.

For example, a factory operating a water purification plant renders the waste of its production harmless in an appropriate fashion, etc., or there are other institutions the main task of which is quite different and as such environmental protection is obviously not their primary goal.

The task assigned to an authority or apparatus which has been established to protect the environment consists in such guidance which includes environmental demands as a special viewpoint in the extremely varied range of activities which are not at all designed to protect the environment.

In this context *environmental guidance is virtually a general intervention of a state in the production sphere or in the other spheres of society*.

It is a question of primary importance that this intervention should be as much competent as the specialized environmental policy which governs the intervention. This competence involves at least two principal demands: on the one hand it must be appropriate from

<sup>38</sup> Some authors are of the opinion that citizens are seldom identified with the regions in which they live. Normally, citizens identify with their local municipalities. When asked, "Where do you live?" most people answer by giving their own place of residence. In: *XIX th International Congress of Administrative Sciences*, Actes Proceedings, Kluwer Law and Taxation Publishers, Deventer, 1985, p. 112.

<sup>39</sup> Б. Г. РОЗОВСКИЙ, *Эффективность правовых норм об охране окружающей среды*, Советское государство и право, 1982, №. 6. p. 31.

the special aspects of environmental policy (if it is not appropriate, it will not bring about a favourable change in the environment) and, on the other hand, it must be acceptable from the viewpoint of the sphere which has been subjected to the intervention (otherwise its operation will be brought to a standstill or it cannot be maintained at all).

So far as the other aspect of the environmental policy of the state is concerned, that is, *conviction* and the *campaign* side, here an important role is being played by whether or not society as a whole is kept appropriately informed. To keep the population informed may well be improved by measures taken by the state.

It must be borne in mind that the point at issue in this context is not that the population must be told that the protection of the environment is an impressive and noble human aim and that it serves everyone's interest, for it is something that everyone knows only too well today. Efforts must thus be made to *make people acquainted with and accept* environmental protection not only as a general objective; the *actual measures* that stem from it must also have a *convincing force*.

Finding a solution to environmental problems is not or not at all an engineer's job of a social dimension. The technique of the actual attainment of the more or less clear and general objectives is defective in several fields or it is missing completely. In addition, there are a lot of conditions and circumstances setting limits to choosing the solutions in practice from among those that are possible in principle.

In this sense environmental policy can be described as the *correlation between problems and the possibility of settling them*.

This, however, is necessary to be expressed as the justification of decisions. Failure to do so will lead to the absence of the social influence which lies in the convincing power and mass mobilizing strength of environmental policy.

If appropriate information is not available, a decrease in the agitative force of environmental policy has to be reckoned with which, in turn, may lead as far as to the distortion of this policy. While discrediting environmental policy, this negative development can reduce the public cause of environmental protection to the status of sheer public burden in the thinking of society.