



**EFFECTIVENESS OF SUSTAINABLE MANAGEMENT IN THE FIELD OF WILD ANIMALS PROTECTION AND USE: PROBLEMATIC ASPECT (ON THE EXAMPLE OF RUSSIAN AND FOREIGN LEGISLATION)**

*Efetividade da gestão sustentável no âmbito da proteção e do uso da fauna silvestre: aspectos problemáticos (à luz da legislação russa e estrangeira)*

**Svetlana Ivanova**

Orenburg Institute (branch) of O.E. Kutafin University

ORCID: <https://orcid.org/0000-0002-9723-0990>

E-mail: [servis-05@list.ru](mailto:servis-05@list.ru)

**Oleg Yastrebov**

Peoples' Friendship University of Russia

ORCID: <https://orcid.org/0000-0003-4943-6940>

E-mail: [rudnoleg@gmail.com](mailto:rudnoleg@gmail.com)

Trabalho enviado em 31 de outubro de 2025 e aceito em 19 de dezembro de 2025



This work is licensed under a Creative Commons Attribution 4.0 International License.



Rev. Quaestio Iuris., Rio de Janeiro, Vol. 18, N.01, 2025, p. 126-146

Svetlana Ivanova e Oleg Yastrebov

DOI: [10.12957/rqi.2025.94976](https://doi.org/10.12957/rqi.2025.94976)

## ABSTRACT

*The article examines a legal category "sustainable management in the field of wildlife protection and use" as a way to preserve the biological diversity of the animal world. Based on the analysis of certain provisions of the legislation on wildlife and law enforcement practice, the author substantiates the conclusion that in Russia there are no criteria and indicators of the effectiveness of sustainable management in this area of legal regulation. It is found out, that the effectiveness of management is determined only through environmental indicators, without taking into account social and economic indicators of management efficiency. Therefore, sustainable governance is not fully implemented, which means that the goals defined by the legislator have not been achieved. The efficiency indicators proposed by the authors of the article are regarded as a mechanism for monitoring and influencing the system of the animal world sustainable management; the main tool for evaluating the effectiveness of the means used and the level of achievement of the goals set. According to the authors, these criteria and indicators will be useful for developing national programs for the sustainable use of wildlife; providing incentives for the transition to sustainable use; strengthening dialogue with the population to involve them in the process of sustainable management in order to ensure a balance of economic, environmental and social interests.*

**Keywords:** wildlife, sustainable management, conservation of wildlife biodiversity, criteria and indicators of sustainable development.

## RESUMO

*O presente artigo analisa a categoria jurídica da gestão sustentável no âmbito da proteção e do uso da fauna silvestre como instrumento de preservação da biodiversidade animal. A partir do exame de dispositivos específicos da legislação aplicável à fauna e da prática de aplicação do direito, os autores sustentam que, no ordenamento jurídico russo, inexistem critérios e indicadores normativos aptos a aferir a efetividade da gestão sustentável nesse campo da regulação jurídica. Verifica-se que a aferição da efetividade da gestão ocorre exclusivamente por meio de indicadores ambientais, sem a devida consideração dos aspectos sociais e econômicos inerentes à eficiência da atividade administrativa e regulatória.*

*Em razão disso, a governança sustentável não se encontra plenamente implementada, o que evidencia o não atingimento dos objetivos fixados pelo legislador. Os indicadores de eficiência propostos pelos autores são compreendidos como mecanismos de monitoramento e de intervenção no sistema de gestão sustentável da fauna silvestre, constituindo instrumentos centrais para a avaliação da adequação dos meios empregados e do grau de concretização das finalidades legalmente estabelecidas. Segundo os autores, a adoção desses critérios e indicadores revela-se relevante para a formulação de programas nacionais voltados ao uso sustentável da fauna silvestre, para o estabelecimento de incentivos à transição para práticas sustentáveis e para o fortalecimento do diálogo institucional com a sociedade, de modo a promover a participação social nos processos de gestão sustentável, assegurando-se o equilíbrio entre os interesses econômicos, ambientais e sociais.*

**Palavras-chave:** fauna silvestre; gestão sustentável; conservação da biodiversidade da fauna; critérios e indicadores do desenvolvimento sustentável.

## RESUMEN



*Este artículo examina la categoría legal de "gestión sostenible en el ámbito de la protección y el uso de la fauna silvestre" como una vía para preservar la biodiversidad del mundo animal. A partir del análisis de ciertas disposiciones de la legislación sobre fauna silvestre y la práctica de su aplicación, el autor fundamenta la conclusión de que en Rusia no existen criterios ni indicadores de la eficacia de la gestión sostenible en esta área de regulación legal. Se constata que la eficacia de la gestión se determina únicamente mediante indicadores ambientales, sin considerar los indicadores sociales y económicos de eficiencia de la gestión. Por consiguiente, la gobernanza sostenible no se implementa plenamente, lo que implica que no se han alcanzado los objetivos definidos por el legislador. Los indicadores de eficiencia propuestos por los autores del artículo se consideran un mecanismo para monitorear e influir en el sistema de gestión sostenible del mundo animal; la principal herramienta para evaluar la eficacia de los medios utilizados y el grado de consecución de los objetivos establecidos. Según los autores, estos criterios e indicadores serán útiles para desarrollar programas nacionales para el uso sostenible de la fauna silvestre; y para incentivar la transición hacia un uso sostenible. Reforzar el diálogo con la población para involucrarla en el proceso de gestión sostenible, a fin de garantizar un equilibrio entre los intereses económicos, ambientales y sociales.*

**Palabras clave:** vida silvestre, gestión sostenible, conservación de la biodiversidad de la vida silvestre, criterios e indicadores de desarrollo sostenible.

## INTRODUCTION

In accordance with the state policy of the Russian Federation in the field of environmental development, the conservation of biodiversity is proclaimed to be one of the conditions for ensuring environmental protection and environmental safety. The animal world is an integral part of biological diversity and, accordingly, is one of the conditions for solving the tasks and achieving the goals of environmentally oriented development. At the same time, the establishment of excessive environmental requirements is regarded as the risks of economic development. Thus, environmental protection is not an absolute value and environmental requirements should be set at a level that does not hinder economic growth. Such policy guidelines create new parameters for the legal regulation of environmental relations in general and biodiversity conservation in particular, within which economic interests must be balanced with environmental and other public interests. In fact, we are talking about the implementation of the concept of sustainable development, enshrined in the international document "Our Common Future" and consistently implemented in international treaties of the Russian Federation on environmental protection and sustainable use of its components. Thus, the sustainable use of wildlife acts as a strategic task, including aimed at the implementation of international obligations. Successful development of economy, well-being of the present and future generations largely depend on its correct solution. To solve this problem it is necessary to form an effective legal instrument first of all. With the help of a set of legal measures, it is possible to achieve such use of the animal world that will preserve and increase the number of wild animal populations, maintain an ecological balance in nature, and ensure that the needs of present and future generations are met. The world is facing unprecedented threats hanging over wildlife. Habitat loss as a result of agricultural expansion, mining and urban infrastructure development has dramatically reduced the natural habitat of wildlife. Additionally, the people demand for products made from wildlife objects, the profit from which reaches 23 billion US dollars a year, and the result is that almost a million plants and animals are threatened with extinction. In order to ensure sustainable management in the field of wildlife conservation, scientifically based limits on the use of wildlife should be developed and approved by the current legislation, which acquire the legal status of legal criteria for sustainable management. However, there are no such indicators of management efficiency in the field of protection and use of wildlife objects in the current Russian legislation. Of particular importance in this situation is the development of indicators of the public administration effectiveness and the definition of their implementation features in relation to the objects of the animal world on the territory of Russia. In this regard, the opinions and decisions proposed in this article can be used by the representative and executive

bodies of the state power of Russia and the CIS countries when developing a new concept of sustainable use of wildlife. This article may also be of interest to environmental lawyers engaged in comparative legal scientific research on the conservation of wildlife, as well as ordinary citizens interested in problems and development trends in the field of ensuring an effective public administration.

## **1. LEGAL SUPPORT OF SUSTAINABLE MANAGEMENT IN THE FIELD OF PROTECTION AND USE OF WILD ANIMALS IN FOREIGN COUNTRIES**

The policy of foreign states in the field of protection and use of wildlife is aimed at ensuring the conservation, sustainable use and sustainable existence of wildlife objects. The UN Convention on Biological Diversity recognizes that states have assumed the responsibility for the conservation of biological diversity. This obliges all countries to use the components of biological diversity to meet the needs of the world's population in food, healthcare, and industry. However, such use should be carried out, firstly, on a fair and equal basis of its various components, secondly, in ways and at a pace that support the ability to reproduce and, thirdly, "preserving the ability of biological diversity to meet the needs of present and future generations and meet their aspirations" (UN Convention on Biological Diversity, Rio de Janeiro, June 5, 1992). Our planet is facing important economic, social and environmental problems. To cope with them, foreign countries define global long-term priorities in the field of sustainable use of wildlife, which provide an unprecedented opportunity for poverty eradication, economic growth and conservation of wildlife. The provisions of the Concept of Sustainable Development determine the foreign and domestic policies of many foreign countries. Therefore, the main directions of the national policy of these states are economic growth, social cohesion and environmental protection. It is important to ensure the social, economic and environmental interests of the population, business and the state. In future, this will guarantee a high standard of living for people and realize the right to a favorable environment. Sustainable management as one of the ways to preserve the biological diversity of the animal world often causes sharp disputes between scientists in the environmental community of foreign countries. So many people believe that it is possible to achieve the conservation of wildlife in the interests of the present and future generations only based on the principles of sustainable use. On the contrary, other scientists believe that it is possible to preserve the biodiversity of the animal world through the organization of specially protected natural territories. At the same time, the possibility of using wild animals in these territories is excluded. Such approach in foreign countries is called a method of conservation (Ramp, D., Bekoff, M., 2015) and is applied in general to rare and endangered species

of wild animals (Di Minin, et al.,2014, pp. 545 - 555). However, the local population does not receive any economic or social benefits from the process of preserving wild animals in specially protected areas and therefore does not satisfy their vital needs in food and clothing. At the same time, many foreign countries successfully demonstrate the potential value of sustainable use of wildlife objects in order to promote their conservation not only in protected areas, but also beyond their borders (Western, D., Russell, S. & Cuthill, I.,2009). Very often, when wildlife objects do not have or have a rather limited economic value and are located outside protected areas, there is a decrease in the number of wild animals due to illegal extraction, habitat loss, "competition with livestock and extermination (Prins, H.H.T. & Grootenhuis, J.G. (2000)". To solve these problems, it is advisable to apply a set of legal, organizational and other measures as a powerful means to preserve the biological diversity of the animal world and obtain economic benefits for local communities. At the same time, it is important that the goals of using and preserving wildlife can ensure a balance of economic, environmental and social interests of the society. Sustainable use of nature is a concept recognized worldwide as effective in terms of protecting the biological diversity of natural resources, as well as their management. The public nature of relations on the sustainable use of wildlife in foreign countries is ensured by special legal regulation of property relations and relations related to the granting of the right to use wildlife. With regard to property relations, the most common is the position of the legislator when the animal world is defined as a state property of the world. Legal science knows two different doctrinal approaches to the regulation of the ownership of the animal world objects, including hunting resources. According to the first approach, the ownership of wild animals is derived from the ownership of land. Wild animals that are located on a plot of land, in the forest, in the steppe and are considered as a "continuation of the ownership right of the owner of this natural object."(Florin Fainisi, 2013,p.147). According to another approach, the ownership of objects of the animal world is separated from the ownership of land. For example, in Italy, wildlife is the patrimony of the state and is protected in the interests of the national and international community. The State grants the right to hunt to interested persons. Land owners cannot hunt on their land. In Bulgaria and Portugal, the right to hunt also belongs mainly to the State.

In Germany, as in Austria, the right to hunt belongs to the owner of the land plot. However, ownership does not automatically imply the right to hunt. The owner may rent the right to hunt or may prohibit hunting on his land. According to the Law on Fishing, fishing rights are a private property right.

In Spain, the balance between the interests of land owners and users of wildlife is based on the observance of property rights, which are the guarantor of management.



An original feature of US legislation is the refusal to apply the legal construction of "ownership" to the living marine resources of the territorial sea, the continental shelf, the exclusive economic zone. The legal reasons for this are the inability to identify individually defined features in each individual of an aquatic biological resource, even if it is located within the water borders of the United States. Only the catch, i.e. extracted biological resources, is the subject of ownership.

In accordance with Finnish hunting legislation, in order to hunt on land owned by someone else, it is necessary to formalize agreements with the owner for the use of land for hunting purposes. The hunting agreement is concluded in writing. It can be concluded for a certain period or indefinitely with the consent of the owner of the land. Thus, in the legislation of many foreign countries, civil and administrative legal methods of legal regulation are used for regulation. These methods also have an impact on the organization of public administration of relations for the sustainable use of wildlife.

According to the Convention on Biodiversity, sustainable use should be aimed at ensuring that the needs of the present and future generations are met. The implementation of the Convention presupposes the achievement of three fundamental goals: economic, social development and environmental protection. Consequently, in order to implement the principles of natural resources sustainable use, states should adopt regulatory legal acts, the content of which is aimed at finding a balance between the interests of society and the state so that the use of objects of the animal world does not lead to the depletion of the biological diversity of the animal world in the long term. For example, the Law of Georgia "On the Animal World" of December 26, 1996 regulates comprehensively the status, protection and sustainable use of wildlife and its habitat, as well as the functioning of the relevant institutional structure. The main purpose of the legislation in Georgia is to ensure the protection and rational use of natural resources, as well as the protection of habitat and ecosystems. When planning and implementing activities, public authorities and individuals should be guided by the principle of biodiversity conservation.

The Law of the Republic of Armenia "On the Animal World" is aimed at ensuring the integrity of the species diversity of the animal world, preventing the illegal use of objects of the animal world, ensuring compliance with the requirements of the legislation of the Republic of Armenia when operating objects of the animal world for economic purposes, ensuring the protection of objects of the animal world; protection of objects of the animal world from diseases and natural disasters. Thus, the Law contains a large number of legal norms aimed at implementing environmental sustainability. The economic aspect of sustainable development is realized through the establishment of fees for the use of wildlife objects. Payments for the use of biological resources are regulated in accordance with the Law of the Republic of Armenia "On Environmental Protection



Payments and Payments for Nature Use"(About environmental protection payments and payments for nature management,1998), which establishes the types of payments, the procedure for their calculation, as well as regulates other related issues. However, a key gap in the legislation of Armenia is the insufficient attention paid to the problems of local communities and local users, including the protection of their interests and conditions of access to wildlife management. In particular, the rules of public participation and access to information in the field of wildlife management are developed in general provisions and without detailed procedures that must be followed to ensure their full implementation. Among the shortcomings of the legislation of the Republic of Armenia should be attributed the lack of legislative consolidation of the term "sustainable use of wildlife". Also, such important activities that potentially affect the animal world for reproduction, conservation, such as tourism, acclimatization, introduction of alien invasive species, are not properly regulated. Thus, there are no clear obligations on the part of the state to develop a comprehensive policy for the conservation and sustainable use of the animal world on a scientific basis in the legislation on the animal world of the Republic of Armenia.

The legislation of Turkey in the field of sustainable use of natural resources in recent years has lagged significantly behind the legislation in the field of protection and use of wildlife of other foreign countries. The main shortcomings in the process of implementing the principles of sustainable use of wildlife in the legal literature include "poverty, poor governance and a lack of political will. Another reason is a low level of education of specialists in the field of management of sustainable use of wildlife" (Ahmet Arpacıka , Alptuğ Sarı , Şağdan Başkaya,2017, pp.250 - 261). Thus, it is noted that there is no sustainable use of natural resources in Turkey. In particular, the presence of a large number of regulatory legal acts aimed at the legal regulation of the sustainable use and conservation of wildlife complicates management in this area, and also causes contradictions between legal entities that are responsible for the conservation of wildlife. There are also not enough legal norms devoted to public participation in decision-making in the field of sustainable use of wildlife.

On the contrary, the legislation of Mongolia in the field of protection and use of wildlife, although fragmented between various regulatory legal acts, is nevertheless quite comprehensive. Much attention is paid to the rights of citizens in the field of sustainable use of wildlife from various points of view, including participation in decision-making, access to information and the right to compensation for environmental damage. The role of non-nature protection state administrative bodies in ensuring sustainable management of wildlife is recognized (Morgera, E., Wingard, J., Fodella, A.,2009).

Thus, there is a positive trend in ensuring the environmental, economic and social interests of citizens, society and the state in the legislation on wildlife in a number of foreign countries (Georgia, Mongolia). However, a large number of states (Turkey, the Republic of Kyrgyzstan, Armenia, and a number of other states) still do not implement the social aspect of the sustainable use of wildlife in their national legislation, which indicates the weakness of state policy and legislation in terms of ensuring the sustainable use of wildlife. In this regard, the legal literature indicates the need to move away from the use of wildlife as a process of preserving individual animal populations, including endangered wild animals, "at the desired level based on scientific, technical and traditional knowledge"(Morgera, E., Wingard, J., Fodella, A.,2009).

In general, it can be concluded that foreign legislation contains a fairly wide list of effective legal measures to ensure the sustainable use of wildlife aimed at achieving biological balance in nature, preserving ecological systems. Despite a number of shortcomings related to the definition of the concept of sustainable use of the animal world, the order of presentation of objects of the animal world, the implementation of the mechanism of sustainable use of the animal world and others. Many of the provisions considered are of interest for the formation and improvement of the Russian legislation on wildlife in the field of protection and use of wildlife. In particular: focusing on the active involvement of interested citizens in the decision-making process related to the use of wildlife and the involvement of local communities in the management of wildlife; the practice of implementing projects and programs for the sustainable use of certain species of wild animals, the result of which is the conservation of wildlife, which stimulates the economic and social development of territories; active development ecological tourism that ensures the preservation of ecosystems, reducing the level of poaching; economic stimulation of the protection and use of the animal world; the procedure for providing objects of the animal world for use, etc. Many of these provisions are of interest for the Russian legislation and can be applied in order to improve the current Russian legislation on wildlife. Other provisions can be used in comparative characteristics to form new ideas in the field of sustainable use of wildlife.

## **2. PRINCIPLES OF SUSTAINABLE MANAGEMENT IN THE FIELD OF PROTECTION AND USE OF WILDLIFE OBJECTS: ANALYSIS OF RUSSIAN AND FOREIGN EXPERIENCE**

In the conditions of intensive anthropogenic impact on wild animals and their habitat, which leads to violation of the biological balance in nature, there is a need to create and implement long-term and stable directions for the development of a system of legal regulation of relations in the field of sustainable use of wildlife through scientific research, prospects for economic and social



development of the state. This necessity is due to the ecological and economic importance of the objects of the animal world for all mankind. The legal basis for such legislative and law enforcement activities is the study of fundamental provisions in the field of conservation and sustainable use of wild animals. The leading role of the main ideas of public administration is due to their importance in the process of implementing legal regulation of relations in the field of protection and use of wild animals. The formation and implementation of long-term and stable foundations requires an in-depth study of the principles in the structure of legislation on the animal world. The priority directions of national policy are reflected in these principles.

Thus, the principles of sustainable management should be considered as fundamental provisions, the implementation of which ensures the unity and consistency of legal norms, defines the conceptual basis for legislation on the animal world and makes it possible to increase the effectiveness of law-making activities and law enforcement practice.

Among the basic principles of public administration legal support, reflecting the peculiarities of legal regulation of relations in the field of protection and use of wild animals is the principle of the wild animals use on a sustainable basis and their sustainable existence. With sustainable development, the needs and interests of the present generation are met and the possibility of their satisfaction by future generations remains. The term "sustainable use" applies only to renewable resources: it means using them within their ability to recover. According to the norms of the Convention on Biological Diversity, the use is recognized as sustainable if such use allows to support the process of reproduction of objects of the animal world; if the use is carried out on the basis of scientific data of accounting and cadastre of the animal world, which allow for a long time to meet the needs of the population (Convention on Biological Diversity). The national Russian legislation almost completely reproduces the concept of sustainable use in the legislation on the animal world. Wildlife refers to renewable natural resources, the use of which, subject to legal, organizational and economic measures, is assumed on a long-term basis and without harming wild animals and their habitat. For this purpose, the main task of the legislation on the animal world is to extend the principle of sustainable use to all types of animal world use.

The essence of the sustainable use of the animal world principle is the multi-purpose, continuous, inexhaustible use of the animal world within the scientifically justified limits defined in environmental legislation, while ensuring a balance of public and private interests of subjects of legal relations. The principle of sustainable use of wildlife is characterized by such features as "constancy, stability, general obligation, regularity". This principle reflects the real state of public relations in the field of conservation and use of wild animals, as well as determines the prospects for their development. The principle of sustainable use of the animal world determines the essence

of the current legislation on the animal world, is the legal basis according to which all other norms of law are built.

The principle of the animal world sustainable existence means the creation of the conditions which would ensure the maintenance of wild animals populations, their conservation, the biological diversity of individual animal species restoration, the spread of epizootics and other diseases prevention, preservation of water bodies, forests, atmospheric air as a habitat, not displacement by alien species, and much more (Commentary to the Federal Law of April 24 (1995). This goal is achieved only with the help of a set of legal, organizational, economic, preventive measures. To implement this principle, the state takes legal measures aimed at the use, reproduction, conservation of wildlife. As such, regulatory legal acts, state programs, strategies for the conservation of wildlife are being developed and adopted, restrictions and prohibitions on the use of its objects are being introduced, standards for the removal of wild animals are being fixed. Thus, the state is taking long-term measures aimed at preserving wildlife in the wild. Only in the wild are objects of the animal world able to continue the process of evolutionary adaptation to a changing environment within their natural communities. However, for many rare species, conservation in the wild does not save them from anthropogenic influences. Specially protected territories are being created to preserve and maintain the sustainable existence of rare, endangered animals. The principle of sustainable existence of the animal world is implemented through the introduction of state monitoring, accounting, cadastre, supervision. Within the limits of their powers, the competent authorities carry out activities to preserve and ensure the sustainable existence of the animal world.

The essence of one of the fundamental principles of the public administration legal provision is the humane treatment of wild animals in the process of exercising the right of use. The cruelty of sport hunting is expressed in the fact that hunters leave a huge number of wounded, who are destined to die for a long time in terrible agony from pain and wounds. "Many animals die from gunshot wounds received as a result of legal and poaching hunting. Wounded (moose) in the total number of registered deaths account for 24-76%, or up to 30% of all shot under licenses, which indicates the imperfection of existing methods of moose extraction and the weapons used"(Danilkin, A.,1997, pp.12 - 16).

In order to implement this principle, Hunting Rules have been developed and approved, which prohibit the use of illegal methods of extraction (trapping) of wild animals. For the purpose of humane treatment of wild animals, the legislation establishes obligations to comply with the rules, norms and terms of use of the animal world; for the use by users of methods of removal from the habitat that do not violate the ecological balance of natural systems. The norms of the Criminal Code establish criminal liability for ill-treatment. Among the principles of legal support of the state



faunal management is the principle of payment. The legal basis of this principle is the norms of international acts. Thus, the Declaration on Environment and Development enshrines the principle of taking precautionary measures. It is used by legal entities for the purpose of protecting nature objects, depending on their capabilities. At the same time, the Declaration refers to precautionary measures contributions for the adverse impact of production and other economic activities of business entities on nature. In this case, the principle of payment acts as a precautionary measure for users of natural resources. The "polluter pays"( Sosnovsky, V.V.,2012, p. 106) principle is enshrined in the legislation of a number of foreign countries. According to this principle, administrative or criminal liability measures are imposed on the user of natural resources who has caused harm to them. Thus, the principle of payment acts as a means of restraining the actions of subjects to harm the environment (Kromarek, P.,2002, pp.39 - 41).

One of the most important principles of legal support of the state faunal management is considered to be the principle of active public involvement in the management process, in the implementation of ecological tourism, in the fight against poaching. The current legislation on animal world is the legal basis for the participation of citizens and public organizations in the management of animal world. A legal framework has been developed for the citizens participation in the wildlife protection management. But at the same time, there are no forms and mechanisms for implementing legal guarantees for the citizens and legal entities participation in making managerial decisions. There is a similar problem in the legislation of a number of foreign countries. The implementation of the Biological Convention presupposes the achievement of three fundamental goals: nature protection, harmonious social and economic development. Consequently, in order to implement the principles of public administration in the field of protection, use and reproduction of wild animals, states should adopt regulatory legal acts, the content of which is aimed at finding a balance between the interests of society and the state so that the use of wild animals does not lead to the depletion of the biological diversity of the animal world in the long term. Thus, a key gap in the legislation of Armenia is the insufficient attention paid to the problems of local communities and local users, including the protection of their interests and conditions of access to wildlife management. In particular, the rules of public participation and access to information in the field of wildlife management are developed in general provisions and without detailed procedures that must be followed to ensure their full implementation. Also, such important activities that potentially affect the animal world for reproduction, conservation, such as tourism, acclimatization, introduction of alien invasive species are not properly regulated. So, in the legislation on the animal world of the Republic of Armenia, there are no clear obligations on the

part of the state to develop a comprehensive state policy for the conservation, sustainable use and reproduction of wild animals on a scientific basis.

It's necessary to mention the positive experience of the development of legislation on wildlife in the Republic of Kazakhstan in the context of the sustainable management principles implementation. The legislator focuses on the implementation of economic and environmental criteria and indicators of the public administration effectiveness. However, the rights of traditional users and the local population are almost completely overlooked, except for the general recognition of the possibility of exercising such rights in ecological corridors, buffer zones and natural reserves(Morgera, E., Wingard, J., Fodella, A.,2009).

Thus, the practice of implementing various projects on the use of wild animals on a sustainable basis in foreign countries allows us to ensure a balance of interests of the state and society. The needs of local communities that live through the use and conservation of biological diversity, as well as are affected by it, along with their contribution to its conservation should be reflected in the fair distribution of benefits from the conservation of wildlife resources.

As a result, many of the provisions considered are of interest for the formation and improvement of legal support for sustainable management in Russia and can be applied in order to improve the current Russian legislation on wildlife. Other provisions can be used in comparative characteristics for the formation of new ideas in the field of public administration.

### **3. CRITERIA FOR SUSTAINABLE MANAGEMENT EFFECTIVENESS IN THE FIELD OF PROTECTION AND USE OF WILDLIFE IN RUSSIA**

In order to implement the norms of international environmental law, all states have the sovereign right to dispose of their own natural resources in accordance with their own environmental policy. States are supposed to take all measures to ensure that any economic activity carried out on their territory or under their control does not cause any significant damage to the nature of other states beyond the borders of national jurisdiction. States are responsible for the sustainable and safe use of natural resources, including natural resources exclusively on their own territory, in order to promote the development of their peoples, paying particular attention to the rights of indigenous peoples, as well as the conservation and sustainable use of natural resources. Thus, almost all countries of the world are aware of the need for sustainable use of biological diversity. To ensure such use, states adopt strategic planning documents at the international level and carry out other actions aimed at resolving issues related to the conservation of natural resources. Wild animals living within the territorial borders of the state are under their sovereignty and are

their property. Therefore, the condition of this natural object on the globe will depend on how timely and effectively each state provides public administration (Kolbasov, O.S.,1982,p.130).

The need for legal support of public administration is directly related to the satisfaction of the material and spiritual needs of people on the planet. Therefore, the issues of legal support of the state faunal management are of great importance for all mankind. The formation of legal and organizational characteristics of management efficiency through the priority directions of state policy in the field of protection of wildlife objects will determine the criteria and indicators of the effectiveness of public administration and legislatively determine its present and future guidelines(Shmaliy, O.V.,2010, p.154). To ensure sustainable management, it is necessary to use a set of legal, organizational, economic and other measures. Their underestimation reduces the effectiveness of the considered type of public administration.

Global environmental problems associated with such negative processes for the environment as loss of biological diversity, climate change, desertification, destruction of forests, water pollution, the consequences of natural and man-made disasters directly affect the state interests of the Russian Federation and the interests of its citizens. Therefore, the provision of public administration in this area is to a certain extent related to the objective needs and interests of the state and society. The purpose of legal regulation reflects the interests of the state and society, since their economic, environmental, aesthetic and social interests are satisfied in the process of sustainable use. Accordingly, the need for conservation and sustainable use of wildlife determines the main directions of national policy. Thus, the main trends in the development of ecology are aimed at solving environmental, economic and social problems. Along with the development of economic relations, it is important to maintain the number of wildlife objects, preserve their biological diversity, ensure environmental safety, sustainable existence to meet the needs of present and future generations. These environmental measures will ensure the rule of law in the field of conservation of natural objects.

The analysis of scientific views on the issue of management efficiency allows us to conclude that this definition is ambiguous. Thus, management efficiency is understood as the level of achievement of goals, the interdependence between the real result and the designated goal (Tikhomirov, Yu.A.,2009); the ability of a legal means to have an objective impact through a legal norm on public relations and to contribute to the achievement of the goal (Shmaliy, O.V.,2010, p.155); characteristics of the ability of legal norms to solve relevant socio-legal problems, taking into account the resources of state coercion spent on this (Chernogor, N. N.,2010, p.197). Thus, the concept of efficiency includes the categories: "goal", "result", "degree", "ratio", "ability", "needs"(Shargorodsky, M.D.,1973, pp. 57-58).

The main tool for assessing the effectiveness of management in the field of faunal legal relations aimed at ensuring sustainable development is a set of indicators. An indicator is an indicator that is based on the initial data. At the same time, such an indicator is usually not recommended to be used to explain changes that allow us to talk about the state or change of economic, social or environmental arguments (Tarasova, N.T., Kruchina, E.B.,2018). The indicator reflects qualitative, quantitative characteristics that, when systematically measured and monitored, "show the direction of the criterion change» (Methodological recommendations for the development of a set of criteria and indicators for sustainable forest management, 2017).

The public administration effectiveness in the field of wildlife protection is the most important task and priority vector of socio-economic development of the state. The specificity of this system determines the complexity of evaluating its effectiveness, identifying criteria and evaluation indicators. The management effectiveness criteria in the field of wildlife protection should be understood as the main areas of practical activity, including quantitative and qualitative indicators that ensure a balance of environmental, economic and social interests. Among a wide variety of scientists opinions, there is no unified approach to the issue of criteria in the doctrine of administrative law. At the same time, an unambiguous position of the legislator on the issue of the system of indicators of the effectiveness of public administration in the field of wildlife protection has not been determined. So, by the Decree of the President of the Russian Federation(Presidential decree,2019) the list of indicators for assessing the effectiveness of the executive authorities of the regions has been updated. In order to implement this Decree, a Decree of the Government of the Russian Federation was adopted (Government Decree of the Russian Federation, 2019), containing a methodology for calculating the indicators to assess the effectiveness of the regional executive authorities activities. However, the issue of indicators, indicators of the effectiveness of such activities is complex and has not yet been resolved. It remains controversial both at the practical and theoretical levels. In accordance with the documents of strategic planning in the field of fisheries, high administrative barriers and infrastructural restrictions are among the priority problems hindering its intensive development and constraining the rational conduct of fisheries activities. The consequence of these problems is, among other things, the low efficiency of state administration in the field of fisheries. At the same time, there are no indicators and criteria for the development of fisheries in the strategic planning document under consideration. Therefore, it is not possible to evaluate the effectiveness of this Concept, implemented within the framework of the planning function. At the same time, it is noted in the legal literature that the absence of official criteria for evaluating the effectiveness of strategic planning documents in the field of wildlife protection and their impact on the formation of rulemaking does not allow us to comprehensively

determine the positive results that have been achieved in the process of implementing the provisions of the strategic planning document in the field of fisheries development. For further development and improvement of state management in the field of hunting, a number of documents were adopted aimed at maintaining the number of hunting animals, while maintaining the stability of ecological systems and ensuring the availability of hunting for citizens. The achievement of this goal is possible through the development of entrepreneurial activity in the field of hunting, as well as the creation of effective mechanisms of public administration, increasing the availability of hunting for the population, ensuring and maintaining the species diversity of hunting animals in ecological systems, along with an increase in the number of hunting animals, respectively, in the economic, social and economic spheres. To assess the effectiveness of achieving the set goal and the development of the hunting economy, the legislator has established a number of indicators.

The analysis of strategic planning documents in the field of conservation and sustainable use of wild animals makes it possible to determine the absence of indicators characterizing the economic and social organization of the activities of regional public authorities. An example of such a gap in legal regulation should be called the program for the reproduction and use of natural resources. In general, the analysis of the target indicators of various state programs shows that the methodology for assessing the effectiveness of the authorities is imperfect and requires improvement.

Animal world is a very important and significant renewable natural resource (Sorokin, M.S.,2008), as it performs environmental, social and economic functions. Therefore, effective public administration makes it possible to ensure the food security of the country, guaranteed cash receipts from the use of wildlife objects and from their extraction. For example, of the 4 million tons of fish that are being mined today, 2 million are exported, as a result of which over the past seven years we have received 10 billion rubles from the entire fishing industry. Federal budget revenues from the sale in 2016 at 5 auctions of rights to formalize agreements on fixing quota shares amounted to 8.587 billion rubles. Providing opportunities for profit in the process of sustainable use of wild animals is one of the main goals of sustainable use. At the same time, the sustainable economic use of wildlife resources should be carried out taking into account the precautionary approach. The precautionary approach is enshrined in many norms of international and national law (On environmental expertise,1995). Thus, one of the main conditions for the effectiveness of public administration is the formation of an effective mechanism of economic stimulation, which will not lead to a negative impact on the animal world, and will ensure the realization of the social and economic interests of economic entities. All performance evaluation indicators are ultimately aimed at increasing the number of animals, and not at the sustainable use of hunting resources. When determining the criteria, it is necessary to be guided by the interests of people. State management

is carried out to ensure the sustainable use of hunting resources, while maintaining ecological balance (Melnikov, V.K.,2008, p.85). Indeed, when planning, it is necessary to ensure a balance of social, environmental and economic interests of citizens, society, and business. With the sustainable use of wildlife, the population should be provided with economic benefits from the process of using wild animals for a long period of time. In addition, it guarantees respect for the rights and interests of employees of fishing enterprises, hunting sector, local population, and also creates incentives for the conservation of wildlife in the long term. The necessity of applying the social criterion is indicated in the Aarhus Convention. In particular, it is determined that the law should ensure the actions of state authorities to be open to public control. And the task of the executive authorities at the same time is the ability to realize the public interest. However, the decisions of the public should be evaluated in accordance with measurable criteria to prevent abuse of the powers of public authorities.

As a result, the following doctrinal criteria for the effectiveness of public administration in the field of protection and use of wildlife objects are proposed: 1) preservation and maintenance of the species and genetic diversity of the animal world. The indicators should include the state of wildlife objects; regulation of permissible withdrawal standards; percentage of endangered species of wild animals from the total number of wild animal species; 2) maintenance and functioning of ecological systems; 3) preservation and maintenance of the animal world ability to reproduce and sustainably exist; 4) maintenance and expansion of long-term socio-economic benefits to meet the society needs (investments and annual expenditures on environmental education, annual investments in scientific research in order to preserve individual species or populations of wild animals; the percentage of the local population employment in the process of protection and use of wildlife). The application of these efficiency criteria will help to ensure a balanced solution to all three objectives of the Sustainable Development Convention: conservation, sustainable use, fair and equal distribution of all benefits from the use of genetic resources of the animal world.

## CONCLUSIONS

The concept of sustainable development in the use of wildlife is consistently implemented in Russia and is an integral part of its legislation on wildlife. Based on the analysis of certain provisions of the legislation on the animal world and law enforcement practice, the authors argue the conclusion that in Russia there are no indicators of the effectiveness of public administration in the field of protection and use in the field of protection and use of objects of the animal world. The criteria and indicators of sustainable development in the field of wildlife use proposed by the authors



are a mechanism for monitoring and influencing the system of sustainable wildlife management, the main tool for assessing the effectiveness of the means used and the level of achievement of the goals set. The establishment of criteria and indicators is a modern approach to the study of the legal category "sustainable management", which allows us to consider the issue of the use of wildlife in an objective form, taking into account environmental, economic and social aspects. The criteria developed by the authors for the sustainable use of the animal world determine the conditions that must be met in order to confirm that the objects of the animal world are used sustainably.

## REFERENCES

1. About environmental protection payments and payments for nature management (1998), Law of the Republic of Armenia of December 30, 1998 № 3P-270
2. About hunting (2012), German Federal Law (retrieved from <http://www.gesetze-im-internet.de/bjagd/BjNR007800952.html>)
3. About the animal world (1996), Law of Georgia of December 26 (retrieved from <https://matsne.gov.ge/ru/document/view/33352>)
4. Ahmet Arpacıka , Alptuğ Sarib , Şağdan Başkaya (2017), For the Future: Sustainable Wildlife Reserve Management in Turkey. Basic and Applied Research (IJSBAR) Volume 36, No 6, pp 250-261
5. Chernogor, N. N.(2010), Legal monitoring: actual problems of theory and practice / edited by N.N. Chernogor. M.: Publishing House of the International Law Institute, p. 197.
6. Commentary to the Federal Law of April 24 (1995), N 52-FZ "On the animal world" (edited by O.L. Dubovik)(retrieved from ATP Consultant plus)
7. Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus, June 25, 1998), (retrieved from ATP Consultant Plus)
8. Convention on Biological Diversity (retrieved from ATP Consultant plus)
9. Danilkin, A. (1997), On cyclicity in the dynamics of the number of moose. Hunting and hunting economy. 1997. No. 6. pp. 12-16.



10. Di Minin, E., Laitila, J., Montesino-Pouzols, F., Leader-Williams, N., Slotow, R., Goodman, P.S., Conway, A.J. & Moilanen, A. (2014), Identification of policies for a sustainable legal trade in rhinoceros horn based on population projection and socioeconomic models. *Conserv. Biol.* 29(2), 545–555.
11. Fischereischein (retrieved from <http://www.angelschein.net/fischereischein/>).
12. Florin fainisi(2013), Protection of wild fauna by national regulations for hunting activities. *Wseas transactions on environment and developvent.* Issue 2, Volume 9, April 2013. p. 147.
13. Kolbasov, O.S.(1982), *International legal protection of the environment.* Moscow: International Relations, p. 130.
14. Kromarek, P.(2002), About the "miracle code" of France.*Environmental law.* No. 5. pp.39-41.
15. Melnikov, V.K.(2008), *Modern problems of the organization of hunting economy in Russia, hunting tourism and analysis of its legal support in foreign countries and Russia.* Moscow: LLC "Stolichnaya tipografiya", p. 85.
16. Methodological recommendations for the development of a set of criteria and indicators for sustainable forest management.(2017), The document was prepared for the UNECE/FAO, UNDP Project on a Reporting System for Sustainable Forest Management in the Caucasus and Central Asia. (retrieved from <http://www.unece.org/fileadmin/DAM/timber>).
17. Morgera, E., Wingard, J., Fodella, A. (2009), *Developing Sustainable Wildlife Management Laws in Western and Central Asia.* Joint publication of FAO and CIC. Budapest. (retrieved from [http://cic-wild-life.azurewebsites.net/wp-content/uploads/2012/12/Technical\\_series\\_4.pdf](http://cic-wild-life.azurewebsites.net/wp-content/uploads/2012/12/Technical_series_4.pdf)).
18. On environmental expertise (1995), Federal Law No. 174-FZ of November 23, 1995 (as amended on December 30, 2020) (retrieved from ATP Consultant plus).
19. Government Decree of the Russian Federation (2019), On the approval of methods for calculating indicators for evaluating the effectiveness of the activities of senior officials (heads of the highest executive bodies of state power) of the Subjects of the Russian Federation and the Activities of

the executive authorities of the Subjects of the Russian Federation, as well as on the recognition of certain acts of the Government of the Russian Federation as invalid. of July 17, 2019 No. 915 , (retrieved from ATP Consultant plus).

20. Presidential decree (2019), On the evaluation of the effectiveness of the senior officials (heads of the highest executive bodies of state power) activities in the subjects of the Russian Federation and the activities of executive authorities of the subjects of the Russian Federation. April 25, 2019 No. 193 (retrieved from ATP Consultant plus).

21. Prins, H.H.T. & Grootenhuis, J.G. (2000), Introduction: the value of priceless wildlife, In *Wildlife conservation by sustainable use: 1–12*. Prins, H.H.T., Grootenhuis, J.G. & Dolan, T.T. (Eds). Boston/Dordrecht/London: Kluwer Academic Publishers.

22. Ramp, D. & Bekoff, M. (2015), Compassion as a practical and evolved ethic for conservation. *Bioscience* 223v1–biu223. (DOI: 10.1093/biosci/biu223).

23. Shargorodsky, M.D.(1973), Punishment, its goals and effectiveness. M. 1973. pp. 57-58.

24. Shmaliy, O.V.(2010), On the question of the legal nature of the criteria for the executive power effectiveness. *Business in law*. 2010. No. 1.

25. Sorokin, M.S.(2008), On the nature of responsibility for harming the animal world and its habitat // *Modern law*. 2008. No. 1.

26. Sosnovsky, V.V.(2012), The importance of the environmental law principles for the prevention of violations of legislation on environmental protection. *Economics and Law* No. 2. 2012.

27. Sustainable development in the European Union (2016), a statistical report, (retrieved from <http://ec.europa.eu/eurostat/documents/3217494/>).

28. Tarasova, N.T., Kruchina, E.B.(2018), Indices and indicators of sustainable development (retrieved from [http://www.cawater-info.net/ecoindicators/pdf/tarasova\\_kruchina.pdf](http://www.cawater-info.net/ecoindicators/pdf/tarasova_kruchina.pdf), accessed 10.06.2018).

29. The state plans to replenish the budget at the expense of fish auctions (retrieved from [http://www.spravedlivo.ru/5\\_72257.html](http://www.spravedlivo.ru/5_72257.html)).
30. Tikhomirov, Yu.A.(2009), Effectiveness of e law: from goal to result. Journal of Russian Law. No. 4.
31. UN Convention on Biological Diversity (Rio de Janeiro, June 5, 1992), (retrieved from ATP Consultant plus).
32. Western, D., Russell, S. & Cuthill, I. (2009), The status of wildlife in protected areas compared to non-protected areas of Kenya. PLoS ONE 4, e6140.

**Sobre o autor:****Svetlana Ivanova**

Graduated from the Agrarian University (Orenburg, Russia). She holds a Doctor of Law degree and currently teaches at the Orenburg Institute (branch) of O.E. Kutafin University  
Orenburg Institute (branch) of O.E. Kutafin University  
ORCID: <https://orcid.org/0000-0002-9723-0990>  
E-mail: [servis-05@list.ru](mailto:servis-05@list.ru)

**Oleg Yastrebov**

Oleg Aleksandrovich Yastrebov is the rector of Peoples' Friendship University of Russia (RUDN University). He holds a Doctor of Law and a professorship. O.A. Yastrebov teaches, delivers a course of lectures developed by himself, and conducts seminars on the subjects of "Administrative Law" and "Legal Regulation of Artificial Intelligence."  
Peoples' Friendship University of Russia  
ORCID: <https://orcid.org/0000-0003-4943-6940>  
E-mail: [rudnoleg@gmail.com](mailto:rudnoleg@gmail.com)