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ON THE ISSUE OF DETERMINING THE SUBJECTIVE COMPOSITION OF ENVIRONMENTAL CONSTITUTIONALISM

Hanna Potapchuk,
Institute of Legislation of the Verkhovna Rada of Ukraine
https://orcid.org/0000-0002-7963-035X
e-mail: potapchukav@gmail.com

Abstract. The article is devoted to the study and definition of the subjective composition of ecological constitutionalism. It is proved that ecological constitutionalism is actually a new type of general constitutionalism, it is closely related to the phenomenology of the "ecological state", and based on its nomenological identification, its teleological dominant is the rule of law in the field of environmental protection.

It is argued that the formation of ecological constitutionalism as a new type of general constitutionalism determines the formation and development of the elemental composition of specialized legal relations, including the subjective composition of this phenomenology.

It is argued that the theoretical aspects of both the ecological state and environmental constitutionalism are at the stage of doctrinal development and appropriate support. Therefore, the structural composition and identification features of the latter, as a new phenomenology of constitutional law (subject-object composition, content, forms of manifestation and implementation, etc.), are only in the state of formation and development. It is for this reason that the issue of their identification is so contradictory and complicated that only the current stage of doctrinal understanding, awareness, comprehension, and recognition can be said to have been reached. And this despite the fact that international and local (national) legal systems, as well as the relevant chronological retrospective, have already discovered the necessary constitutional, legislative, and normative-legal regimentation and regulation for environmental legal relations.

It is pointed out that the international community of states deals with the regimentation and regulation of the most important areas and issues of international cooperation and legal regulation between states, borrowing them at the national level as new objects of international. As a result, the international community of states, represented by its bodies, draws a predicative and subjective conclusion based on a systematic analysis of government actions in the field of environmental protection and preservation as well as international institutions' actions in the specialized field: a) on the emergence, formation and further development of the phenomenology of ecological constitutionalism; b) on the formation of its subject-object composition; c) on the formation of its institutional structure; d) on the main directions of the formation of this phenomenological phenomenon; d) on the prospects for its development and improvement.

It is concluded that in a broad (conceptual and subjective) sense, the subjective composition of environmental constitutionalism can be defined as similar to the subjective composition of general constitutionalism, as its

specific component; in a narrow (identification and definitive) sense, it can include international organisations, states, their public authorities (including judicial authorities) dealing with environmental protection and preservation, as well as individuals and legal entities that implement, protect or defend their environmental rights.

Keywords: general constitutionalism, ecological constitutionalism, subjective composition of ecological constitutionalism, environmental human rights, judicial protection of environmental human rights.

INTRODUCTION

Ecological constitutionalism is actually a new kind of general constitutionalism, and based on its nomenological identification, its teleological dominant is the rule of law in the field of environmental protection. Most representatives of political, constitutional, and legal sciences contend that a synthesis of "ecological" ("green") political theory and constitutionalism is necessary, taking into account that in the coming decades the transition to sustainability will be the main threat to national, regional and international security. Their unification will give a powerful impetus to the formation of a new political approach called "ecological ("green") constitutionalism" (hereinafter EC), which will become the regulatory basis of the "ecological state", the functioning of which can be an effective response to this challenge (Yakoviuk, Kupriyova, 2022).

Consequently, the purpose and nature of the actions of the "ecological state" are not only greatly expanded but also appropriately specialised, detailed, and concretized when compared to the widely acknowledged and already established constitutional model of a democratic, social, legal state. Supporters of the "ecological state" concept are in favour of the development of a multiplicative managerial and regulatory effect based, first, on the practical application of public state power's legitimacy and, second, on the regulatory and functionally-targeted capabilities at its disposal for the implementation of the teleological dominant, environmental protection. Thus, it can be argued that these state properties will potentially allow the "ecological state" to solve a systemic complex of existential importance for the state and society of tasks. Not only to mitigate the consequences and adapt to climate change, but also to rationally manage environmental resources, organically and synergistically link socio-economic and environmental risks, as well as use means of redistribution of financial resources that correspond to basic ideas about social justice (Malysh, 2011).

But it should be noted that the theoretical aspects of both the ecological state and the EC are at the stage of doctrinal development and support. Thus, for example, the structural composition and identification features of the EC, as a new phenomenology of constitutional law (subject-object composition, content, forms of manifestation and implementation, etc.), are only in a state of formation and development. Therefore, the issue of their identification is quite contradictory and complex, and only passing in our time the stage of its doctrinal understanding, awareness, comprehension and recognition. And this, despite the fact that environmental legal relations have already found their proper constitutional, legislative and regulatory regimentation and regulation

at the domestic (national) and international legal levels, and already in the appropriate temporal retrospective.

At the same time, it should be emphasised that when environmental norms and principles enter the normative spectrum of a specific state, they only acquire the characteristics of the fundamental structure and constitutive element of constitutionalism as such (that is, a political and legal system based on the supremacy of the Constitution of the state; theory, history and practise of constitutional construction; a system of public power limited by the Constitution). This is because, in our perspective, it has only been a very short time since environmental law's norms and principles were recognised and made legal, even constitutionally. At the same time, the international community of states that deals with the regimentation and regulation of the most important areas and issues of international cooperation between states (it is in this context that it works "ahead" of the national constitutional leader and in the process of daily activities of bodies operating under the auspices of the UN), chooses the most relevant and promising issues of possible international cooperation of states, borrowing them at the national level as new objects of international normative-legal regulation. Consequently, the international community of states, represented by its bodies, draws a predicative and subjective conclusion based on a systematic analysis of government actions in the field of environmental protection and preservation as well as international institutions' actions in the specialized field: a) on the emergence, formation and further development of the phenomenology of ecological constitutionalism; b) on the formation of its subject-object composition; c) on the formation of its institutional structure; d) on the main directions of the formation of this phenomenological phenomenon; d) on the prospects for its development and improvement.

Thus, the systemic and subjective interpretation of the conclusions adopted by international institutions makes it possible to determine the subjective composition of environmental constitutionalism.

MATERIALS AND METHODS

The research methodology is based on a number of methods, namely, the method of system analysis, the method of subject identification, the comparative legal method (the method of comparative research), as well as the factual method. They make it possible to determine the subject composition of the EC, which can be carried out as follows, taking into account the universality of the EC with a systematic analysis of the subject composition of:

A) *global constitutionalism*, followed by individual, group and collective (associative) identification;

B) *general constitutionalism*, followed by individual, group and collective (associative) identification;

C) *national constitutionalism* with the following individual, group and collective (associative) identification;

D) *EC*, followed by individual, group and collective (associative) identification through the use of regulations and acts of a recommendatory nature (soft law) of international organisations;

D) *national constitutional law*, followed by individual, group and collective (associative) identification;

E) *international environmental law*, with the following individual, group and collective (associative) identification;

E) *national environmental law*, followed by individual, group and collective (associative) identification.

RESULTS AND DISCUSSION

Despite the fact that scientists who developed constitutionalism's doctrine, understood its underlying principles, examined questions relating to its nature, essence, and unique characteristics as a national phenomenon, as well as investigated some aspects of constitutionalism, paid attention to the study of EC instead, despite the fact that it only emerged at the end of the 20th and beginning of the 21st centuries. Although the study of the problems of both general and ecological constitutionalism, especially in the context of the actualization of the humanitarian and humanistic concept, is based on the classical works of Aristotle, A. Hamilton, T. Hobbes, A. Dicey, J. Jay, G. Kelsen, J. Locke, J. Madison, S. Montesquieu, Plato, J. Rousseau, J. Fortescue et al.

The concerns mentioned above, in particular, are focused on the doctrinal advancements of the following scientists: T. Allan, G. Berman, J. Habermas, F. Hayek, L. Henkin, R. Dvorkin, C. McLvane, G. Nolte, J. Raza, M. Rosenfeld, J. Rawls, B. Tamanaghi, F. Fukuyama, S. Holmes, A. Shayo, as well as the works of Ukrainian scientists: M. O. Baymuratov, Yu. G. Barabash, O. V. Batanov, O. P. Vasilchenko, F. V. Venislavsky, S. P. Holovatyi, Ye. Ierlikha, M. I. Kozyubra, V. P. Kolisnyk, M. V. Kostytskyi, A. R. Krusyan, M. I. Melnyk, N. V. Mishina, M. V. Orzikh, O. V. Petryshyna, V. F. Pogorilko, S. P. Pogrebnyak, V. V. Rechytskyi, S. V. Riznyk, M. V. Savchyn, A. O. Selivanov, I. D. Slidenko, T. M. Slinko, O. V. Sovhyri, P. B. Stetsiuk, B. Y. Tyshchyk, Yu. M. Todyka, V. L. Fedorenko, V. M. Shapoval, S. V. Shevchuk, Yu. S. Shemshuchenko and others.

Considering the fact that the problem of global constitutionalism as a generic phenomenon in relation to the EC, in the domestic constitutional and legal science is at an early stage (it should be noted that the scientific researches of E. O. Lvova, V.S. Mogilevsky), for the most part it is based on doctrinal research of foreign scientists, namely: Yu. Arato, J. Weiler, M. Wind, A. Wiener, A. Bianchi, A. von Bogdandi, J. Habermas, D. Grimm, P. Greg, J. D'Aspermont, P. Dobner, J. Dunoff, J.-P. Jacquet T. Johansen, A. Cassese, S. A. Cardbaum, B. Kingsburry, C. Kim, J. Clubbers, N. Krish, M. Kumm, M. Luglin, J. K. Nicolaidis, M. Maduro, S. Oter, A. Peters, E.-U. Petersmann, D. Rosenau, K. Robinson, A. Scordas, A. Stone Swit, G. Teubner, M. Touchnet, K. Tomuschat, D. Trachtman, J. Tully, Takao Suami, G. Ulfstein, N. Walker, R. Falk, B. Fasbender, A. Fischer-Lescano, R. Forst, G. Halmai, D. Halberstam, K. Chiampi, K. Schwiebel-Patel, E. Stein, A. Shayo, and such researchers working in the post-Soviet region to learn these problems: O. M. Barabanov, V. V. Goncharov, V. D. Zorkin, S. Yu. Kashkin, I. Konyukhova, R. Ludvikovskyi, V. Rastorguev and others.

At the same time, it should be emphasised that the problems of EC, given its novelty, were practically not studied by the scientists cited.

Therefore, the purpose of this article is to study theoretical and normative approaches to the understanding and formation of the EC subject composition.

This approach is determined by the fact that:

— first, the subjective composition of environmental legal relations that make up the regulatory framework of the EC, at any managerial level

rather global, universal, regional, subregional, state, intraregional or local is characterized by relative stability and relative stability;

— second, such a subject composition of the EC is an appropriate set of subjects of constitutional, legal and international legal relations, which varies depending on the managerial level of regimentation and regulation of legal relations in the field of environmental protection and preservation, the use of natural resources, ensuring environmental security measures, as well as the level of implementation of these measures;

— third, such subjective composition of the EC can be distributed in accordance with the principle of power distribution, either in its literal sense to the subjects of legislative, executive, judicial, and control power, or in its approximate sense to the UN; other international intergovernmental organisations operating under its auspices; other international intergovernmental organisations; international non-governmental organisations; states; bodies of a certain state with the authority to regulate environmental legal relationships; state law enforcement entities (court, prosecutor's office, police, etc.) that carry out tasks related to environmental protection and preservation, etc.;

— fourth, such a composition can be classified depending on the involvement in management activities for: a) entities that solve issues of regulation, regulation, protection and preservation of environmental relations at the level of a particular state (legislative, executive, judicial and supervisory bodies, local self-government bodies/hereinafter referred to as LSGs/) and b) entities that must comply with the relevant regulatory guidelines in this regard (executive, judicial and supervisory bodies of the state, LSGs);

— fifth, the presence of the factor "subject-object," which occurs when the subject of environmental legal relations simultaneously acts as the object of their managerial influence, can be used to determine the subject composition of environmental legal relations implemented within the framework of the phenomenology of the EC (international non-governmental organisations, public authorities of a lower level, individuals, without taking into account their legal status, etc.);

— sixth, such a subjective composition of the EC can be determined by a systematic analysis of international legal contractual acts: a) of environmental and similar or approaching orientation, b) signatories and parties to which states are acting, c) according to which they assume the relevant international legal obligations, d) which should be implemented by them at the domestic level (through the implementation of the relevant provisions of the national implementation mechanism/see Art. 9 of the Constitution of Ukraine (Constitution of Ukraine: adopted at the fifth session of the Verkhovna Rada of Ukraine on June 28, 1996), g) through the relevant targeted activities of the relevant subjects of domestic (primarily national constitutional) law;

— seventh, given the high degree of novelization of the EC phenomenology, the initial stages of its international legalisation, the emergence of just the first trends of its legitimization among states, international law and national constitutional and legal doctrine, the international community, and civil society institutions within states, the best course of action is to define the subject composition of the EC through a systematic analysis. Namely the analysis of international legal documents of a recommendatory nature, adopted by international organisations that operate under the auspices of the UN at the level of soft law, which can be part of a comprehensive mechanism for the

legal regulation of international legal relations (Nihreieva O.O., 2018), despite it's a typicality, high declarative, contradictory, complex technological, non-binding, optional, recommendations, etc. (Makarenko O.Yu., 2013).

Therefore, if you choose to take that approach, you should first:

I) To analyse the documents of the 23rd meeting of the Working Group of the Parties to the Convention on access to information, public participation in decision-making and access to justice in environmental matters. Thus, the conclusion on the formation of the EC was made precisely in the process of discussing the application and operation of the Convention on access to information, public participation in decision-making and access to justice in environmental matters. The Aarhus Convention of June 25, 1998, famous for opening public access to a wide range of rights to participate in decision-making in environmental matters (information, participation in decision-making at all its stages, accountability and transparency of this process, as well as the process of their implementation, taking into account interests, proper consideration of such interests, strengthening public support for decisions, etc.), which has always been a "stumbling block" in relations between civil society structures, the state and business, as well as their direct access to justice on specialized issues. Consequently, the system analysis allows us to identify the following subjects that are of direct importance for the formation, definition, functioning, protection and preservation of the EC a) the signatory states (i.e., those that have not yet ratified the above convention), b) the states parties to this international agreement (i.e., those that have already ratified the profile agreement and accepted it for implementation at the domestic level), c) the legislative bodies of the states that have ratified the profile convention; d) the subjects of international legal regulation and regulation of the profile convention that are under state jurisdiction (individual citizens, non-governmental organisations and the private sector, the media, electronic and other means of communication that will appear in the future, other state bodies (executive authorities), judicial bodies and other law enforcement bodies (prosecutor's offices)); e) subjects of international law, namely the UN, the UN Economic Commission.

It should be noted that Art. 2 the "Definition" of a profile convention contains the corresponding thesaurus of its subject composition. Thus, the term "public authority" means: a) a governmental body at the national, regional or other level; b) natural or legal persons performing public administrative functions under national law, including specific duties, activities and services relating to the environment; c) any other natural or legal person entrusted with public duties or functions or providing services relating to the environment to the public under the supervision of the body or person referred to in subparagraphs a) or b) above; d) any regional economic integration organisation referred to in Article 17 which is a Party to this Convention. At the same time, this definition does not include bodies or institutions operating in the field of justice or legislation (paragraph 2, Art. 2 of the Convention).

In addition, a feature of this Convention is that its thesaurus defines and distinguishes between the terminology "the public" and "the concerned public", which significantly complement the composition of the subject composition of the EC. Thus, "the public" means one or more natural or legal persons, their associations, organisations or groups acting in accordance with national law or practice (paragraph 4 of Art. 2 of the Convention), and "the

concerned public", in turn, means the public affected or likely to be affected by the decision-making process on matters relating to the environment, or having an interest in this process (environmental activists – Auth.) (paragraph 5 of Art. 2 of the Convention). Additionally, non-governmental organisations that support environmental protection and adhere to national legal requirements (institutional structures of civil society – Auth.) are regarded as having an interest for the purposes of this definition.

II) To indicate that the above guidelines for determining the subject composition of the EC emphasises the subject composition of a number of international agreements of a contractual profile nature, which also affect the formation of the EC. However, here we are talking mainly about states (despite, first, their different roles in the international agreement; second, on different positions either in the technological cycle or as part of a tort), their bodies, individuals and legal entities, as well as the public. Such agreements include the following:

- Convention on Environmental Impact Assessment in a Transboundary Context, adopted at Espoo, Finland, on 25 February 1991 [8], Article 1 "Definition" of which contains the definitions of:

a) "Parties" means, unless the text otherwise indicates, the Contracting Parties to this Convention;

b) "Party of origin" means the Contracting Party(ies) to this Convention under whose jurisdiction the proposed activity is to be carried out;

c) "Affected Party" means a Contracting Party(ies) to this Convention which may be affected by the transboundary impact of a proposed activity;

d) "Parties concerned" means the Party of origin and the Party concerned which are involved in the application of environmental impact assessment methods under this Convention;

e) "Competent authority" means the national authority or authorities designated by a Party as responsible for the performance of the functions covered by this Convention and/or the authority or authorities entrusted by a Party with decision-making powers relating to a proposed activity;

f) "Public" means one or more natural or legal persons.

- The Convention on the Transboundary Effects of Industrial Accidents, adopted on 17 March 1992 in Helsinki, Finland, Article 1 "Definition" of which contains the definitions of:

a) "Operator" means any natural or legal person, including public authorities, responsible for carrying out any activity, for example, under the supervision of which one or another activity is carried out, which plans to carry out or carries out any activity;

b) "Party", unless the text otherwise defines, means a Party to this Convention;

c) "Party of origin" means any Party or Parties within whose jurisdiction an industrial accident has occurred or is likely to occur;

d) "Affected Party" means any Party or Parties affected or likely to be affected by the transboundary impact of an industrial accident;

e) "Interested Parties" means any Party of origin and any affected Party;

f) "Public" means one or more natural or legal persons.

- Convention on the Protection and Use of Transboundary Rivers and International Lakes, adopted at Helsinki, Finland, on 17 March 1992, Article 1 "Definition" of which contains the definitions of:

a) “Party”, unless the text otherwise indicates, means a Contracting Party to this Convention;

b) “Coastal Parties” means Parties bordering the same transboundary waters;

c) “Joint Body” means any bilateral or multilateral commission or other appropriate organisational structure designated to carry out cooperation between the coastal Parties.

- as well as other regional conventions on environmental issues containing similar definitions.

III) To note that the above-mentioned 23rd meeting of the Working Group was held under the auspices of the European Economic Commission for Europe (Economic and Social Council) of the United Nations, which is one of the structural bodies of this single international intergovernmental organisation of the world community (Baymuratov M.O., 2018, Baymuratov M.O., 2008), June 26-28, 2019 in Geneva (Switzerland).

IV) To emphasise that the conclusions on the emergence and formation of the EC were formed during the consideration of Item 3 c) of the previous agenda on access to justice in the Judicial Colloquium on sustainable development Goal 16: The role of the judiciary in promoting the rule of law in environmental matters (The Judicial Colloquium on Objective 16 in the Field of Sustainable Development: The Role of the Judiciary in Promoting the Rule of Law in Environmental Matters, 2019). Thus, it can be argued that under the auspices of the United Nations Economic Commission for Europe (one of the main institutions of the international community), on June 26-28, 2019, in Geneva (Switzerland), at a specially organised event by representatives of the judicial systems of the member states of the international community, Goal 16 on sustainable development was discussed in the context of the role of the judicial system in promoting the rule of law in environmental matters.

It should be emphasised that the sustainable development Goals (hereinafter – SDGs), which are also called the “Global Goals”, in their meaningful sense, can be defined as a common call of the international community of states to the actions of their members aimed at ending poverty, protecting the planet and ensuring peace and prosperity for all people in the world.

In their praxeological sense, the SDGs are the key directions for the development of the states of the world, which were adopted at the UN Summit on Sustainable Development, held in September 2015 as part of the 70th session of the UN General Assembly in New York (USA). They effectively replaced the Millennium Development Goals (the eight international development goals that 193 UN member states and at least 23 international organisations have agreed to achieve by 2015), which expired at the end of 2015 (the Millennium Development Goals). Ukraine: 2000-2015. National Report, 2015). The SDGs are adopted for the period from 2015 to 2030 and have 17 Global Goals, which correspond to 169 targets.

Consequently, the official document (resolution) of the UN General Assembly “Transforming our world: The Agenda for Sustainable Development for the period up to 2030”, announces a new action plan to put the world on a path to sustainable and resilient development.

The 17 Goals build on the success of the Millennium Development Goals, in addition, among other priorities, they also cover new areas such as climate change, economic inequality, innovation, sustainable consumption, peace

and justice. Goals are interrelated because the key to success in one of them is to solve issues that are generally related to others.

Hence, this Agenda is a plan of action for people, planet, and prosperity. Another strategic teleological dominant is also to strengthen universal peace in conditions of greater freedom. We recognise that eradicating poverty in all its forms and dimensions, including extreme poverty, is the most important global challenge and an indispensable need for sustainable development.

Seventeen Sustainable Development Goals and 169 targets demonstrate the scale and ambition of this new universal Agenda. They are focused on the development of achievements made within the framework of the Millennium Development Goals, and on the completion of tasks that have not been achieved. They are aimed at realising human rights for all, achieving gender equality and empowering all women and girls. They are complex and indivisible and provide a balance of the three dimensions of sustainable development: *economic, social* and *environmental*.

All 17 goals are interrelated, that is, success in one affects the success of others. Fighting the threat of climate change affects how humanity manages its fragile natural resources, achieving gender equality or improving health helps eradicate poverty, and promoting peace and an inclusive society will reduce inequality and contribute to the prosperity of the economy. So, this is the greatest chance we have to improve the lives of future generations.

Every goal and level is equally important, but partnership is necessary to achieve all goals.

The Agenda states that the international community and its member states are determined to mobilize the funds necessary to achieve it by intensifying the work of the Global Partnership for Sustainable Development, based on the principles of strengthening global solidarity, aimed at meeting the needs of the poorest and most vulnerable groups of the population and involves the participation of all countries, stakeholders and people.

So, the full name of Goal 16 is as follows: Promoting peaceful and open societies for sustainable development, ensuring access to justice for all and building effective, accountable and participatory institutions at all levels. The following can be attributed to the profile issues on the formation of EC using a systemic and subject interpretation of the key directions of this goal's implementation:

- 16.3 To promote the rule of law at the national and international levels and ensure equal access to justice for all (appropriate to the protection and preservation of the environment. – Auth.);

- 16.6 To establish effective, accountable and transparent institutions at all levels (suitable for addressing environmental issues. – Auth.);

- 16.7 To ensure responsible decision-making by representative bodies at all levels with the participation of all segments of society (suitable for solving issues of environmental protection and preservation. – Auth.).

It is possible to determine the subject composition of legal relations arising in the profile area, using the target approach, namely:

- first, these are states and international organisations (universal – the UN and other organisations operating under its auspices – ECOSOC, etc.; international intergovernmental and international non-governmental organisations of environmental orientation);

- second, public authorities — state members of the international community (legislative, executive, judicial, control);

- third, individuals and legal entities of a particular state;
- fourth, civil society organisations.

V) Systematically analyse the theses first put forward and formalized in the outcome document of the 23rd meeting of the Working Group of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Such theses include the following provisions, which actually act as identification arguments and, at the same time, qualify the features of the phenomenology of the EC. That should be determined by the subject composition of the legal relations arising around each of these features, taking into account the subject of our study.

Thus, in the above document, the following justification was made for the first time regarding the formation of environmental constitutionalism:

A) In recent years, people have come to understand the importance of the rule of law in situations involving the environment and the right to a healthy environment. Thus, we are talking about the activities of: 1) the international community of states (the UN and international organisations operating under its auspices), 2) member states of the international community and their public authorities (legislative, executive, judicial, control); 3) international non-governmental organisations; 4) civil society institutions operating in the territory of a particular state (non-governmental non-profit organisations); 5) individuals, regardless of their legal status; legal entities of public law.

B) In total, at least 155 states have undertaken legal obligations under treaties, in accordance with constitutions and legislation, to respect, protect and exercise this right. Thus, we are talking about nation states and their public authorities (legislative and executive) that have undertaken international legal obligations under international treaties on environmental protection and preservation, the use of its facilities, compliance with environmental safety rules.

C) Among these 155 countries, there are at least 20 countries whose courts have ruled that the right to a healthy environment is the most important element of the constitutional right to life and therefore is a constitutional right that can be defended in courts. Thus, we are talking about the judicial power of a particular state, which is a subject of the EC, considering its participation in the protection of the human right to a healthy environment.

D) Many national courts of the pan-European region have made decisions on the right to a healthy environment. Thus, again, we are talking about the judiciary, namely the national courts of the states of the European region (that make decisions on the protection of the human right to a healthy environment). Therefore, they are the subject of the EC as well as individuals and legal entities that are participants (parties) in the profile litigation.

E) It is recognised that environmental constitutionalism is a relatively new phenomenon that is at the intersection of constitutional law, international law, human rights law and environmental law. Therefore, such a complex "normative" symbiosis not only of individual branches of national law, but also of two independent legal systems like the national legal system of a separate state and the international system, makes it possible to assert that it is their subjective composition in its broad sense that is borrowed from the subjective composition of the EC.

F) The thesis that the EC is a phenomenon that reflects the recognition of the fact that the environment is an appropriate subject of protection in

constitutional texts and in courts around the world, from our perspective, is complex in nature and summarizes the merger of the subject composition of the EC from points A), B), C, D).

G) The thesis that the EC also reflects innovative constitutional mechanisms for ensuring environmental and human rights or achieving sustainable development, which according to a large number, is evidence of the functional, dynamic and innovation-protective potential of the EC (which contains in itself new technological, organisational, managerial, regulatory solutions aimed at: a) ensuring environmental human rights (recognition, legalisation, protection, protection, implementation, guarantee, organisational and legal support, etc.); b) achieving sustainable development) (17 Global Goals, which correspond to the 169 tasks contained in Resolution 70/1 of the UN General Assembly "Transforming our world: Agenda for Sustainable Development for the period up to 2030" dated September 25, 2015).

Thus, a) when viewed through the prism of upholding environmental human rights (their recognition, legalisation, protection, preservation, implementation, guarantee, administrative and administrative legal support, etc.), b) when considering the development of the EC's subject structure, and c) while taking into account the aforementioned arguments, it is possible to distinguish:

— the state and its public authorities (legislative, executive, control);
— judicial power of the state;
— the international community of states (the UN and international organisations operating under its auspices);
— international non-governmental organisations of environmental orientation;
— institutions of civil society of the relevant state of environmental orientation;
— individuals and legal entities.

A long list of topics related to each of the 17 Agenda Goals should be involved in order to achieve sustainable development. A limitless number of non-personalized subjects with the necessary rights, freedoms, or responsibilities, or powers to take part in resolving environmental issues can be included in the range of EC subjects, taking into account the fact that each of the Goals can appropriately have a "environmental colouring". Therefore, it can be argued that this is where the number of EC subjects that will act both at the national level — within the constitutional or legislative guidelines of environmental orientation — and at the international level — within the norms of international treaty law on the protection and preservation of the environment — can be practically unlimited. This conclusion directs us toward objectifying the need to isolate a list of the theory of EC's subjects in both a wide and narrow meaning.

CONCLUSIONS

Summarizing the above, we can come to the following conclusions:

— environmental constitutionalism is actually a new type of general constitutionalism, and based on its nomenological identification, its teleological dominant is the rule of law in the field of protection and preservation of the environment (environment);

— the formation of ecological constitutionalism as a new type of general constitutionalism determines the formation and development of the elemental composition of profile legal relations, including the subjective composition of this phenomenology;

— the theoretical aspects of both the ecological state and ecological constitutionalism are at the stage of doctrinal development and support, therefore the structural composition and identification features of the latter, as a new phenomenology of constitutional law (subject-object composition, content, forms of manifestation and implementation, etc.), are only in the state of formation and development, therefore the issue of their identification is quite contradictory and complex. And this, despite the fact that environmental legal relations have already found their proper constitutional, legislative and normative-legal regimentation and regulation at the domestic (national) and international legal levels, and already in the appropriate temporal retrospective;

— it is necessary to emphasise that entering the normative array of a particular state, environmental norms and principles only acquire the properties of the elemental composition and component part of constitutionalism; this is due to a rather small period of time that has elapsed since the recognition and legalisation, including constitutional, of the norms and principles of environmental law;

— at the same time, the international community of states that deals with the regimentation and regulation of the most important areas and issues of international cooperation between states (it is in this context that it works "ahead" of the national constitutional leader and in the process of daily activities of bodies operating under the auspices of the UN), chooses the most relevant and promising issues of possible international cooperation of states, borrowing them at the national level as new objects of international normative-legal regulation;

— consequently, the international community of states, represented by its bodies, draws a predicative and subjective conclusion based on a systematic analysis of government actions in the field of environmental protection and preservation as well as international institutions' actions in the specialized field: a) on the emergence, formation and further development of the phenomenology of ecological constitutionalism; b) on the formation of its subject-object composition; c) on the formation of its institutional structure; d) on the main directions of the formation of this phenomenological phenomenon; d) on the prospects for its development and improvement;

— using the method of system analysis and the method of subjective identification, it is possible to determine the subjective composition of environmental constitutionalism, which can be carried out, taking into account the universality of profile phenomenology, with a systematic analysis of the subjective composition: A) *global constitutionalism,* with the following individual, group and collective (associative) identification; B) *general constitutionalism*, with the following individual, group and collective (associative) identification; C) *national constitutionalism* with the following individual, group and collective (associative) identification; D) *environmental constitutionalism*, with the following individual, group and collective (associative) identification through the use of normative acts and acts of a recommendatory nature (soft law) of international organisations; E) *national constitutional law*, with the following individual, group and

collective (associative) identification; F) *international environmental law,* with the following individual, group and collective (associative) identification; G) *national environmental law,* with the following individual, group and collective (associative) identification;

– this approach is determined by the following fact that: 1) the subject composition of environmental legal relations that make up the regulatory framework of the EC, at any managerial level (global, universal, regional, subregional, state, intraregional, local) is characterized by relative stability and relative stability; 2) such subject composition of the EC is an appropriate set of subjects of constitutional, legal and international legal relations, which varies depending on the managerial level of regimentation and regulation of legal relations in the field of environmental protection and preservation, the use of natural resources, ensuring environmental security measures, as well as the level of implementation of these measures; 3) according to the principle of the distribution of powers to the subjects of legislative, executive, judicial, and supervisory authorities, such subject composition of the EC can be distributed among the UN, other international intergovernmental organisations operating under its auspices, other international intergovernmental organisations, international non-governmental organisations, states, and bodies of a particular state that have competent power, or in its approximate (schematic) sense; 4) such a composition can be classified as following depending on the involvement in management activities: a) on subjects that solve issues of regimentation, regulation, protection and preservation of environmental relations at the level of a particular state (legislative, executive, judicial and supervisory bodies, local self-government bodies/further – LSGBs/) and on subjects that must comply with the relevant regulatory guidelines on this (executive, judicial and supervisory authorities of the state, LSGBs); 5) taking into account the especially important and complex nature of environmental legal relations implemented within the framework of the EC phenomenology, their subject composition can be determined by the presence of the "subject-object" factor, when the subject of environmental legal relations simultaneously acts as an object of their managerial influence (international non-governmental organisations, public authorities of a lower level, individuals, without taking into account their legal status, etc.); 6) such subject composition of the EC can be determined by a systematic analysis of international legal contractual acts: a) of environmental and similar orientation; b) signatories and parties to which are the state); c) in accordance with which they assume the relevant international legal obligations; d) which must be implemented at the domestic level (through the relevant provisions of the national mechanism/implementation/ see Art. 9 of the Constitution of Ukraine), e) through the relevant targeted activities of the relevant subjects of domestic (primarily national constitutional) law; 7) the best option is to define the subject composition of the EC through a systematic analysis given the high degree of novelization of the phenomenology of the EC, the early stages of its international legal legitimation, and the lack of any established trends of its legitimation among the states of international and national constitutional and legal doctrine, the international community, and civil society institutions within the states;

– therefore, referring to the above conclusions, it can be argued that in a broad (conceptual and subjective) sense, the subjective composition of the EC can be defined as similar to the subjective composition of general

constitutionalism, as its specific component; in a narrow (identification-determinative) sense, it can include international organisations, states, their public authorities (including judicial authorities) dealing with environmental protection and preservation issues, as well as individuals and legal entities that exercise, protect or defend their environmental rights.

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