

INTERNATIONAL LEGAL ASPECTS OF ADMINISTRATIVE LEGAL REGULATION OF ENVIRONMENTAL PROTECTION

Pirniyazova G.Zh.

Self-student Karakalpak State University named after Berdakh

Abstract

The article, on the basis of international legal acts in the field of environmental protection, considers environmental protection as the main factor in protecting the health and well-being of the population of the country, and on the basis of studying the opinions of scientists and analyzing national legal acts, developing proposals for the sustainable development of environmentally sound management of natural resources, its effective legal regulation, including the application of international standards and regulations.

Keywords: environmental protection, environmental situation, environmental offense, national and international security, public health.

In recent years, the ecological situation in the field of environmental protection in the Republic has changed dramatically, thanks to large-scale reforms, as well as legal regulation, including through the implementation of international legal acts in the field of environmental protection.

The Constitution of the Republic of Uzbekistan, adopted at the nationwide referendum on April 30, 2023, in Article 49 proclaims the environmental rights of the individual, such as the right to a favorable environment, reliable information about its condition, the right to compensation for damage caused to health or property by an environmental offense. In order to ensure compliance with these constitutional rights, our state not only "... creates a system of modern environmental legislation that provides comprehensive regulation of environmental legal relations", but also actively participates in the process of international rule-making in this area, because even the largest state in the world cannot cope with global problem. As emphasized in Goal 79 "On the Development Strategy of New Uzbekistan for 2022-2026", "Prevention of existing environmental problems that are harmful to the health and gene pool of the population" is defined[1]1.

As the head of state rightly noted, "Currently, in Uzbekistan, as well as throughout the world, serious environmental problems also arise. Among them in most regions are soil degradation, reduction of fertile land, desertification, water scarcity, drought, as well as issues of providing the population with clean drinking water.

Careful attitude to nature, preservation of the purity of water, air and the environment should become a real concern for the residents of each mahalla. To change the situation in a positive way, we need to step up our efforts in the field of ecology and environmental protection, in particular, work within the framework of the national project "Yashil Makon".[2]².

1 Decree of the President of the Republic of Uzbekistan "On the Development Strategy of New Uzbekistan for 2022-2026" dated January 28, 2022, №. UP-60

² Message of the President of the Republic of Uzbekistan Shavkat Mirziyoyev to the Oliy Majlis and the people of Uzbekistan dated 12/20/2022\ www.president.uz

As noted by the domestic scientist Selimanova S.M. It should be especially noted that the nature of Uzbekistan differs from other countries in its peculiar climate, richness of flora and fauna, and rare natural resources. This is of great importance in the development of ecological tourism. Foreign tourists and our compatriots travel to various regions with mountainous and desert landscapes, visit national parks, modern infrastructure facilities organized with the aim of finding solutions to environmental problems. In addition, interest in relaxing in the bosom of nature is growing. Ecotourism facilities are being built on the ground, and the quality of services is being consistently improved [3]³.

According to the foreign scientist Lagunova A.I. One of the most urgent problems in the modern world is the problem of protecting the natural environment and rational use of natural resources, which is given second place at the international level after the threat of nuclear war. The significance, relevance, severity of the problem in recent decades has reached its maximum and the reason for this is the state of the natural environment, which, according to experts in various fields of knowledge, is on the verge of a crisis, the possibility of the continued existence of life on planet Earth[4]⁴.

The problem of environmental protection is the most acute global problem of the beginning of the XXI century. As a global problem, the problem of environmental protection is relevant for the whole world as a whole, for each region of the planet, for each state individually.

One of these conceptual ideas is the concept of environmental security, which involves considering environmental problems in the context of national or international security. Despite the efforts made, in the current state of international relations, the process of environmental degradation is not slowing down, but progresses and becomes a real threat to security. Therefore, today more than ever, a restructuring of international relations is needed in order to give the solution of environmental problems the highest priority. Security is highly classified among all the problems that humanity faces. The consideration of environmental problems in the context of security really reflects the severity of the environmental crisis and implies the establishment of a new world order in relation to the use of natural resources and the protection of the environment, the interaction between man and nature. Since the interdependence of the world becomes more and more obvious, the achievement of national environmental security seems impossible in the absence of environmental security of other states. This dictates the need to create a global, international structure of environmental security[5]⁵.

Thus, environmental protection must be protected for the health and well-being of the growing population of the Earth, and the sustainable development of the economy requires environmentally sound management of natural resources, its effective legal regulation, including the application of international standards and regulations.

As noted by the foreign scientist Vlasov V.A. in the modern period, in a market economy, one of the urgent problems is the improvement of public administration in the field of environmental protection and nature management. The environment and natural resources are the basis for the further socio-economic development of the country and its individual regions, a guarantee of the normal life of present and future generations[6]⁶.

The world community is making significant efforts to solve this global problem, which

³ Selimanova S.M. Prevention of offenses and crimes in the field of ecology. Liberalization of criminal and criminal-procedural legislation - guarantee of human rights and freedoms // Proceedings of the Republican scientific-practical conference. 2018 year. P 115-118

⁴ Lagunova A.I. State management of environmental protection of the constituent entity of the Russian Federation. Abstract Candidate of Law Sciences. Krasnoyarsk 2019 P.23

⁵ Galyametdinova A.Yu. International legal aspects of environmental safety. Abstract Candidate of Law Sciences. Kazan. 2020. P.18

⁶ Vlasov V.A. Public administration in the field of environmental protection and nature management: issues of theory and practice. Candidate's abstract of juridical sciences. Ekaterinburg. 2017.

predetermines the development of international legal regulation of this sphere. The most intensive international legal regulation of environmental protection is carried out on the European continent.

Indeed, all challenges and threats are deeply interconnected and are becoming more complex every day. To ensure the security of our and future generations in this ever-changing reality and to reduce the growing security challenges to the global community, completely new forms of interaction based on international law will be required [7]⁷.

Recently, the activity of adopting international environmental documents in the Republic of Uzbekistan has especially increased. This is explained by the fact that the republic creates conditions for the restoration and protection of the natural environment, the preservation of ecological balance. Since the environment must be protected for the health and well-being of the growing population of the Earth, and the sustainable development of the economy requires environmentally sound management of natural resources, its effective legal regulation, including through international law. The most developed and easily adaptable to the conditions of the Republic of Uzbekistan is the experience of legal protection of the environment.

In accordance with the fifth part of Article 49 of the Constitution of the Republic of Uzbekistan, the state takes measures to protect and restore the ecological system, social and economic development of the Aral Sea region.

International cooperation in the field of the environment is diverse in terms of forms and directions of its implementation. As forms of cooperation, one can single out agreements on cooperation between international organizations, mutual representation of states in their governing bodies and at international conferences, international treaties on environmental issues, and the implementation of practical measures, for example, on the creation of international reserves. The results of cooperation are also diverse, the most significant of which include the creation of international standards in the field of environmental protection, both legally binding (mandatory) and recommendatory in nature, the development of cooperation programs on various environmental issues, etc. As soon as the importance of solution of the corresponding problem and “as soon as the desire and interests exceed the means, the peoples begin to seek satisfaction outside their state, they must enter into and maintain relations with other peoples.

It should be noted that since independence, the Republic of Uzbekistan has joined a number of international legal documents in the field of environmental protection. Thus, the Republic of Uzbekistan has been a party to the United Nations Framework Convention on Climate Change (New York, May 1992) since 1993. on May 18, 1993, the Republic of Uzbekistan joined the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer. Thus, the Vienna Convention “ On the Protection of the Ozone Layer ” was adopted March 22, 1985, entered into force on May 18, 1993 for the Republic of Uzbekistan. Ratified by 197 states (all UN members and the European Union). Acts as the basis for international efforts to protect the ozone layer . The main goal of the participants in the Vienna Convention is cooperation in the field of research on substances and processes that affect changes in the ozone layer; creation of alternative substances and technologies; monitoring the state of the ozone layer; cooperation in the development and application of measures that control activities that lead to adverse effects in the ozone layer; exchange of scientific, technical, socio-economic, commercial and legal information; cooperation in the development and transfer of technologies and scientific knowledge [8]⁸. Through the adoption of the Montreal Protocol on Substances that Deplete the Ozone Layer. The Montreal Protocol on Substances that Deplete the Ozone Layer was signed by

⁷ Emelyanova N.N. International legal problems of ensuring global security at the present stage. Abstract Doctor of Law Moscow 2020. P.23

⁸ Vienna Convention for the Protection of the Ozone Layer dated March 22, 1985 Austria, entered into force on May 18, 1993 for the Republic of Uzbekistan

representatives of 46 countries on September 16, 1987. Initially, the Montreal Protocol provided only for the reduction, but not the complete cessation of the production of ozone-depleting substances. This gave the industry time to develop and implement technically and economically viable alternatives. Later, amendments and adjustments to the protocol expanded the list of controlled substances, the timing of the termination of their production and consumption, as well as measures to limit export-import and other operations. As of September 2021, the original text of the Montreal Protocol has been ratified by 198 parties (all UN member states plus Niue, the Cook Islands, the State of Palestine, the Holy See and the European Union). In addition, on April 22, 2016, the Paris Agreement was signed within the framework of the Framework Convention United Nations on climate change. The Paris Agreement is an agreement under the United Nations Framework Convention on Climate Change that regulates measures to reduce carbon dioxide in the atmosphere from 2020. The agreement was prepared to replace the Kyoto Protocol during the Climate Conference in Paris and adopted by consensus on December 12, 2015, and signed on April 22, 2016. The purpose of the agreement (under Article 2) is to “strengthen implementation” of the UN Framework Convention on Climate Change, in particular to keep global mean temperature rise “well below” 2°C and to “make efforts” to limit temperature rise to 1.5°C. C.

the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC), which was adopted on December 11, 1997, due to the complex ratification process, it entered into force on February 16, 2005 and today covers 192 parties. The purpose of the Kyoto Protocol is to develop the provisions of the UNFCCC by committing industrialized countries to limit and reduce greenhouse gas emissions in accordance with agreed national obligations. The adoption of the Protocol was justified by the fact that the Convention itself contains only calls for these states to pursue policies and take measures to prevent climate change, as well as regularly report on their implementation. The Kyoto Protocol is based on the principles and provisions of the Convention and follows its structure, including the system of Annexes. It only applies to developed countries. They have additional obligations under the principle of “common but differentiated responsibilities and respective capacities”. This is due to the recognition of the main responsibility of this group of states for the current high levels of greenhouse gases in the atmosphere.

It should be noted that this Agreement was ratified by the Law of the Republic of Uzbekistan dated October 2, 2018 “On the ratification of the Paris Agreement (Paris, December 12, 2015)”, which entered into force for the Republic of Uzbekistan on December 9, 2018.

In accordance with Chapter V of the Decree of the President of the Republic of Uzbekistan " On approval of the Concept of environmental protection of the Republic of Uzbekistan until 2030" revealing ways to solve environmental problems, the approval of the National Program for the implementation of the requirements of the Montreal Protocol to phase out the use of ozone-depleting substances in the new edition and the "Road Map" for its implementation, as well as the development and adoption of the National Action Plan for the implementation of the Paris Agreement.

Thus, the preservation of the natural environment and ensuring its protection at the present stage as strategic goals for ensuring environmental safety and rational use of natural resources are a paramount task for the country at the stage of building a legal, democratic state with a strong social policy. In this regard, the problems of legislative regulation of issues in the field of environmental protection require urgent solutions and acquire a special character.

Radical improvement of the ecological situation in the country is the main task in the field of ensuring national security. Trends in the deterioration of the environmental situation in the country require more efficient activities of state bodies in the exercise of their constitutional powers in the field of environmental protection, as defined in Article 49 of the Updated Constitution of the Republic of Uzbekistan.

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