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## **FORMATION OF NATIONAL ENVIRONMENTAL LAW IN THE REPUBLIC OF UZBEKISTAN**

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### **ABSTRACT**

In the modern world, environmental problems and environmental protection occupy a central place on the agenda of many countries, including the Republic of Uzbekistan.

In the context of Uzbekistan, which is striving for sustainable development, the study of the formation and development of national legislation in the field of ecology is of particular interest. Throughout the history of independence, Uzbekistan has been actively working on the formation of a legal framework regulating environmental issues. The key stages of this process were the period of independence and the influence of the Soviet legacy on the formation of relevant legislation.

### **KEYWORDS**

Environmental legislation, environmental protection, ecology, natural resources, Constitutions.

### **INTRODUCTION**

Natural resources and the environment are an important source of life for every person on planet Earth. UN Secretary-General António Guterres noted: "The healthy environment is essential for all people and all 17 Sustainable Development Goals. A healthy planet is the foundation of almost every industry on Earth." [1]. We consider it appropriate to recall that it has already been 50 years since humanity recognized the importance of the problem of environmental protection. The first principle of the international

document, the Declaration of the United Nations Conference on the Human Environment, declared: "Human beings have the fundamental right to freedom, equality and favorable conditions of life in an environment of sufficient quality to lead a dignified and prosperous life, and bear the primary responsibility for the protection and improving the environment for the benefit of present and future generations" [2].

It is important to take into account that if the current international legal norms in the field of ecology and

environmental protection contribute to the influence and development of the international legal regime for the protection of the whole world, and the norms of domestic national legislation form new prerequisites for its development and improvement.

Each independent state develops and adopts its national legislation, including in the field of ecology and environmental protection, based on its state of environmental problems and in accordance with generally accepted norms and principles of international public law.

Issues in the field of ecology, as well as the preservation, restoration, improvement and protection of the natural environment, are regulated by both international law and national environmental legislation. Indeed, in the Republic of Uzbekistan, from the first days of independence, environmental legislation, as well as other regulations, has been actively and rapidly developing. This can be explained by the fact that these were primarily aimed at consolidating and developing the country's independence.

The importance of protecting the environment and caring for natural resources is also enshrined in the norms of national law, including in the constitutions of most countries of the world. Unfortunately, the problem of environmental protection is relevant not only in the Central Asian region, but throughout the world. It should be noted that different environmental problems exist in regions of the globe.

The foreign policy of the new Uzbekistan supports new opportunities for solving environmental problems not only in the region, but also at the international level. In turn, the Republic of Kazakhstan also included this problem in an important priority program of the

country in the “Development Strategy of Kazakhstan - 2050”[3] as a global environmental problem.

It is important to emphasize that the Republic of Uzbekistan, since gaining state independence, has been pursuing an active legal policy in the field of environmental protection. In the national legislation of Uzbekistan, land, its subsoil, water, forests, flora and fauna, natural and other resources on the territory of the republic are enshrined as a national property, as well as an object of property[4].

But the inclusion of environmental issues and environmental protection in domestic and foreign policy does not solve problems. These problems require scientific research in terms of national rule-making, including comparative legal analysis. Principle 11 of the Rio Declaration on Environment and Development states: “States shall adopt effective environmental legislation”[5].

The history of the development of national legislation of the Republic of Uzbekistan in the field of ecology and the environment begins immediately after gaining independence in 1991. Undoubtedly, from the first days of independence, the Republic of Uzbekistan has paid great attention to the development and adoption of national legislation in the field of ecology. For example, the Laws “On Nature Protection” dated December 9, 1992, “On Water and Water Use” dated May 6, 1993, “On the Protection of Atmospheric Air” dated December 27, 1996, “On Specially Protected Natural Areas” dated 3 December 2004, “On Environmental Control” dated December 27, 2013, “On Environmental Expertise” dated May 25, 2000, “On Environmental Audit” dated March 15, 2021, approved by Presidential Decree dated October 30, 2019. “Concept of environmental protection of the Republic of Uzbekistan until 2030”, as well as other regulations. The purpose of this study is to conduct a general

comparative legal analysis of the current legislation of the Republic of Uzbekistan “On Nature Protection” dated December 9, 1992.

The adopted Constitution of 1992 reflected the responsibilities of citizens in relation to the environment. In the old version of the Constitution, in Article 50, it was said that citizens are obliged to take care of the environment, but then the right of citizens to a favorable environment was not yet specified. As O.A. correctly notes. Trubinkova: “The human right to a favorable environment is closely related to the rights to the protection of his health and, ultimately, the right to life”[6, P.106.]. In the same year, 1992, the Law of the Republic of Uzbekistan was adopted: “On Nature Protection”; this legal act described precisely the human right to a favorable environment, along with the responsibility of citizens of the Republic of Uzbekistan. This marked breakthroughs in the development of national legislation and the development of human rights.

We consider it appropriate to dwell on the constitutional norms in the field of environmental protection in Uzbekistan. These norms were enshrined in Article 62 of the Constitution of Uzbekistan as a duty of a citizen[7]. In Article 48 of the Constitution of the Republic of Karakalpakstan, this text of the norm[8] is identically repeated. Article 62 establishes the responsibilities of a citizen to protect the natural environment, not every person.

Undoubtedly, there are currently constitutionally enshrined norms that only citizens of the country are required to comply with. For example, the norm of Chapter XI of the Constitution of the Republic of Uzbekistan, as well as the Republic of Karakalpakstan, is devoted precisely to this issue. It would be legal and appropriate to change the word citizen to the phrase every person in Article 62 of the Constitution of the

Republic of Uzbekistan and in Article 48 of the Constitution of the Republic of Karakalpakstan.

Based on the conducted comparative legal analysis, we consider it appropriate to add: Chapter XI of the Constitution of the Republic of Uzbekistan, as well as the Republic of Karakalpakstan, “Responsibilities of a Man and a Citizen,” to make the following changes to Article 62 of the Constitution of the Republic of Uzbekistan and Article 48 of the Constitution of the Republic of Karakalpakstan: “Everyone is obliged to take care to the natural environment”, Article 31 of the Constitution of the Republic of Kazakhstan should be amended as follows: “Everyone has the right to a favorable environment, reliable information about its condition”, and Article 38 “Everyone is obliged to preserve nature and take care of natural resources”. We believe that in the modern world the duty to preserve nature and take care of natural resources should be the responsibility of every person, but not only a citizen of a certain state.

Similar proposals are put forward by Kazakhstani scientists: Dubaev R.K., notes: It is necessary to make changes to the Constitution of the Republic of Kazakhstan in terms of establishing the direct responsibility of foreign citizens and stateless persons, as well as legal entities for environmental protection [9, C.23.], also Aidarbaev S.Zh. and Baitukaeva D.U. believe that there is an increasing awareness of the urgent need to protect the environmental rights of citizens both within individual states and within the international community; the concept of “a person’s ecological right to an environment favorable for his life” is being formed [10, p.254].

Since in the constitutional norms of most countries of the world the right to a favorable environment is granted to every person, it is appropriate to consolidate the preservation and improvement of the

environment as the responsibility of every person, and monitoring the state of the environment as the responsibility of the state

We propose to supplement the Law of the Republic of Uzbekistan “On Nature Protection” dated December 9, 1992 with a separate article “basic concepts” and at the same time give the concept in the following wording “favorable environment - an environment in which there are no negative impacts on the life and health of every person” . This can be characterized as full legal compliance of this concept of this law with Article 49 of the Constitution of the Republic of Uzbekistan, which enshrines the right of everyone to a favorable environment[7].

The introductory part of this law states: “It aims to ensure a balanced, harmonious development of relations between man and nature,” and continues, “...to guarantee the rights of citizens to a favorable environment.” As we see, it seems debatable that the word “man” is written first in the text, and “citizens” at the end.

The law also included the powers of state authorities in regulating legal relations in the field of ecology, included regulatory regulations regarding the regulation of the natural environment, the law gave the concepts of environmental assessment and environmental control. Law of Uzbekistan of 1996 on “Protection of Atmospheric Air”. The law described atmospheric air as an object of environmental protection. This means that since 1996, atmospheric air has been subject to protection when it is disturbed. The goals of this law were to preserve clean atmospheric air, reduce the influence of chemically harmful substances, and regulate the physical impact on the air.

Article 4 of this law stated that citizens have the right to clean, healthy air. Article 6 of this law included standards for atmospheric air protection for the first time. The next stage is the adoption of the 1997 Flora Protection Law. The main goals of this law are to preserve the flora in its original form, preserve the integrity of the environment, and ensure the rational use of natural resources. The law described the objects of the plant world and its types, the rules for the use of natural resources are defined, and the responsibility of citizens for violations of the rules for the protection and use of the environment is described. The law contains 28 articles.

In 2013, a law on environmental control was adopted. The law regulates relations in the field of environmental control. The goals of this legislation are reflected in Article 5: prevention, detection and suppression of violations of the requirements of legislation in the field of environmental protection and rational use of natural resources; monitoring the state of the environment, identifying situations that could lead to environmental pollution, irrational use of natural resources, and pose a threat to the life and health of citizens; ensuring compliance with the rights and legitimate interests of legal entities and individuals, their fulfillment of responsibilities in the field of environmental protection and rational use of natural resources; informing government and other organizations and citizens about changes in the environment, forecasts of its condition, the use of natural resources and appropriate measures taken; increasing the efficiency of environmental activities and ensuring the participation of self-government bodies of citizens, non-governmental non-profit organizations and citizens in the implementation of state and other environmental programs.

Summarizing the above, we have described in chronological order the gradual adoption of important



legal acts of the Republic of Uzbekistan, described their goals and objectives. With the acquisition of independence, the Republic of Uzbekistan began a new policy in the field of ecology, thereby ensuring human rights.

Summarizing the above, it is important to emphasize that all of humanity is responsible for protecting the environment, preserving and improving natural resources for both current and future generations. The rapid growth of the world's population, the development of science and technology, innovative processes, and the increase in the number of consumers of natural resources are forcing humanity to think about strengthening control over environmental protection. Unfortunately, there is no doubt that these processes today are not as active as the realities of the time require.

In our opinion, today it is necessary that all activities of humanity, the states of the world and the international community comply with the 25th Principle of the Rio Declaration on Environment and Development, which states: "Peace, development and environmental protection are interdependent and inseparable"[5]. The future of all life on Earth depends on the correct choice of the future relationship between man and nature.

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