

**V. ХАЛҚАРО ҲУҚУҚИЙ ТАДҚИҚОТЛАР**  
***International Legal Expertise***  
***Международно-правовые исследований***

**INTERNATIONAL LEGAL EXPERTISE  
IN THE FIELD OF ENVIRONMENTAL PROTECTION**

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***Abstract:*** *The article deals with the legal analysis of international documents in the field of ecology and environmental protection. The author analyzed the UN Charter in chronological order, as well as the Conventions, Declarations, and Charters in the field of ecology and environmental protection adopted by the international community. The author makes an attempt to reveal the legal features of each international document in the field of ecology and environmental protection.*

*The author also emphasizes that in all international documents, a person, both present and future generations, is recognized as the subject of the right to a favorable environment.*

*In summary, it is concluded that the development of international rule-making in the field of ecology and environmental protection has led to the addition and enrichment of international public law with new principles and norms, enshrined in international documents of an environmental direction and of a recommendatory, but also legally non-binding nature.*

***Keywords:*** *International legal cooperation, legal analysis, UN Charter, Convention, Declaration, Charter, ecology and environmental protection, Aral catastrophe*

Finding a solution to problems in the field of ecology and environmental protection has recently become one of the priority areas not only for each state individually but also for the entire international community. It can be stated that ecology, protection, and improvement of the environment in the 21st century have reached the level of scientific problems of both national and international law.

According to V.K. Bykovsky, the protection of the natural environment and rational use of natural resources have always been considered by the world community as the most urgent and important problems of our time, which largely determine the conditions for the existence and development of human civilization<sup>1</sup>. International universal organizations consider environmental

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<sup>1</sup> Bykovsky V.K. International legal acts of the United Nations Environmental Protection Program (UNEP) and the specifics of legal regulation of environmental relations by the constituent documents of the CIS // International cooperation of Eurasian states: Politics, Economics, Law. - 2016. - No. 4. – P.97.

problems on a planetary scale. Consequently, the ecology of the planet Earth is a global problem and no one can stand aside. At the beginning of the last century, environmental issues became the subject of discussion for the international community at various conferences.

The First International Ecological Conference on International Nature Conservation was held in Bern on November 17-19, 1913. The peculiarity of this conference was that it did not conclude an appropriate international document. Well-known international lawyers A.Kh.Abashidze and A.M.Solntsev argue that its main result was the idea of the need for international cooperation to protect the environment, which was first voiced at the interstate level with a wide representation of states<sup>2</sup>.

Development of integration processes, scientific and technological progress, and high technologies have led to the destruction of the natural environment of regions and continents. For example, in the 1950s and 1960s, greenhouse gases significantly affected the global climate. Therefore, the development of science and technology has exacerbated the problems of ecology and the environment. We are in solidarity with E.V.Vasilenko, who believes that a careful attitude to natural resources and their rational use is ensured, including through the creation of international legal norms<sup>3</sup>. O.I.Ilyinskaya emphasizes the following: "For the development of international legal norms in the field of environmental protection<sup>4</sup>, the same legal forms are used as in other areas of interstate cooperation - an international treaty, international legal custom and, in some cases, resolutions of international organizations"<sup>5</sup>.

To date, the international community has adopted several dozen different international legal documents in the field of ecology and environmental protection. For example, in 1972 the Stockholm Declaration on the Human Environment, in 1982 the World Charter for Nature, in 1992 the Rio Declaration on Environment and Development, in 1998 the Aarhus Convention, in 2015 the Paris Agreement and so on. M.N. Kopylov argues that "the first international

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<sup>2</sup> Abashidze A.Kh., Solntsev A.M. The First International Ecological Conference - Conference on International Nature Conservation (Bern, 1913) // Ecological Law. - 2006. - No. 4. - p.4.

<sup>3</sup> Vasilenko E.V. Improving the international legal mechanism for the development and use of natural resources // Legal world. - 2009. - No. 10. - p. 37.

<sup>4</sup> From the point of view of semantics, the term "environmental protection" includes both protection and conservation: "Protect ... protect ... protect ... keep intact, safely, save" (see: Dal V. Explanatory Dictionary of Living Great Russian language. - M.: Rus. yaz., 1979. - T. 2. - p. 774.)

<sup>5</sup> Ilyinskaya O. I. Some problems of contractual regulation of international relations in the field of environmental protection // Lex Russia. - 2019. - No. 3 (148). - p. 46.

treaty relating to the regulation of international environmental relations is considered to be the bilateral Convention on Oyster Catching and Fishing off the Coast of Great Britain and France of August 2, 1839”<sup>6</sup>.

In the second half of the 20th century, as a result of the irrational use of water resources, a global environmental problem arose – the drying up of the Aral Sea. It should be noted that with the drying of the Aral Sea, a difficult ecological situation has developed in this region. It is an undisputed fact that the population of the region has been living in ecologically unfavorable conditions for many years. Since the 1980s, the Aral Sea region has become a special ecological territory and an object of national and international law.

As the President of the Republic of Uzbekistan Sh.M. Mirziyoyev rightfully notes: “... at present, nature itself suggests that in order to take care of ourselves, we must first of all take care of nature”<sup>7</sup>. This statement can be assessed as a global strategic call to preserve and improve the environment not only for Uzbekistan or the Central Asian region but for the whole world.

International legal cooperation in the field of ecology and environmental protection in the world, including in the Aral Sea region, is actively developing thanks to the scientific research of scientists, and practical actions of the states of the region.

The search for ways to mitigate the detrimental effect of the drying up of the sea continues, as this important problem needs to be addressed immediately. The international community did not immediately come to the need to develop and adopt international documents on the regulation of ecology and environmental protection as a source for the conservation and provision of ecological balance on the globe.

It is advisable to analyze international documents (declarations, conventions, resolutions of the UN General Assembly, and other acts) in chronological order, which helps to understand how international cooperation in the field of ecology and environmental protection has developed, and our analysis adheres to this method. In the international legal regulation of environmental issues, first of all, they refer to the universal principles and norms enshrined in the UN Charter<sup>8</sup> and other international legal acts.

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<sup>6</sup> Kopylov M.N. Introduction to international environmental law. - M.: RUDN, 2007. - p. 54.

<sup>7</sup> Mirziyoyev Sh. New Uzbekistan strategy. - T.: Uzbekistan, 2021. - p. 386.

<sup>8</sup> Article 1-2. Charter of the United Nations // <https://www.un.org/ru/about-us/un-charter/chapter-1> (Accessed 03.03.2023).

The resolutions of the UN General Assembly in essence serve as a reflection of the customary norms of international law and therefore are binding on states<sup>9</sup>. For example, the Resolution of the UN General Assembly of 2021 (A / RES / 75/278) “Declaring the Aral Sea region a zone of environmental innovation and technology.” We are in solidarity with researchers who consider the resolutions of international organizations to be sources of public international law. For example, according to M. Khaitov, “UN resolutions also act as universal sources of international humanitarian law”<sup>10</sup>, also, domestic researcher Sh.N.Rakhmanov believes that such resolutions should be adopted within the framework of the founding act – the Charter of the United Nations<sup>11</sup>. We fully agree with the above-mentioned opinions of scientists, although this issue in the theory of public international law is still debatable. In any case, the UN resolution is the source of law according to the theory of international law.

Furthermore, an important international document in the field of ecology and environmental protection is the Universal Declaration of Human Rights, adopted in 1948, which is of a general nature. Environmental rights are part of social human rights. It should be especially emphasized that the declaration marked the beginning of the consolidation at the international level of civil, political, and social, including environmental and economic human rights and fundamental freedoms.

Article 3 of the Declaration states: “Everyone has the right to life”, Article 25: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services”, and in paragraph 3 of Article 27: “The exercise of these rights and freedoms shall in no case be contrary to the purposes and principles of the United Nations”<sup>12</sup>.

It should be noted that the main attention in the above norms of the Declaration is directed to the health and well-being of a person and his family. Undoubtedly, first of all, it is necessary to consider the life and health of a

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<sup>9</sup> Dikussar V.M. International legal problems of environmental protection. Abstract.... dis. d. jur. n. - M.: RAS Institute of State and Law, 2007. - P. 30.

<sup>10</sup> Khaitov M. Sources of International Humanitarian Law (Experience of the State of Central Asia) // Belarusian Journal of International Law and International Relations. Minsk, 2001. - No. 1. – p. 37.

<sup>11</sup> Rakhmanov Sh. N. Resolutions of international organizations: international legal and source analysis. Monograph. - T.: UWED, 2013. - P. 48.

<sup>12</sup> Universal Declaration of Human Rights. Adopted by resolution 217 A (III) of the UN General Assembly of December 10, 1948 // [https://www.un.org/ru/documents/decl\\_conv/declarations/declhr.shtml](https://www.un.org/ru/documents/decl_conv/declarations/declhr.shtml) (Accessed 03/15/2023)

person as an active individual in nature. Unfortunately, there are no environmental human rights in the contents of the declaration in open form. In our point of view, this can be explained by the fact that by the time the text of the Declaration was developed and adopted:

- firstly, environmental rights are not yet conceptualized and adopted at the international or domestic levels;

- secondly, the issue of the “human right to a favorable environment”, has not thoroughly studied properly, although it has existed in legal studies for a long time;

- thirdly, at the international level there was no practical rule-making in the field of ecology and environmental protection.

A scientific analysis of scientific works in this area has shown that there are different approaches to the issue of the existence of a separate category of environmental rights. L.G. Klyukanova points out that the question of the existence of an independent category of such rights as environmental rights still causes some discussion<sup>13</sup>. It is also noted that initially the human right to a favorable environment was not singled out as an independent category and was meant to be part of the right to life and the right to an “adequate standard of living”<sup>14</sup>. A number of authors still refer to the right to a favorable environment for social and personal rights<sup>15</sup>, and N.V. Kichigin to “soft law” (soft law)<sup>16</sup>.

We fully support the opinion of scientists that environmental law really refers to social and personal human rights, and in terms of legal force, it is soft law. A.P. Anisimov writes that it is advisable to declare only the rights to a favorable environment and designate all other environmental rights as means of

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<sup>13</sup> Klyukanova L. G. Ecological and legal status of the individual in the norms of the Constitution of the Russian Federation // Environmental Law of Russia. Collection of materials of scientific and practical conferences 2010-2019 In 4 vols. Vol. 4, seventh issue. 2018-2019: Textbook for universities / Edited by Honored Scientist of the Russian Federation, Corresponding Member of the Russian Academy of Education, Doctor of Law, Professor A. K. Golichenkov. Compiled by: A. K. Golichenkov, E. I. Efimova. - M.: Green Print Publishing House, Center for Legal Consultations, 2020. - P.73.

<sup>14</sup> Constitution of the Russian Federation: doctrinal commentary (article by article) / Ed. Yu. A. Dmitrieva. – M.: Delovoy Dvor, 2009. – P.102.

<sup>15</sup> Shateva S. The constitutional human right to a favorable environment and the mechanism for its implementation in the Russian Federation: Abstract of the thesis. dis. ... k. jur. n. M., 2003. - P.13; Constitution of the Russian Federation: doctrinal commentary (article by article) / Ed. Yu. A. Dmitrieva. – M.: Delovoy Dvor, 2009. – P.102.

<sup>16</sup> Kichigin N.V. Global environmental pact: from an ambitious idea to a draft international agreement // Ecological Law of Russia. Collection of materials of scientific and practical conferences 2010-2019 In 4 vols. V.4, issue seven. 2018-2019: Textbook for universities / Edited by the Honored Scientist of the Russian Federation, Corresponding Member of the Russian Academy of Education, Doctor of Law, Professor A. K. Golichenkov. Compiled by: A. K. Golichenkov, E. I. Efimova. - M.: Green Print Publishing House, Center for Legal Consultations, 2020. - P. 68.

its implementation or guarantee<sup>17</sup>. We do not fully agree with his position, because it is not clear which rights should be implemented and which should be guaranteed.

The book edited by E.A. Lukasheva states: "Environmental rights and freedoms are among the third generation – "collective" rights and freedoms of man and citizen"<sup>18</sup>, that their peculiarity lies in the fact that they can be realized not only by each individual personally but also by a community of people. Moreover, future generations of people can also be attributed to its composition. Thus, the right to a favorable environment is universally recognized as one of the fundamental human rights. It is also clearly provided for by various international documents<sup>19</sup>. In our opinion, the presence of specifics in international documents contributes to a more effective development of international cooperation in the field of ecology and environmental protection.

Consequently, the issues of ecology and environmental protection are enshrined not only in international legal documents but are also widely studied in the science of public international law. We support the opinion of A.E.Kadomtseva: "International legal norms relating to environmental protection are not aimed at preventing damage in general, but rather at limiting it to a level that can be considered tolerable"<sup>20</sup>.

It also seems appropriate to consider the issue of the legal force of the declaration, which is a universal international legal document in the field of human rights and contains norms of a recommendatory nature. Currently, its provisions have actually acquired legally binding force. It can be stated that the declaration has become a kind of fundamental legal basis, which corresponds to the Constitution of most countries of the world.

One should agree with V.A. Kartashkin, who cites the following information: "... at least 90 national constitutions adopted after 1948 contain a list of fundamental rights that either reproduce the provisions of the Declaration or are included in them under its influence"<sup>21</sup>. The provisions of the declaration

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<sup>17</sup> Anisimov A.P. The right of a person and a citizen to a favorable environment // Citizen and Law. - 2009. - No. 2. - P.72-80.

<sup>18</sup> General Theory of Human Rights / Ed. E. A. Lukasheva. – M.: Norma, 1996. – P.19, 147-151.

<sup>19</sup> Article 24 of the African Charter on Human and Peoples' Rights, signed at Nairobi in June 1982, proclaims: "All peoples have the right to a common satisfactory environment..." // <http://hrlibrary.umn.edu/russian/instree/Rz1afchar.html> (Accessed 03/18/2023).

<sup>20</sup> Kadomtseva AE International cooperation in the field of environmental protection and environmental safety. Bulletin of St. Petersburg University, 2014. Series 14, issue 4. - P.186.

<sup>21</sup> Kartashkin V.A. International Law (Chapter 9). Textbook. Ed. 2nd, revised. and additional / resp. ed. V. I. Kuznetsov, B. R. Tuzmukhamedov. - M.: Norma, 2007. - p. 944.

have acquired the force of international custom since they have been applied several times as generally binding legal norms. Currently, at least more than 150 countries of the world recognize in their constitutions the right to a healthy and favorable environment<sup>22</sup>, although 20 years ago their number did not exceed 60<sup>23</sup>.

The foregoing allows us to conclude that the human right to a favorable environment is considered a progressive institution (direction) of international law in the field of ecology and environmental protection, as well as national environmental law of the countries of the world.

We are in solidarity with the domestic researcher G. Yuldasheva, who emphasizes that the processes of globalization of modern life create favorable conditions for the development of international relations in the field of human rights<sup>24</sup>.

Also, we fully support the opinion of A.V. Kodolova, who notes: “Greenization has led to the realization by states, intergovernmental organizations and peoples of the need to raise environmental issues at the international level, to discuss ways to solve problems, to adopt international legal acts in this area, including international treaties that are binding on states. But it was precisely thanks to the processes of rapprochement between countries and peoples that environmental problems were raised to the planetary level”<sup>25</sup>.

In 1972, from June 5 to June 16, a conference was held in Stockholm, as a result of which the “Declaration on the Problems of the Human Environment” was adopted. Most researchers associate the direct allocation of environmental human rights with the decisions of the UN Stockholm Conference on the Environment in 1972<sup>26</sup>.

We agree with M.M. Brinchuk, who believes that “The modern ecological crisis was recognized in the world in the mid-1960s. The crisis is one of the

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<sup>22</sup>Gaps in international environmental law and environment-related instruments: towards global pact for the environment. UN General Assembly thirty-third session. Agenda item 14. Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences in the economic, social and related fields. 30 November 2018. P. 10 UnSecGenIELdraftReportDec2018.

<sup>23</sup>Techniques and Procedures in International Environmental Law. Programme of Training for the Application of Environmental Law. Course 3. UNITAR. 1997. P. 74.

<sup>24</sup>Yuldasheva G. Foreign policy of the new Uzbekistan and its features // ORIENSS. 2023. No. 2. URL: <https://cyberleninka.ru/article/n/vneshnyaya-politika-novogo-uzbekistana-i-ego-osobennosti> (date of access: 03/19/2023).

<sup>25</sup>Kodolova A. V. Environmental human rights in the documents of “soft” international law // Scientific Yearbook of the Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences. 2010. Issue. 10. - p. 448.

<sup>26</sup>Human rights as a factor in the strategy of sustainable development / Ed. ed. E.A. Lukashev. M.: NORMA, - 2000. - p.177-178.

keywords in the recent scientific lexicon, informing society and authorities about their state, warning about dangers and consequences, calling for purposeful action, and orienting towards a certain line of behavior in the relevant area. The Stockholm Conference adopted not only a declaration of principles for the behavior of the world community but also specific measures aimed at overcoming the ecological crisis”<sup>27</sup>.

It is significant to note that it was the Stockholm Declaration on the Human Environment that first proclaimed the human right to freedom, equality, and the necessary conditions of life in an environment whose quality makes possible a decent and prosperous lifestyle and bears the main responsibility to protect and improve the environment for current and future generations<sup>28</sup>.

We share the position of O.S. Kolbasov regarding the Declaration of the Stockholm Conference: “From the point of view of the law, the Declaration, like other decisions of the conference, is an international legal document that embodies the political agreement of the states, which does not have binding legal force, but expresses the moral and political guidelines recognized by the states”<sup>29</sup>.

It should be emphasized that the distinctiveness of the legal side of the declaration lies in the fact that it also proclaims the possibility of not only preserving the environment but also improving its condition<sup>30</sup>. Particularly famous was the 21st principle of the Declaration, which proclaims the rights and obligations of states to the resources under their jurisdiction, and also excludes damage to the environment<sup>31</sup>. The remaining principles of the Declaration strengthen the guarantees for the realization of environmental human rights.

Kazakh researcher G.S. Baykushikova emphasizes: “The principles established by the Declaration first took shape as a set of soft laws in the field of international conservation. Therefore, today this document is considered the

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<sup>27</sup>Brinchuk M.M. Crisis as a factor in the development of environmental law and social development // Ecological Law of Russia. Collection of materials of scientific and practical conferences 2010-2019 In 4 vols. Vol. 2, seventh issue. 2012, 2013: Textbook for universities / Edited by the Honored Scientist of the Russian Federation, Corresponding Member of the Russian Academy of Education, Doctor of Law, Professor A. K. Golichenkov. Compiled by: A. K. Golichenkov, E. I. Efimova. - M.: Green Print Publishing House, Center for Legal Consultations, 2021. - P. 13.

<sup>28</sup>Principle 1. Declaration of the UN Conference on the Human Environment, Stockholm 1972 // [www.un.org/ru/documents/decl\\_conv/declarations/declarathenv.shtml](http://www.un.org/ru/documents/decl_conv/declarations/declarathenv.shtml) (Accessed 03/05/2023).

<sup>29</sup> Kolbasov O.S. Section III. International environmental law // Selected. – M.: RGUP, 2017. – P. 464.

<sup>30</sup>Item 5. Declaration of the UN Conference on the Human Environment, Stockholm 1972 // [www.un.org/ru/documents/decl\\_conv/declarations/declarathenv.shtml](http://www.un.org/ru/documents/decl_conv/declarations/declarathenv.shtml) (Accessed 03/05/2023).

<sup>31</sup>Declaration of the UN Conference on the Human Environment, Stockholm 1972 // [www.un.org/ru/documents/decl\\_conv/declarations/declarathenv.shtml](http://www.un.org/ru/documents/decl_conv/declarations/declarathenv.shtml) (Accessed 03/05/2023).



source of international environmental law, although it was not legally binding on the countries that signed it at that time”<sup>32</sup>.

The international legal significance of the Stockholm Declaration of Principles as a source of international law in the field of ecology and environmental protection lies in the fact that it does not have a direct legal impact on international relations, is used as a starting point in a number of international agreements and transforms the legal basis of most decisions of international organizations into the sphere of ecology and environmental protection. One cannot but agree with A.V. Kodolova, who states: “A feature of international environmental law is the presence of a large number of recommendatory acts – charters, declarations and other documents adopted at international conferences, congresses, meetings, or international organizations that are not sources of international law on a formal basis – the absence of mandatory implementation”<sup>33</sup>.

More than fifty years have passed since the Stockholm Conference, and despite the measures taken by the international community, the environmental situation in the world continues to deteriorate. In the Final Act of the Conference on Security and Cooperation in Europe dated August 1, 1975, the protection and improvement of the environment, as well as the protection of nature and the rational use of its resources, are recognized as tasks of great importance for the well-being of peoples and the economic development of all countries of the European region<sup>34</sup>. It should be noted that the norms of this document concerning the issues of ecology and environmental protection are limited only to the European region.

Also, the adoption of the “World Charter of Nature of 1982”<sup>35</sup> can be considered a significant action for the recognition at the global level of the ecological human right to a favorable environment. The Preamble of the World Charter notes: “Humanity is part of nature and life depends on the continuous

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<sup>32</sup> Baykushikova G.S. Environmentalization of international relations// KazNU reporter. International Relations and International Law Series. 2011. – №1-2 (51-52). – p. 68.

<sup>33</sup> Kodolova A.V. Environmental human rights in the documents of "soft" international law // Scientific Yearbook of the Institute of Philosophy and Law of the Ural Branch of the Russian Academy of Sciences. 2010. Issue. 10. p. 446.

<sup>34</sup> Cooperation in the field of economy, science and technology and the environment. Section-5. Environment. Conference on Security and Cooperation in Europe Final Act. // [https://www.osce.org/files/f/documents/0/c/39505\\_1.pdf](https://www.osce.org/files/f/documents/0/c/39505_1.pdf) (Accessed 03/06/2023).

<sup>35</sup> World Charter for Nature. Adopted by General Assembly resolution 37/7 of 28 October 1982. // [https://www.un.org/ru/documents/decl\\_conv/conventions/charter\\_for\\_nature.shtml](https://www.un.org/ru/documents/decl_conv/conventions/charter_for_nature.shtml) (Accessed 02/19/2023).

functioning of natural systems”<sup>36</sup>. It also emphasizes: “Man must acquire the knowledge necessary to conserve and enhance his ability to use natural resources while conserving species and ecosystems for the benefit of present and future generations”.

The World Charter for Nature proclaims: “Nature must be respected and its basic processes not violated, refrain from activities that can cause irreparable damage to nature, control human activities that can have a harmful effect on nature, natural resources should not be wasted, but used in moderation” [35]. The study and analysis of the “World Charter for Nature” allow us to conclude that it lacks legal clarity in determining the control of human activity over nature.

It should be admitted that on the globe it is man who is the only living being who can use natural resources for his own needs. It does not require proof that only human existence, both individually and collectively, enters into a relationship with natural resources.

Another important international document is the Rio Declaration on Environment and Development dated June 14, 1992 (hereinafter referred to as the Rio Declaration). Researcher O. Krasnova rightfully believes that: “Reaffirming the fundamental principles enshrined in the Stockholm Declaration, the Rio Declaration supplements the model of international environmental law with additional elements”<sup>37</sup>.

A distinctive legal feature of the Rio Declaration is that it improves the provisions of previous international documents, emphasizes the forthcoming actions of the international community in the field of sustainable development, but does not remain without attention to the issues of rational use and improvement of the environment. The role and participation of women in this process are separately fixed<sup>38</sup>.

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<sup>36</sup> Principles 10-11. World Charter for Nature. Adopted by General Assembly resolution 37/7 of 28 October 1982. // [https://www.un.org/ru/documents/decl\\_conv/conventions/charter\\_for\\_nature.shtml](https://www.un.org/ru/documents/decl_conv/conventions/charter_for_nature.shtml) (Accessed 02/19/2023).

<sup>37</sup> Krasnova O. Modern trends in the development of international environmental law // Environmental Law of Russia. Collection of materials of scientific and practical conferences 2010-2019 In 4 vols. T.4. Seventh issue. 2018-2019: Textbook for universities / Edited by the Honored Scientist of the Russian Federation, Corresponding Member of the Russian Academy of Education, Doctor of Law, Professor A. K. Golichenkov. Compiled by: A. K. Golichenkov, E. I. Efimova. - M.: Green Print Publishing House, Center for Legal Consultations, 2020. - P. 86.

<sup>38</sup> Principle 20. Rio Declaration on Environment and Development 1992 // [www.un.org/ru/documents/decl\\_conv/declarations/riodecl.shtml](https://www.un.org/ru/documents/decl_conv/declarations/riodecl.shtml) (Accessed 03/06/2023).

The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters of 25.06.1998 (Aarhus Convention) confirm the need to improve the state of the environment. Improvement of the environment is included in the range of human responsibilities – both individual and joint with other people for the benefit of present and future generations<sup>39</sup>.

It should be noted that among the republics of the former USSR, Russia, and Uzbekistan have neither ratified nor signed the convention. In our opinion, the main reason why states refuse to ratify environmental conventions is economic costs. According to the Aarhus Convention Compliance Committee, there are countries that do not comply with the rules of this convention. For example, article 4 “Access to environmental information”<sup>40</sup>.

We fully agree with I.P. Dudykina, who states that “the Convention establishes the basic standards for public participation in resolving issues related to the preservation of the environment”<sup>41</sup>.

Legal characterization of the Convention is determined by the fact that it was developed and adopted within the framework of the Economic Commission for Europe, which is a regional commission of the United Nations, according to paragraph 3, Article 19 is open for signing by all UN member states, but with the consent of the institutional body provided for by the Convention - the Meeting of States Parties to the Convention

The Millennium Declaration of 8 September 2000 enshrined a special section IV “Protection of our common environment”. This section notes that respect for natural resources as one of the main values will be important for international relations in the 21st century. The international community will adhere to a new ethic of a careful and responsible attitude to nature<sup>42</sup>. According to the UN Secretary-General Ban Ki-moon: “The Millennium Development Goals have lifted more than a billion people out of poverty and made huge strides in the fight against hunger, but he also noted with regret that progress has

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<sup>39</sup> Introductory part. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters [Aarhus Convention] // [https://www.un.org/ru/documents/decl\\_conv/conventions/orhus.shtml](https://www.un.org/ru/documents/decl_conv/conventions/orhus.shtml) (accessed 03/06/2023).

<sup>40</sup> Kazakhstan, Armenia, Romania, Belarus, Spain // Practice of the Aarhus Convention Compliance Committee (2004-2014). Third edition / Ed. A. Andrushevich, S. Kern, Z. Kozak. - Lviv: RAC "Society and Environment", 2016. - 32-34 p.

<sup>41</sup> Dudykina I. P. Aarhus Convention: Russian and foreign doctrinal assessments. MZHMP, 2018. - No. 4. – P.99.

<sup>42</sup> Item 6, 23, United Nations Millennium Declaration. Adopted by General Assembly resolution 55/2 of 8 September 2000. // [www.un.org/ru/documents/decl\\_conv/declarations/summitdecl.shtml](https://www.un.org/ru/documents/decl_conv/declarations/summitdecl.shtml) (Accessed 02/26/2023).

not touched everyone, too many people have been left behind, especially among the poorest and most vulnerable due to gender, age, disability, ethnic origin or geographic location”<sup>43</sup> [42]. The foregoing allows us to conclude that in the 21st century, the concept of greening and issues of environmental protection are increasingly recognized in international public law.

Within the framework of international cooperation, organizational and legal measures are being taken to improve the environmental situation in the world. As we noted, during the period of formation and development of international cooperation in the field of ecology and environmental protection, the stages of solving problems were not the same. In some cases, the international community offered only preservation, and in other cases, in a complex way, the preservation and improvement of the environment, not only for the present but also for the future generation.

Thus, it can be noted that the progressive development of international rule-making in the field of ecology and environmental protection has led to the enrichment of international public law with new principles and norms enshrined in international agreements on the environmental direction and documents of a recommendatory, but not legally binding nature.

In our opinion, the adoption by the international community of the above-mentioned international documents seems to be a very important direction for improving international rule-making in the field of ecology and environmental protection at the global level. It is vital to take into account the fact that in all international documents, the subject of the right to a favorable environment is recognized as a person, both of the present and future generations.

Rational use and conservation of natural resources on the globe for future generations fully depends on the reasonable approach of the human individual. A vivid example and proof of the irrational use of natural water resources by mankind is the drying up and death of the Aral Sea. As a result, first in the Central Asian region, then gradually on the planet, the Aral problem arose.

Taking into account the postulate “from the general to the particular”, humanity needs to remember that the surrounding nature and human existence are closely interconnected, people are born, and the world is changing. Therefore, taking into account the opinions of various scientists, and analyzing

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<sup>43</sup> The UN summed up the final results of achieving the Millennium Development Goals. // <https://news.un.org/ru/story/2015/07/1266671> (Accessed 04/02/2023).

the norms of international legal sources in the field of ecology and environmental protection, it can be assumed that the drying up of the Aral Sea has become a global environmental disaster on the globe. Creating favorable conditions for the population to live in this region is a common problem for the entire world community. Despite the complexity of the problem, the international community is taking action. In November 2018, under the auspices of the UN, the Multi-Partner Trust Fund for Human Security for the Aral Sea region was created, Uzbekistan and Kazakhstan are successfully continuing work to mitigate the detrimental effects of the drying up of the Aral Sea.

International legal cooperation in the field of ecology and environmental protection in the Aral Sea region is a new approach to the practice and science of public international law. The Aral catastrophe can serve as in the following:

- firstly, as a model and practical experience for the prevention and prevention of other similar environmental problems on the planet;
- secondly, as an example of what humankind's mistakes cost in the rational use of water resources;
- thirdly, the necessary opportunity to unite the entire world community in the field of ecology and environmental protection in the Central Asian region.

Thus, based on the analysis of international legal documents in the field of ecology and environmental protection, the author concludes that the international community and humanity should not stop at the successes that have been achieved, on the contrary, joint strategic actions and efforts should be continued. Every inhabitant of the Earth is obliged to protect our planet. In this way can the number and size of alleged natural environmental disasters in the world be prevented and reduced.

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