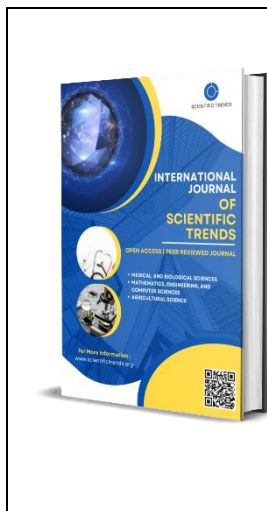


# The Importance of International Legal Norms in Qualifying Crimes in the Field of Ecology

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## Abstract

This article analyzes the significance of international legal norms in qualifying crimes in the environmental field. The influence of international conventions and agreements on national legislation, as well as their role in qualifying environmental offenses, is examined. The author emphasizes the importance of integrating international standards into national environmental legislation and highlights their role in effectively combating environmental criminality. Additionally, the article substantiates the necessity of studying international documents and aligning them with national legislation.

**Keywords:** Environmental crimes, international legal norms, legislation, qualification, environmental protection, international conventions, criminal liability.

## Introduction

The harmony between humans and nature, as well as the disruption of this balance, has led to the escalation of various environmental issues across the globe. These include global climate change, air pollution, the depletion of the ozone layer, desertification and land degradation, water pollution and scarcity, a decline in natural resources, and an increase in waste. According to a report by the United Nations Environment Programme (UNEP), the world is on the brink of disaster due to global warming. In 2021 and 2022, greenhouse gas emissions rose by 1.2%, reaching a new record high<sup>1</sup>. Ninety-two percent of the global population lives in areas where air pollution levels exceed the standards set by the World Health Organization (WHO), with up to 7 million deaths annually attributed to pollution<sup>2</sup>. Access to drinking water remains a pressing global issue, with predictions indicating a 40% gap between water demand and supply by 2030<sup>3</sup>.

In the global context, the situation in the Aral Sea region stands out as one of the most severe environmental challenges in Central Asia. Today, strong winds lift toxic salts and dust from the dried bed of the Aral Sea, posing serious health risks to the population, including chronic blood disorders, respiratory diseases, kidney problems, gastrointestinal and cardiovascular conditions, gallstones, cancer, and other illnesses.

<sup>1</sup> Broken Record Temperatures hit new highs, yet world fails to cut emissions (again). Emissions Gap Report 2023. <https://wedocs.unep.org/bitstream/handle/20.500.11822/43922/EGR2023>.

<sup>2</sup> Новости ООН//Глобальный взгляд Человеческие судьбы. <https://news.un.org/ru/story/2021/10/1411502>

<sup>3</sup> <https://xs.uz/post/global-ekologik-muammolar-barqaror-taraqqiyotga-katta-tahdid-solmoqda-buning-oldini-olish-uchun-nima-qilish-kerak>.

For the Republic of Uzbekistan, where 80% of the territory comprises deserts and semi-deserts, combating global warming, desertification, and drought is a top priority for ensuring sustainable development. Environmental crimes differ from crimes in other spheres in that their qualification is a complex legal phenomenon.

All environmental crimes (Articles 193–204 of the Criminal Code) are blanket dispositions. This means that criminal law does not independently define the concept or characteristics of environmental crimes but instead refers to the laws or regulatory documents adopted in this field. Environmental legislation differs from other legal norms in that it regulates ecological relationships by combining natural laws with state laws. It also includes over 5,000 regulatory standards and technical norms alongside laws, decrees, resolutions, and regulations. The use of specific ecological terms and concepts in the Special Part of the Criminal Code (Articles 193–204) necessitates studying relevant laws and regulatory documents to properly understand and qualify environmental crimes.

The legal foundation for ensuring environmental safety in Uzbekistan is established by the Constitution, universally recognized principles and norms of international law, international treaties, presidential decrees and resolutions, the 2022–2026 Development Strategy of the New Uzbekistan, and regulatory documents issued by state committees and agencies<sup>4</sup>. Uzbekistan's Concept of Environmental Protection for the Period Until 2030, adopted on October 30, 2019 (Decree No. PF-5863), outlines the priority directions of state policy in the field of environmental protection<sup>5</sup>.

International environmental cooperation plays a crucial role in protecting the environment.

This involves a wide range of measures, such as drafting international agreements and conventions on nature protection, developing and monitoring compliance with international environmental standards, addressing global and regional environmental issues collectively, conducting scientific research, and organizing international conferences.

Over 300 international agreements on environmental protection exist globally<sup>6</sup>. As an independent subject of the international community, Uzbekistan has joined the following conventions and signed treaties in the field of ecology<sup>7</sup>:

- The Vienna Convention for the Protection of the Ozone Layer (May 18, 1993)
- The Montreal Protocol on Substances that Deplete the Ozone Layer (May 18, 1993)
- Amendments to the Montreal Protocol (May 1, 1998)
- The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)

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<sup>4</sup> Ўзбекистон Республикаси Президентининг «2022 — 2026 йилларга мўлжалланган янги Ўзбекистоннинг тараққиёт стратегияси тўғрисида»ги 28.01.2022 йилдаги ПФ-60-сон фармони [Электрон манба]. URL:<https://lex.uz/docs/5841063>.

<sup>5</sup> «2030 йилгача бўлган даврда Ўзбекистон Республикасининг атроф муҳитни муҳофаза қилиш концепцияси» Ўзбекистон Республикаси Президентининг 2019 йил 30 октябрдаги ПФ-5863-сон Фармони [Электрон манба]. URL: <https://lex.uz/docs/4574008>.

<sup>6</sup> Дворецкий М.Ю., Краснослободцева Н.В. Уголовно-правовые проблемы борьбы с экологическими преступлениями: понятие, общая характеристика и виды. Вестник ТГУ, выпуск 2 (6), 2016. С.62.

<sup>7</sup> Ўзбекистон Республикаси Давлат экология ва атроф-муҳитни муҳофаза қилиш қўмитасининг тарихи [Электрон манба]. URL: <https://uznature.uz/yz/site/page?numer=103> (мурожат этилган вақт 5.05.2024).

- The Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) (May 26, 1993)
- United Nations Framework Convention on Climate Change and the Kyoto Protocol (1999)
- The United Nations Convention to Combat Desertification (UNCCD) (August 31, 1995)
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (December 22, 1995)
- Convention on Biological Diversity (June 5, 1995)
- The Ramsar Convention on Wetlands of International Importance (August 30, 2001)
- Paris Agreement on Climate Change (April 19, 2018), among others.

Studying international documents is essential for the qualification of environmental crimes. International conventions and agreements serve as key criteria for improving national legislation. By applying international standards and legal norms, Uzbekistan can enhance the effectiveness of identifying environmental violations and establishing accountability.

Environmental crimes are a significant issue not only nationally but also internationally. Environmental damage transcends borders and requires coordinated global action. Therefore, the study and application of international legal norms are critical in qualifying environmental crimes. International conventions, such as the Kyoto Protocol to the UN Framework Convention on Climate Change, the Paris Agreement, and the Basel Convention, set general standards for addressing environmental violations. Reflecting international norms in Uzbekistan's environmental legislation ensures that national laws align with international requirements and creates effective mechanisms to prevent environmental crimes.

By studying international practices, it is possible to properly qualify environmental crimes, establish clear accountability, and refine mechanisms for legally prosecuting offenders. This not only ensures environmental safety but also contributes to achieving sustainable development goals.

Thus, national legislation on environmental crimes must align with international standards. Such an approach will strengthen Uzbekistan's environmental policy and enhance international cooperation in addressing global environmental challenges.