

D. Umarov
Teacher of TSIL

LEGAL REGULATION OF PROTECTION OF THE NATURALS RESERVES OF THE REPUBLIC OF UZBEKISTAN IN CONDITION OF MARKET ECONOMY

The Republic of Uzbekistan takes a special place in global ecological processes and is one of the unique territories of the world in the field of a biodiversity. Practically, its reserved territories not touched with economic activities represent extreme value for all mankind. Protected natural territories of the Republic of Uzbekistan with their natural riches are the deterrent of global ecological crisis. It is strategically important to provide preservation of these territories creating favorable conditions of steady development of the country and protection of the surrounding natural environment.

The strategic aim of a state policy in the field of protection of the surrounding natural environment, is preservation of natural ecological systems and natural complexes, maintenance of their integrity and life-supporting functions.

One of the primary goals in sphere of preservation and restoration of ecological systems and natural complexes is creation and development of protected natural territories, natural-reserved fund of the Republic of Uzbekistan.

Until recently the term " especially protected natural territories " was not used neither in the special literature, nor in the legislation. The terminology including a word "reserved", what not always adequately essence of the status and mode of similar territories was usually used reflected, causing disputes among experts. Therefore introduction in a scientific revolution and partly in the legislation of the term " especially protected natural territories " was in essence attempt to unit under this name all categories of natural complexes and the objects taken under special protection of the state (far from being always finding room in traditionally understood formula reservations).

The existing system of protected natural territories, forming natural-reserved fund of the Republic of Uzbekistan is result of long-term nature protection activity of scientists, the public and authority.

Though in all territory of the state the uniform, general legal regime of the use of nature reserves, environmental protection and separate natural resources is established basically, some territories and objects have a special legal regime. The law of the Republic of Uzbekistan "On the protected natural territories" from 03.12.2004 years allocates the state natural reserves among such objects.

For today the system of protected natural territories of Uzbekistan includes nine national reservations the total area of 2164 kms².

B.V.Erofeev opens concept of a legal regime of the grounds especially protected natural territories as the system consisting of objects of nature protection, natural-reserved, improving, recreational, historical and cultural assignment and especially valuable grounds.

Protected natural territories, namely reserves have received the greatest concrete definition in the Law of the Republic of Uzbekistan "About environmental protection" and the Law of the Republic of Uzbekistan "On the protected natural territories".

In the Republic of Uzbekistan the most traditional form of the territorial environmental protection having priority value for preservation of a biological variety, are the state natural reserves. The system of national reservations as standards of not broken natural territories is a subject of

the deserved pride of a national science and nature protection movement of Uzbekistan. The network of reserves was created within many decades.

According to the current legislation of the Republic of Uzbekistan the state natural reserves concern to protected natural territories where monitoring ability to live of the wild nature is constantly conducted, preservation of a landscape, protection rare and endemic kinds of animals and plants naturally, are created opportunities of their duplication in other natural territories.

In territory of national reserves is forbidden any activity, except of research activity and conducting monitoring of the surrounding natural environment.

In the national reserves carrying out of fire-prevention actions is supposed.

In the territory of national reserves and their security zones installation of new kinds and subspecies of alive organisms is forbidden with the purpose of their acclimatization.

Stay in territory of national reserves the citizens who are not being workers of national reserves or the state bodies in which conducting they are, supposed at presence sanctions of these bodies or administration of national reserves.

The Earth, waters, bowels, vegetative and the fauna, taking place on territories of the state natural reserves, are given in using (possession) to the state natural reserves on the rights, in the order established by the law.

The property of the state natural reserves is a state ownership.

Buildings, constructions, historical and cultural and other objects of the real estate are assigned by the state natural reserves on the right of operative management.

Withdrawal or other discontinuance of the rights to the ground areas and other natural resources which are included in the state natural reserves are forbidden.

Natural resources and immovable of the state natural reserves are completely withdrawn from a revolution (cannot be alienated and pass from one person to another different ways).

Regulations about concrete state natural reserve, its status affirm body, the Cabinet.

The following tasks are assigned to the state natural reserves:

a) Realization of protection natural territories with a view of preservation a biological variety and maintenance in a natural condition of protected natural complexes and objects;

b) The organization and carrying out of scientific researches, including conducting the Annals of the nature;

c) Realization of ecological monitoring within the framework of nation-wide system of monitoring of the surrounding natural environment;

d) Ecological education;

e) Participation in the state ecological examination of projects and circuits of accommodation of economic and other objects;

f) Assistance in preparation of the scientific staff and experts in the field of protection of the surrounding natural environment.

Scientific researches in national reserves are realized by regular science officers. On a contractual basis can be involved other scientific organizations and experts.

In national reserves are created scientific advice.

In national reserves conducting monitoring of the surrounding natural environment is obligatory.

Results of research activity in the national reserves, received due to means of the State budget of the Republic

of Uzbekistan and funds of environmental protection, are the property of the state.

The scientific information on a condition of natural objects and complexes of national reserves is subject to the publication. National reserves can have own printed editions.

Scientific funds of national reserves are subject to termless keeping.

Coordination of scientific researches of national reserves is carried out with the Academy of sciences of the Republic of Uzbekistan.

The order of scientific research of national reserves is determined on the page 13 Laws of the Republic of Uzbekistan " On the protected natural territories " where it is established, that reserves are formed by the decision of the Cabinet of the Republic of Uzbekistan and bodies of the government on places in the order stipulated by the legislation.

Reorganization of reserves is made if necessary changes of their categories. Thus translation of protected natural territory from a category with more strict mode in a category with less strict mode is supposed in unusual cases.

The discontinuance of functioning of reserves is made after expiry of the term on which they have been organized, and also at loss of value and uniqueness of their natural objects and complexes as a result of acts of nature and actions technical character.

On adjoining to territories of the state natural reserves sites of the ground and water space are created security zones with the limited regime of nature management.

In territory of the state natural reserve is forbidden any activity contradicting to tasks of the state natural reserve and a regime special protection of its territory, established in regulations about the given state natural reserve.

In territories of the state natural reserves are allowed actions and the activity, directed on:

- a) Preservation in a natural condition of natural complexes, restoration and prevention changes of natural complexes and their components as a result of man's impact;
- b) Maintenance of the conditions, providing sanitary and fire-prevention safety;
- c) Prevention of the conditions, capable to cause the acts of nature disaster to a life of people and settlements;
- d) Realization of ecological monitoring;
- e) Performance of research tasks;
- f) Conducting ecologic-educational work;
- g) Realization of control-supervising functions.

Ecologic-educational activity of reserves, being the basic means of education of ecological culture, is called to form, first of all, at wide layers of the Russian society understanding of a modern role of especially protected natural territories in preservation of a biological and landscape variety as bases of biosphere, and also their place in social and economic development of regions. It should provide effective public support of the state natural reserves as objects of national property.

In the state natural reserves can be allocated sites on which excluding any intervention of the person in natural processes .

The sizes of these sites are defined proceeding from necessity of preservation of all natural complex for a natural condition.

On specially allocated sites of partial economic use which are not including especially valuable ecological systems and objects for the sake of preservation which was created the state natural reserve, activity which is directed on simplification functioning of the state natural reserve and

ability to live of the citizens, living in his territory is supposed, and is carried out according to the authorized individual regulations about the given state natural reserve.

The state natural reserves are legal persons who have no extraction of the profit as the purpose of the activity, that is the noncommercial organizations and are created in the form financed due to means of the federal budget of nature protection establishment.

The state natural reserves dispose in the established order of the following means:

From the scientific, nature protection, advertising - publishing and other activity which is not contradicting to tasks of the state natural reserves;

On account of compensation of the damage caused to natural complexes and objects, located in territories of the state natural reserves;

From realization of the instruments of hunting confiscated in the established order, fishery and production of illegal environmental protection;

In the order of gratis aid and charitable payments.

The penalties imposed administratively for ecological offences, collected under decisions of officials of the state natural reserves, act in the independent order of the state natural reserves and are taken into account on separate balance.

The state natural reserves use the tax privileges established for them by the legislation of the Republic of Uzbekistan.

Among reserves the law specially allocates biospheric reserves. The status of the state natural biospheric reserves the state natural reserves which are included into the international system biospheric reserves, carrying out the global ecological monitoring.

To territory of the state natural biospheric reserves with a view of carrying out of scientific researches, ecological monitoring, and also approbation and introduction of methods of the rational environmental protection which is not destroying surrounding natural environment and not depletion biological resources, can be attached territories of biospheric ranges, including with the differentiated regime special protection and functioning.

In territory of the state natural reserve is forbidden any activity contradicting to tasks of the state natural reserve and a regime special protection of its territory, including:

- The actions, changing a hydrological regime of the grounds;
- Prospecting works and development of minerals, infringement of a soil cover, shows of minerals and outcropping of rocks;
- Cabins of the main using, preparation dip, wood juices, herbs and technical raw material, and also other kinds of forest management, except for the cases stipulated by the present Position;
- Mowing, depasturage cattle, accommodation of beehives and apiaries, gathering and preparation of wild-growing fruits, berries, mushrooms, nuts, seeds, flowers and other kinds of using flora, except for the cases stipulated by the present Position;
- Construction and accommodation of the industrial and agricultural enterprises and their separate objects, construction of buildings and constructions, roads and overpasses, electricity and other communications, except for necessary for maintenance of activity of reserves;
- Trade, sports and amateur hunting, other kinds of using fauna, except for the cases stipulated by the present Position;
- Institution of the plants and animals with the purpose

of their acclimatization;

– Application of mineral fertilizers and chemical means of protection of plants;

– An alloy of a wood;

In territories of the state natural reserves shooting (catching) of animals in scientific and regulation of the purposes is supposed only under the sanction of the state bodies in which conducting reserves.

Protection of natural complexes and objects in territory of the state natural reserve is carried out by special state inspection on protection of territory of this reserve.

The state natural reserves independently dispose of own means received:

– From the scientific, nature protection, advertising – publishing and other activity which is not contradicting to tasks of the state natural reserves;

– On account of compensation of the damage caused by legal and physical persons to natural complexes and objects, located in territories of the state natural reserves;

– From realization of the instruments of hunting confiscated in the established order, fishery and production of illegal environmental protection;

– In the order of gratis aid and charitable payments.

The penalties imposed administratively for ecological offences, collected under decisions of officials of the state natural reserves, act in the independent order of the state natural reserves and are taken into account on separate balance.

Conclusions and offers

In the view of global and post Soviet experience it is necessary to note necessity and common planetary value of a reserved affair, to discuss a modern condition of a reserved affair in Uzbekistan and to correct prospects of its development. In our opinion, it is expedient to discuss the following questions and to include them in the basic documents determining prospects of a reserved affair.

1. Necessity and an opportunity of increase in number of categories and subcategories state PNT (protected natural territories) and specifications of their regime and functions, reduction more full consent with classification IUEP (the International union of environmental protection).

2. Expediency of inclusion in nation-wide nature protection system available departmental PNT (wood, ichthyologic, hunting, water and others with preservation of their departmental belonging.

3. Opportunities of wide development in Russia private PNT of a various level, the status and a belonging, with granting corresponding tax privileges.

4. Necessity creation of the differentiated control system of reserves of Uzbekistan, with concentration of management of objects of a republican level in proxy and independent governmental body, departmental - in structures of the corresponding organizations, regional and local - in special structures of the state bodies.

5. Expediency of development of a methodical basis, unitized design the main mechanisms of the organization and functioning of all PNT, and keeping regional and departmental independence PNT in the decision of the problems assigned to them.

6. Necessity of system engineering of the legal, economic and technological mechanisms, allowing to combine in all types PNT, except for the state natural reserves, environmental protection with nature management without damage to nature protection functions of PNT.

The main conclusion which we should make, - acknowledgement of extreme necessity of existence and

development of system PNT and inadmissibility of its easing on time tactical reasons, substitutions nature protection false economic arguments. This conclusion cannot be counted new, but in conditions of developing in the Republic of Uzbekistan it is necessary to repeat persistently, basing on global experience of effective functioning PNT which should be studied and analyzed deeply.

Резюме

В вводной части статьи рассматриваются проблемы сохранения, развития, восстановления практически, не тронутые хозяйственной деятельностью её заповедных территорий, которые представляют собой чрезвычайную ценность для всего человечества в условиях рыночной экономики.

В основной части статьи автор раскрывает понятие охраняемых природных территорий Республики Узбекистан, которые с их природными богатствами являются сдерживающим фактором глобального экологического кризиса. В работе обращается внимание на стратегически важную проблему в данной сфере – обеспечение сохранения этих территорий, создающих благоприятные условия устойчивого развития страны и охраны окружающей природной среды в целом.

В заключении, автор отмечает, что стратегической целью государственной политики в области охраны окружающей природной среды, является сохранение естественных экологических систем и природных комплексов, поддержание их целостности и жизнеобеспечивающих функций. Также в работе указываются проблемы в данной сфере, выводы и предложения по решению указанных проблем.