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## **THE IMPORTANCE OF INTERNATIONAL LEGAL COOPERATION OF CENTRAL ASIAN STATES IN THE FIELD OF ECOLOGY AND ENVIRONMENTAL PROTECTION IN THE ARAL SEA REGION**

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### **ABSTRACT**

In the article, the author analyzes the importance of international legal cooperation of Central Asian states in the field of ecology and environmental protection in the Aral Sea region, and considers the issue of using the term Central Asia in research. The author believes that this terminology has deep traditions and its use simplifies the process of scientific study of the region. There is an argument that that international legal cooperation in this region in the field of ecology and environmental protection will have a positive impact on the process of maintaining and strengthening mutual trust and stability in this continent of the earth's planet.

### **KEYWORDS**

Middle Asia; Central Asia; international legal cooperation; ecology and environmental protection; Aral Sea; Aralkum; Aral tragedy.

### **INTRODUCTION**

The deterioration and aggravation of the environmental situation due to the drying up of the Aral Sea at the end of the twentieth century urgently required the establishment and intensification of international legal cooperation between the Central Asian states in the field of ecology and environmental protection. It should be noted that at present the problem noted both in science and in the practice of public international law is not new and has not cooled

down. All states in the region develop and implement independent, fair environmental domestic and foreign policies, and also conduct international legal cooperation at the bilateral, regional and global levels.

### **THE MAIN RESULTS AND FINDINGS**

We believe that the main reason for the current environmental crisis in the Central Asian region, associated with the drying up of the Aral Sea, is the

unjustified economic activities of administrative management in the past, and climate change remains controversial. For climate change on the globe began to be recognized in the early 90s of the last century - after the Aral Sea dried up.

As D.I. Garafova, a researcher in this field, rightly notes: “For the first time, the world community officially recognized at the highest level the existence of the problem of anthropogenic impact on climate change on the Earth at the UN Conference on Environment and Development, held in 1992 in Rio de Janeiro” [1].

Scientists have proven that climate change is the result of increased concentrations of greenhouse gases in the atmosphere. Based on the above opinions of scientists, it can be assumed that there is no causal connection between climate change on earth and the drying out and death of the Aral Sea.

Previously, the term Central Asia and Kazakhstan was used until 1993. It should be noted that in the Encyclopedia Britannica there is no distinction between the concepts of “Central Asia” and “Central Asia” and both concepts are interpreted as “Central Asia” [2].

With the collapse of the USSR and the formation of the Commonwealth of Independent States (CIS), a new period began in the history of sovereign republics in what is now Central Asia. On January 4, 1993, a meeting of the heads of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan took place in Tashkent. The parties agreed to establish closer cooperation in the economic and humanitarian fields and decided to abandon the use of the term “Central Asia and Kazakhstan” to designate their region, moving to the concept of “Central Asia” accepted in the West [3]. What served as the basis for the formation of a new political region in international relations and the entry

into scientific circulation of a new term? The unexpected collapse of the former union and an unexpected environmental problem in this continent of the world - the drying up of the Aral Sea - led to the unification of the Central Asian states in solving the environmental problems of the region.

In our opinion, the emergence of this regional cooperation in modern international relations consisting of five states can be assessed as a specific international legal mechanism for solving pressing problems in the Central Asian region. The universal international organization - the United Nations, in paragraph 3 of Article 1 of the Charter, approved the norm “Implementation of international cooperation in resolving international problems.” Based on this article of the Charter of the United Nations, it can be stated that this norm calls on the states of Central Asia to unite in solving environmental problems in the region and to implement international cooperation. Another important point of the United Nations Charter is the absence of rules regarding environmental protection in it.

The absence of norms and provisions in the principles and purposes of the Charter of the United Nations on the prevention of environmental crises, conservation and improvement of natural resources and sustainable development can be explained as follows: firstly, then the primary task of the United Nations was considered to be the maintenance of peace and security, Secondly, in 1945, humanity and the international community did not have the problem of realizing the need to protect the environment at the regional and global level

According to M.A. Sarsenbaev, “before the territories of these countries were annexed to the Russian state, they, together with Afghanistan and Persia (Iran), constituted the region of Central Asia” [5]. We completely agree with his statement; indeed, at that

time, the above-mentioned states were also part of Central Asia, but currently this regional cooperation includes only the Republic of Uzbekistan, Turkmenistan, Kyrgyzstan, Tajikistan and Kazakhstan.

Buraev A.I. proposes: “to preserve the terms Central and Central Asia in their traditional meaning for Russian science, uniting these two different historical and geographical areas under the name Inner Asia.” We do not support his proposal that the term “Central Asia” has long been considered public. The transition to environmentally sound and sustainable development is a priority direction for the development of the Central Asian republics. The states of the region have ratified and signed a significant number of international conventions, declarations and agreements to strengthen environmental protection activities and improve the ecosystem in the territories of their countries.

It should be noted that this problem - the Aral tragedy in international arenas has been raised more than once by the Republic of Uzbekistan. In fact, the Aral tragedy and its disastrous consequences have long acquired planetary status. Speaking from the rostrum of the General Assembly of the United Nations, the President of the Republic of Uzbekistan Sh.M. Mirziyoyev has repeatedly notified the international community and the whole world about the death of the Aral Sea and dwelled in detail on the impact of negative consequences. In particular, he emphasized: “Pointing to the acute environmental situation and the intensification of the triple planetary crisis caused by climate change, loss of biodiversity and environmental pollution, Central Asia is becoming one of the most vulnerable regions to climate change. The efforts undertaken by Uzbekistan to eliminate the consequences of the Aral tragedy, data on the negative impact of climate change in our region and the downward trend in water availability were presented”

[6]. Analyzing the opinion of the President of our country on the issues of the Aral tragedy, in our opinion we can give the following assessment:

firstly, he calls for increased attention of the international community, as well as the inhabitants of the globe, to issues of the environmental situation on the globe;

secondly, it reminds us of the negative consequences of climate change and its impact on the health of people of the current and future generations;

thirdly, he emphasizes that the main region suffering from climate change and the drying up of the Aral Sea is currently the countries of Central Asia;

fourthly, it informs the international community and the whole world about the active measures taken by the Republic of Uzbekistan to eliminate and mitigate the consequences of the Aral tragedy, as well as about the actions taken to solve environmental problems and environmental protection not only at the regional but also at the global level.

We consider it appropriate to dwell on the 78th session of the United Nations General Assembly, held on September 19-20, 2023, where all heads of state of Central Asia spoke. In their speeches, the heads of state of the region really emphasized the ecological state of our planet, climate change, the emphasis was mainly on our region, and the strengthening and development of regional international cooperation was noted as a priority, but none of them took the opportunity to raise The Aral tragedy from the world platform [7].

When we analyze the speeches of the heads of state of Central Asia at the 78th session of the United Nations General Assembly, we can come to the conclusion that our republic, Uzbekistan, is the initiating state and

driver in solving environmental problems at the regional and global levels, as well as the Aral tragedy. From a demographic point of view, the population of the Republic of Uzbekistan suffers most from the situation in the Central Asian states. According to the latest statistics, if the population of the region is about 80 million, more than 36 million of them belong to the Republic of Uzbekistan, and the annual increase in the birth rate is almost a million people [8]. The current ecological state in the region obliges residents to be aware of the situation, change their attitude towards natural resources, and think about the life and health of the current and future generations. The severity of the problem of providing the population of the region with drinking water practically does not decrease and remains central to the life and health of residents.

It should be noted that in scientific international legal and political studies there is no single definition and approach to international legal cooperation of the Central Asian states in the field of ecology and environmental protection in the Aral Sea region. When studying this issue, we should identify the need for international cooperation, their international legal basis, as well as their value for further stimulation. Everyone knows that recently in the scientific political and legal literature such concepts as “international cooperation”, “international environmental cooperation”, “international environmental policy”, “international legal cooperation” and “international legal cooperation in the field of environmental protection” and the like.

In our point of view, there are some inaccuracies in these concepts and terms, since they do not fully cover the issues of foreign policy and international legal activities of states in the field of ecology and environmental protection. Important points should also be taken into account here: firstly, if we are talking about cooperation between states, then the number

of participating states must be at least two, secondly, they are obliged to cooperate to solve a specific problem, and thirdly, a legal document must be drawn up document agreement indicating the specific rights and obligations of the participating states with a deadline for execution.

According to M.M. Bakhadirov, who studied this problem from the point of view of political science, states: “International cooperation in the field of solving environmental problems, in particular the problems of the Aral Sea, can be considered in two aspects: firstly, international cooperation of the state to solve emerging environmental problems, secondly, international cooperation to solve these problems is the policy of states in this area” [9].

Thus, we assume that we must agree with his statement about the need to study and consider the problem in an objective way, dividing it into two aspects, and also pointing out a specific environmental problem - the Aral tragedy - linking it with state policy, but at the same time he does not fully disclose international cooperation as the activity of states that closely related to foreign policy and is limited only to indicating this cooperation as the policy of states in this area.

The international legal aspect of the issues of ecology and environmental protection of the regions was studied in more detail by A.I.Kazannikov. He states that the regional level is a legal expression of the content of international legal environmental norms that establish the boundaries of an ecological region, forms and methods of cooperation between states, the procedure for the formation and activities of regional government bodies, and the organization of international control over the quality of the natural environment [10].



We support the scientist's opinion, in which he tries to specifically and fully reveal the essence of international legal cooperation at the regional level, but nevertheless, in our opinion, the author has not paid enough attention to the fact that currently the boundaries of environmental problems are not limited to one region of the earth ball. For example, the drying up of the Aral Sea and its harmful effects are not limited only to the Central Asian region, it has become an environmental problem on a planetary scale. Our statement is confirmed by a Kazakhstani researcher on this issue. In particular, she notes: "Environmental problems are called global because they affect the interests of all countries, regardless of their geographical location" [11].

We believe that it is known for everyone, in terms of geographical location, the Aral Sea is located between the Republic of Uzbekistan and Kazakhstan. Previously, the Aral Sea was considered a water body of two republics. In cases where a water body flows through the territories of a number of states, then those parts of rivers or lakes that are located within its borders are recognized as the property of Kazakhstan [12]. We do not completely agree with her explanation; it seems to us that here she differentiated only with the disclosure of the right to property, the right to use and manage water bodies. Naturally, when using water, disagreements and disputes may arise between these states regarding compliance with the priority of water use. Unfortunately, if we look back at history, when these republics became independent states (late 1991), the sea had almost receded, divided into the large and small Aral and was considered not a water territory between the Republics of Uzbekistan and Kazakhstan, but a land territory.

This does not mean that the environmental problem that appeared after the drying up of the Aral Sea affects only the population of both republics. It must

be admitted that having a sea - a body of water on its territory is very useful for the state and residents, because it simultaneously creates various opportunities (for example: fishing, shipping and others) for the development of the economy, social spheres and the like, but the current Aral Sea (Aralkum), on the contrary, is an obstacle to development.

According to the statement by Zh.A. Isaeva, she rightly notes that "there are five Central Asian states in the Aral Sea basin, and therefore the number of legal norms regulating environmental relations between states, incorporated into national legislation, is currently increasing" [13]. We do agree with her opinion; indeed, at present, residents of Central Asian countries are mainly suffering from the harmful effects of the Aral disaster due to their geographical location. Also, as N.R.Malysheva believes that there are at least three approaches to defining environmental problems as regional as in the following:

- 1) Problems that have arisen in a particular region, e.g. having a regional (local) source in their origins;
- 2) Problems experienced by a specific region. These problems can be generated by a whole complex of factors and are almost never associated with the activity of one problem, an environmental source;
- 3) Problems classified as regional in accordance with the legal level of their solution.

These problems vary both temporally and spatially, which is associated with differences in legislative priorities, the severity of certain environmental problems perceived in the system of legislative technology [14]. We fully support the opinion of N.R. Malysheva, since she, with a scrupulous approach, tries to give a concept to regionalism, revealing all its parts.

Therefore, overcoming the negative and harmful consequences of the Aral tragedy should be considered a major part of strengthening environmental security throughout the territory of the Central Asian states [15]. It seems to us that a more capacious and correct definition is that international legal cooperation of the Central Asian states in the field of ecology and environmental protection in the Aral Sea region represents a joint foreign policy activity of the republics of the region based on the norms and principles of modern international law, aimed at mitigating the harmful actions (tragedies) of the Aral Sea.

All inhabitants of the planet should understand that the death of the Aral Sea is an assessment and result without the responsibility of humanity, as well as the international community, to nature. It is also important to note that the Aral tragedy is a mistake of the former administrative management for the irrational distribution and use of water resources. Despite the intensification of measures taken by the international community on this problem, water shortage in the world every day becomes a hot topic in the world, and environmental problems continue to grow.

Taking into account the environmental situation that has developed in the Central Asian region as a result of the drying up of the Aral Sea and active assistance from the international community to mitigate the harmful effects of the Aral tragedy, we can confidently say that international legal cooperation in this region in the field of ecology and environmental protection will have a positive impact on the process of maintaining and strengthening mutual trust and stability in this continent of the earth's planet.

Thus, we could conclude that international legal cooperation in the Central Asian region in the field of ecology and environmental protection should

contribute to the fact that humanity should not become an example of the fact that it can be a pest of the planet, depleting resources, but a shining example of improving and conservation of existing natural resources for present and future generations. In turn, the Central Asian region should become the driving continent of the planet in the field of ecology and environmental protection. To summarize, we need to focus on the following:

firstly, it is a fact that the Aral Sea has moved away from us, but life continues in the region; to ensure the right to human life, it is necessary to continue the process of mitigating harmful actions;

secondly, to prevent similar situations, it is necessary to show the whole world more of the dried-up territory of the Aral Sea, both from the Republic of Uzbekistan and from the Republic of Kazakhstan, and share the harmful consequences with everyone for a lesson in the face of nature;

thirdly, the parliaments of the countries in the region should reconsider issues of unifying the legislation of countries on the development of ecotourism.

However, at the same time, it should be noted that this proposal will undoubtedly give a positive assessment and will be able to make tourists aware of what poor management, distribution and use of water resources on the globe can lead to.

## **CONCLUSION**

Thus, taking into account the current environmental situation as a result of the destruction of the Aral Sea in the Central Asian region and the interest of the international community in the gradual restoration of a favorable state of the environment, the development of international legal cooperation in the field of ecology and environmental protection can be

considered as a new emerging independent institution of international public law in the field of ecology and environmental protection. For humanity and the international community, the death of the Aral Sea should serve as a regional model for preventing similar environmental crises, and Central Asian International Legal Cooperation should become a reformer in this activity.

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