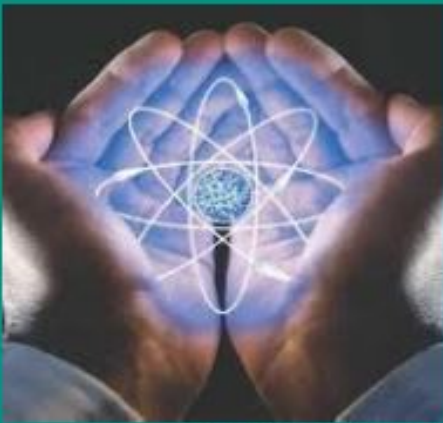


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# Academia Open



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## **Institutional bases of state policy and legal activity in the sphere of environmental protection in emergency environmental situations**

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### **Abstract**

The article analyzes the institutional foundations of the political and legal activities of the state in the field of environmental protection in emergency environmental situations, as well as the issues of improving their activities.

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## Introduction

The study of the role and importance of state power and management institutions in the regulation of relations in the field of environmental emergency situations, as well as the issues of improving their activities is one of the urgent problems of modern not only legal, but also political science. This is convincingly evidenced by the detailed elaboration of this problem by lawyers of the Republic of Uzbekistan, the Russian Federation and other CIS countries.

Socio-political relations arising in emergency environmental situations are such specific relations that require a focused and systematic state policy to eliminate them.

State (i.e. political - T.A.) management of activities carried out in connection with environmental emergency situations can be described as: a) management of preventive work; b) liquidation of consequences of environmental emergency situations; and c) management of compliance with the political and legal regime within the disaster area.

The Ministry of Emergency Situations of the Republic of Uzbekistan as a new political institution was created on the basis of a decree of the President of the Republic of Uzbekistan dated March 4, 1996 No.PF-1378 "On the establishment of the Ministry of Emergency Situations of the Republic of Uzbekistan".

The main goal of the ministry's policy is to protect the population and territory of the country from natural and man-made emergencies; emergency prevention and response; development of measures to protect the population and territory and, on this basis, coordination of joint actions of state structures during emergency situations; informing the public about emergency situations, training them in the correct actions during emergency situations; as well as widespread agitation and promotion of knowledge needed in emergency situations.

The ministry has its territorial and structural divisions, which include emergency departments of the Republic of Karakalpakstan, regions and the city of Tashkent. A special place is the Institute of Civil Protection, established under the Ministry, which trains specialists in the prevention and elimination of emergency situations. During the formation of the Ministry of Emergency Situations, the Institute of Civil Protection trained more than 30 thousand specialists of the highest managerial and organizational level of the state system of warning and emergency response through civil protection. 36 republican scientific and practical conferences and seminars were held. More than 661 thousand students were trained in emergency situations in approved training programs at population and leadership centers.

## Theoretical background

During the functioning of the Ministry of Emergencies, a certain work has been done aimed at protecting the population and territories from emergency situations. A number of fundamental laws and decrees of the government of the republic in this area were adopted, a state system of warning and emergency response of the Republic of Uzbekistan was created. Every year, engineering and technical protective measures are carried out along rivers, sea and hazardous areas, temporary evacuation and relocation of household residents from hazardous areas to safe places is carried out. Over the past period, 546 command post exercises, 7467 tactical and special exercises at production facilities were held. Modern and highly effective emergency equipment and vehicles (cars, snowmobiles, all-terrain vehicles, etc.) were purchased for the rescuers of the Republic of Uzbekistan..

Basic information and information on the activities of the Ministry of Emergency Situations of the Republic of Uzbekistan, measures to prevent natural and man-made emergencies are widely covered in the press of the Ministry - the newspaper Vaziyat, the magazine Mukhofaza, as well as on the official website of the Ministry of Emergencies, which reflect the state environmental policy.

So, N.G. Zhavoronkova points to the presence of a "stage of emergency prevention and liquidation of their consequences" in which it is necessary to create an optimal legal mechanism for regulating environmental problems. The independence of emergency prevention processes in comparison with processes arising in connection with emergency circumstances is also explained by the precautionary principle about the specific role and significance expressed by E.A. Belokrylova.

## Main part

The state management of activities to prevent environmental emergency situations covers monitoring, forecasting, licensing (resolving licensing procedures), examination, state control and supervision of activities of high-risk facilities (man-made and natural).

It should be emphasized that the content and essence of public administration, carried out before environmental



emergencies in order to prevent possible negative consequences from environmentally hazardous technogenic and natural sources, in general do not differ from the usual "environmental management", if you do not take into account the specifics of managing environmentally hazardous natural sources character.

The issues of state management of measures to stabilize an environmental emergency (man-made and natural) from the moment of its occurrence and the announcement of the special legal regime zone and in order to eliminate the devastating consequences are a political and legal problem of particular importance. Here, management (as once a mechanism developed to achieve certain goals and accomplish specific tasks) does not fit into the pre-established administrative and legal framework, but presupposes a certain political basis. Each newly arisen ecological emergency carries in addition to specific features and political grounds. It is the "extraordinary" nature of the management object that creates non-standard political and legal relations, which in turn force management entities to take, in turn, often even non-standard decisions associated with state environmental policy.

According to N.G. Zhavoronkova, the specificity of managerial relations, among other things, is determined by the framework of human interaction, but within the limits of the emergency factor. In case of emergency, the system operates in an extraordinary mode. This implies the strengthening of the importance of the political factor, implemented through administrative-power orders and actions. They focus on preventing system destabilization and restoring its normal functioning..

Most non-standard management decisions regarding emerging environmental emergencies can be called (based on regulated specific and unforeseen political and legal relations) "emergency". In this case, one significant point should be clarified regarding the authority of management bodies regarding the regulation of issues related to the occurrence of environmental emergency situations. In principle, such powers should be determined by regulatory legal acts. For example, laws that determine the powers of central executive bodies should also include "emergency" competencies in cases of emergencies and liquidation. However, as M.Vologina correctly points out, "the legal regime of a state of emergency consists in expanding the scope of responsibilities and the competence of the existing bodies of state power and the public order protection department and normalizing the situation, or assigning these duties and rights to specially created for this purpose organs ... ". If you agree with this opinion, then expanding the "range of responsibilities and competence of authorities ..." can lead to permissiveness and initiative of the relevant authorities, which is not politically acceptable, therefore, the "emergency powers" of the relevant authorities for emergency management should be determined by the state environmental policy , which is not limited only to environmental situations.

In our opinion, in order to ensure environmental safety and exercise the functions of internal affairs bodies in this direction, special points of environmental militia (police) should be created. Her responsibilities should include: providing the population with environmental safety, preventing and eliminating environmental crimes and protecting public order, supporting prosecutors in the investigation of environmental crimes, holding administrative offenders violating environmental laws, implementing environmental prevention and environmental education.

The presence of special points at the Institute of Environmental Militia (police) will be able to determine the latent offense, will help prevent environmental crimes, and also provide opportunities such as: adoption and enforcement of environmental legislation and, if necessary, quick action; enhancing cooperation between environmental safety authorities and environmental authorities; improving the quality of environmental safety with the help of responsible and experienced specialist personnel.

In turn, the creation of environmental police stations (police) provides the definition of latent violations and the prevention of environmental crimes, which increases the effectiveness of state environmental policy.

According to A.E. Zhalinsky, measures for the prevention of environmental safety lead to the following positive results:

a) determines the dangerous sources of the offense, their elimination or reduction; b) strengthens the supervision of public activities in the protection of the natural environment; c) provides legal action for the protection of nature and environmental standards; d) increases social activity in attracting the population to actions and activities to protect the environment.

Improving the institutions of state power for the purpose of political and legal protection of territories and citizens in emergency environmental situations is caused by the need to comply with profound transformations and socio-economic reforms in Uzbekistan. And this process is accompanied by severe economic and environmental consequences as a result of industrial, transport and energy accidents that can lead to irreversible negative changes in the environment in large areas.

## Results

State institutions must guarantee human rights and protect the very foundations of its universal development. For this, it is important to secure these rights appropriately in the rule of law. At the same time, the right to a favorable



environment as one of the basic inalienable human rights cannot be fully realized in view of the increasingly complicated environmental and economic conditions of life in modern society.

So, the system of state management of protection in emergency environmental situations should focus on maintaining a favorable environment for humans. It is for this purpose that it is necessary to determine its condition according to the criteria, standards and norms established by law, which relate to a clean environment (non-pollution), resource intensity (non-depletion), sustainability, and species biological diversity.

When developing the legal and political foundations of the activities of special governing bodies in the field of environmental emergency situations, one should adhere to the current legislation in the emergency system, which does not contradict national legislation. This is an independent comprehensive legal institution. In this case, it is necessary to proceed from the basic regulatory acts governing the protection and protection of the rights of citizens. It is important to observe two points here: 1) to avoid the uncontrolled expansion of unnecessary emergency measures and 2) contradictions to international law.

## Discussion

The restoration of the normal state of the environment should be correlated with the subsequent transition of zones of emergency environmental situations to the sustainable development of socio-economic life.

The effectiveness of the entire system of special governing bodies in eliminating the consequences of environmental incidents is determined in the following areas: 1) legal regulation of the cessation of harmful environmental impacts and 2) legal support for improving the socio-ecological situation in the corresponding region.

There is an obvious need to expand the legal powers of special governing bodies to work in emergency zones. As a result, it is possible to determine the optimal complex of restoration measures aimed at eliminating the detrimental consequences in violation of the state of the environment. Meanwhile, there is still no optimal mechanism for the withdrawal of a specific zone, covered by an extremely ecological disaster, from the natural crisis.

## Conclusion

Therefore, the legal system in political terms should distinguish between: 1) zones of emergency environmental situations (as a result of an accident or disaster, large-scale, but short-term) and 2) zones of emergency situations with adverse environmental consequences (as a result of economic activity of objects located in the corresponding zone).

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