

Legal Regulation of the Use and Protection of Wild Relatives of Cultivated Plants in the Republic of Uzbekistan

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Abstract

The article presents the legal aspects of the protection of wild relatives in the Republic of Uzbekistan. Specific articles from documents, laws and resolutions of the Government of the Republic are given. In addition, it is considered advisable to create a department (department) for the use and protection of wild relatives of cultivated plants (DSKR) at the Main Forestry Department of the Ministry of Agriculture of the Republic of Uzbekistan, which will allow the development of market relations between government agencies and the private sector in the field of use and protection of DSKR.

Keywords: Wild Relatives of Cultivated Plants, Plant Protection, Species Diversity, Classification by Rare and Endangered Species, Reduction of Habitats, etc.

Introduction

The Republic of Karakalpakstan and Khorezm, due to its geographical location on the northern border of Uzbekistan, as well as a wide variety of natural landscapes – from the remnant hills, large coastal tugai to open desert spaces – has a wide variety of flora and DSCR species. This group of plants has not been studied in the Republic to date (Ajiev, 2020; Ajiev, et. al 2020).

Since ancient times, the plant world has been the most important component of the natural environment for man, for his life support, a source of renewable natural resources (wood, pet food, technical, medicinal raw materials, food products), the basis for breeding and introduction of useful plants. In turn, plant communities form vegetation cover, which performs the most important environmental and environmental protection functions, such as water regulation, soil protection, anti-erosion and others. Article 1 of the Law of the Republic of Uzbekistan "On the Protection and Use of Flora" (new edition) dated August 24, 2016 states that this Law regulates relations in the field of protection and use of flora growing in natural conditions, as well as wild plants contained in cultural conditions, for their reproduction and preservation of the genetic fund.

Wild relatives of cultivated plants are distinguished by incredible genetic diversity, which is many times greater than the diversity of their cultural relatives, and together they are an invaluable resource for improving crops.

Wild relatives of cultivated plants grow in various habitats, including mountains, deserts, meadows and pastures, salt marshes and tropical forests. They have developed many different strategies for survival in such diverse climatic conditions. Genetic traits that allow DSCR to thrive in such diverse and sometimes extreme conditions are a valuable resource for breeding in the context of climate change (Ajiev, 2021; Ajiev, et. al 2021a,b,c).

It is assumed that climate change will lead to more frequent and severe droughts, an increase in temperature during the growing season, an increase in soil salinity in coastal areas and will contribute to the spread of pests and diseases. Wild relatives of cultivated plants can contribute to adaptation to climate change if they have the property that can make the culture more stable and adaptive in a changing ecological situation as a result of climate change.

The objects of the plant world, the use and protection of which is regulated by environmental law, do not include: gardens, vineyards, flower beds, as well as individual trees, shrubs, flowers and other plants, their fruits, seeds grown, as a rule, on agricultural land, and other categories of land, for example: lands of settlements (at home) and owned by farmers, farms, other legal entities or individuals. The use and protection of these plants is regulated by the norms of civil legislation, as well as legislation on farms, farms, legislation of other branches of law. The types of wild plants, the distribution and number of which are subject to regulation, as well as the procedure for this regulation are determined by specially authorized state bodies, based on the conclusions of the Academy of Sciences of the Republic of Uzbekistan. Relocation of new plant species into wild flora, as well as hybridization of wild plants are allowed in accordance with the established procedure for research and economic purposes, by decision of specially authorized state bodies based on the conclusions of the Academy of Sciences of the Republic of Uzbekistan and the State service for plant quarantine. Botanical collections representing scientific, cultural, educational, educational or aesthetic value are subject to state registration. The seizure of wild plants for the creation and replenishment of botanical collections by legal entities and individuals is allowed in compliance with the requirements of the legislation. Legal entities and individuals who own botanical collections are required to comply with the rules of accounting, replenishment, storage, purchase and sale, shipment, as well as import and export outside the Republic of Uzbekistan, approved by the State Committee of the Republic of Uzbekistan for Nature Protection.

Materials and Methods

The Law "On the Protection and Use of the flora" Chapter 3. Protection of the flora. Article 15 talks about measures to protect the flora, and ways to implement them.

In the same Law, article 21 states that activities affecting the environment of vegetation objects must be carried out in compliance with the requirements that ensure the preservation of flora objects. The placement and operation of production facilities, the introduction of new technologies, geological exploration, mining, determination of grazing sites and runs of farm animals that can negatively affect the environment of vegetation objects should be coordinated with the State Committee of the Republic of Uzbekistan for Nature Protection and the Main Forestry Department under the Ministry of Agriculture. In order to prevent the death of wild plants and the deterioration of their growing environment, legal entities and individuals are obliged to comply with the rules of transportation, storage and use of these drugs. The State cadastre of flora objects plays an essential role in the correct and effective application of

legislation on the protection of flora in the Republic of Uzbekistan. The concept, its purpose and objectives, the procedure for maintaining, the content and principles of maintaining the state cadastre, objects of flora are fixed in a number of basic normative legal acts:

The Law "On the Protection and Use of Flora" of December 26, 1997, as amended on August 24, 2016.

Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated July 17, 1996 No. 255 "On approval of the Regulations on the procedure for creating and maintaining a unified system of state cadasters of the Republic of Uzbekistan".

Article 26 of the Law "On the Protection and Use of Flora" states that the state cadaster of flora objects contains a set of information about the geographical distribution of flora objects, their number, economic use and characteristics of the growing environment.

Paragraph 3 of the "Regulation on the procedure for maintaining the State cadaster of flora objects of the Republic of Uzbekistan" states that the state cadaster of flora objects takes into account all types of wild vascular plants and fungi that are the subject of use, affect the ecological environment in the region or have the status of a rare and endangered species. It seems that this norm contains some inaccuracy when it comes to accounting for all types of wild vascular plants and fungi that affect the ecological environment in the region. This position is controversial due to the vague, from a legal point of view, use of the term "in the region". As is known, the concepts of "ecological systems" do not coincide with the administrative-territorial division of territories, therefore, in our opinion, in this norm, the words "affecting the ecological environment in the region" should be replaced by the words "affecting ecological systems".

The main task of the state cadastre of flora is the state registration of flora objects and their use. The regulation states that the state cadastre of flora objects is intended to provide state authorities and management bodies, interested legal entities and individuals with cadastral information.

State authorities and management bodies use cadastral information free of charge, interested legal entities and individuals for a fee in the amounts established by law. In our opinion, of course, it would be more correct if this rule were not of a reference nature, but here in the regulation the mechanism for determining the fee for the use of cadastral information was specified. The regulation states that the state cadastre of flora objects is maintained at the expense of the state budget. All organizations that keep state records and the state cadastre of flora objects are subject to financing.

In our opinion, the problem of financing organizations that conduct the state cadastre of objects not only of the plant, but also of the animal world, is the most urgent among all the problems of state cadastres. In the regulation, an independent section sets out the content of the state cadastre of flora objects. The State Cadastre of Flora objects of the Republic of Uzbekistan contains a set of quantitative, qualitative and evaluative information on each type of wild plants, which, by their properties and nature of use, are combined into defined groups of cadastre objects.

The most vulnerable of the above list, in our opinion, are information about the economic assessment of the plant world. Existing methods, as a rule, are based on data from the Soviet period, without taking into account market peculiarities and do not bring possible financial profit to the state budget. Maintaining the state cadaster of flora includes the previous (collection in early years), the main (primary) and current (annual) types of collection of cadastral information, ensuring its continuous updating.

The generalized data of accounting for the use of flora objects and accounting for their use in the Republic of Karakalpak Stan, regions and the city of Tashkent of the relevant authorized subdivision of the State Committee of Ecology are included in the state cadastre of flora objects in the relevant territory and are submitted to the State Committee of Ecology for inclusion in the state cadastre of flora objects in the Republic of Uzbekistan.

The main directions of development of forestry in Uzbekistan are: reforestation, protective afforestation, organization of protection of forests and forest resources. Relations on the execution and protection of forests, the order of forest use in the new economic conditions are regulated by the laws of the Republic of Uzbekistan "On Nature Protection", dated December 9, 1992, "On the protection and use of flora" (new edition) dated August 24, 2016 "On Forest", dated March 29, 2018.

Conclusion

Forest legislation contains general requirements addressed to state bodies, enterprises, organizations engaged in the organization and management of forestry, as well as the use of forest resources. First of all, the principle of a

differentiated approach to forestry management is emphasized here. It should be conducted taking into account the ecological and economic importance of forests in market conditions. Among these requirements, the strengthening of protective and other properties of forests, ensuring continuous, non-exhausting and rational use of forests, provided that the DSCR is preserved and reproduced, is put in the first place.

Currently, a Draft Forest Code is being developed in Uzbekistan. It would be very appropriate to include the following wording in Article 1 of this Code, entitled "Forest legislation": "Forest legislation is a regulatory legal acts that establish the legal basis for the protection, protection, use, reproduction and increase of forest productivity, conservation of its gene pool, protection of wild relatives of cultivated plants, forest ecosystems and natural complexes of forests, based on the basic principles of law."

In addition, in our opinion, it would be advisable to create a department (department) for the use and protection of wild relatives of cultivated plants (DSKR) at the Main Forestry Department of the Ministry of Agriculture of the Republic of Uzbekistan, which would allow the development of market relations between government agencies and the private sector in the field of use and protection of DSKR.

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