

LEGAL REGULATION OF THE PROTECTION OF RARE AND ENDANGERED SPECIES OF WILD ANIMALS IN THE LIGHT OF THE “ECOLOGICAL CIVILIZATION” CONCEPT: CHINA’S EXPERIENCE AND PATHWAYS FOR ITS RECEPTION IN UZBEKISTAN

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Abstract

This article explores the imperative need to enhance the legal protection of biodiversity in the Republic of Uzbekistan through a comparative analysis of international environmental law. Specifically, the study examines the innovative “Ecological Conservation Redline” (ECR) system integrated into the national legal system of the People's Republic of China to counter large-scale ecosystem degradation. The research highlights the vulnerabilities of Uzbekistan's traditional Specially Protected Natural Areas (SPNAs), which cannot always guarantee absolute protection against "creeping" economic exploitation. Consequently, the paper proposes the conceptual introduction of a new legal category, “Zones of Absolute Ecological Tranquility (Ecological Red Lines)”, into domestic environmental law. Focusing on ecological disaster zones such as the Aral Sea region, the author recommends establishing strict statutory prohibitions on economic activities within these red lines. This legislative reform aims to transition conservation approaches from situational management to robust territorial guarantees provided by the state to protect relic populations of rare animal species.

Keywords: Biodiversity, ecological red lines, legal protection, environmental law, Aral Sea region, specially protected natural areas, ecological civilization.

Introduction

In the context of an intensifying global ecological crisis and the catastrophic decline of biodiversity, the issue of the legal protection of animal world objects objectively transcends the boundaries of exclusive national jurisdictions. The further enhancement of domestic nature conservation legislation is unfeasible without a profound comparative legal analysis of advanced international standards [1, 90]. Concurrently, the mechanical reception (blind adoption) of foreign norms is methodologically unjustified; what is required is the critical adaptation of legal mechanisms that have proven their efficacy under similar eco-geographical challenges.

The law enforcement practice of the PRC holds immense significance from the perspective of managing territories with degrading ecosystems. Confronting the severe consequences of industrialization within the framework of implementing the long-term state concept of "ecological civilization" [2, 541], China introduced the innovative institution of "Ecological Red Lines." This spatial zoning mechanism is formally enshrined in the 2015 National Security Law of the People's Republic of China as a paramount measure for biosphere

protection [3, 136]. The absolute prohibition of economic activities in areas critical to biodiversity possesses a high potential for adaptation in the Republic of Uzbekistan, particularly in ecological disaster zones such as the Aral Sea region, where endemic species are in their most vulnerable state.

In the contemporary doctrine and practice of international environmental law, the experience of the People's Republic of China emerges conceptually as an innovative approach. In response to the large-scale degradation of ecosystems caused by rapid industrialization, the PRC integrated an unprecedented institution of spatial protection into its national legal system: the "Ecological Conservation Redline" (ECR) system [4, 2237]. The theoretical and legal analysis of this mechanism holds high scientific and practical significance for the improvement of the environmental legislation of the Republic of Uzbekistan, especially in the development of protective legal regimes for ecological disaster zones.

The regulatory and legal foundation of the ECR institution was established during a comprehensive ecological reform, its core element being the 2014 revised Environmental Protection Law of the PRC, which declared the primacy of ecological security over economic growth [2, 543]. The legal essence of the "ecological red line" consists of the imperative establishment of strict, irreducible spatial boundaries for territories performing critical ecosystem functions and serving as essential habitats for rare and endangered species of flora and fauna [5].

The conceptual distinction of the ECR system from the classic regimes of Specially Protected Natural Areas (SPNAs) lies in its absolute supremacy over any macroeconomic and infrastructural development strategies, facilitating a transition from the fragmented protection of isolated territories to comprehensive landscape management. While traditional SPNAs often permit internal functional zoning (the allocation of economic or recreational clusters), the legal regime of "red lines" equates these territories to "no-development zones." It imposes an uncompromising prohibition on altering the designated purpose of the land and conducting any anthropogenic activity capable of modifying the territory's natural characteristics or nullifying its ecological functions.

From the standpoint of environmental law, the ECR constitutes the fundamental "bottom line" of national ecological security, precluding ecosystem degradation. The violation of these imperative boundaries by subjects of economic activity entails strict legal liability, up to criminal prosecution for public officials, coupled with the unconditional obligation to fully compensate for the inflicted ecological damage and restore the impaired natural environment. The introduction of the Chinese model of spatial ecological zoning holds a high degree of relevance for the Republic of Uzbekistan, particularly concerning the resolution of issues related to the conservation of endemic fauna in the Aral Sea region. The transformation of the Aral Sea and its adjacent territories (the Ustyurt Plateau, the Aralkum Desert) has precipitated a catastrophic decline in the environmental carrying capacity. Under the current circumstances, the region's ecosystem has reached its threshold of resilience and is objectively incapable of withstanding additional anthropogenic burdens, including geological exploration, infrastructure construction, and extensive livestock grazing. The state's obligation to implement measures for the protection and restoration of the ecological system of the Aral

Sea region is directly enshrined at the constitutional level. Furthermore, the conservation of the Ustyurt Plateau's biodiversity, which serves as a critical habitat for vulnerable species such as the Persian leopard, urial, saiga antelope, goitered gazelle, and kulan, is the subject of a specific trilateral memorandum of cooperation among Uzbekistan, Kazakhstan, and Turkmenistan.

The current environmental legislation of the Republic of Uzbekistan, specifically the Law "On Nature Protection" and legislation concerning specially protected natural areas, provides for the establishment of various categories of conservation zones. However, law enforcement practice indicates that the traditional statuses of sanctuaries or natural parks cannot always guarantee absolute protection for the vulnerable habitats of endangered species against partial or "creeping" economic exploitation.

In this regard, drawing upon the successful practice of the PRC in implementing the "Ecological Conservation Redlines" (ECR) strategy, the introduction of a new legal category—"Zones of Absolute Ecological Tranquility (Ecological Red Lines)"—into the national environmental law of the Republic of Uzbekistan is conceptually justified. The Chinese experience demonstrates that the ECR mechanism serves as the baseline of national ecological security, safeguarding territories with critical ecosystem functions and fragile environments from degradation.

To operationalize this doctrine, the following comprehensive measures for legislative improvement are proposed:

First, it is necessary to introduce conceptual amendments to the Law of the Republic of Uzbekistan "On Specially Protected Natural Areas," institutionalizing "Ecological Red Lines" as an imperative regime of spatial protection applied exclusively within the boundaries of officially recognized ecological disaster zones and highly vulnerable landscapes.

Second, within the Law of the Republic of Uzbekistan "On the Protection and Use of the Animal World" (in systemic correlation with Articles 17 and 18, which regulate the inadmissibility of actions leading to the death of rare species and the state's obligation to create conditions for their conservation), a provision must be codified stipulating that the primary habitats and breeding grounds of endemic and endangered species of the Aral Sea fauna automatically fall under the "Ecological Red Lines" regime.

Third, akin to Chinese legislation, the legal regime of these territories must establish a strict statutory prohibition on the issuance of any permitting documents for subsoil use, the construction of infrastructure facilities, and the conduct of large-scale agricultural activities. Any licenses and quotas previously issued for economic activities within the designated "red lines" must be revoked, subject to the application of a fair financial compensation mechanism for business entities.

The integration of the "Ecological Red Lines" institution will facilitate the formation of a robust legal mechanism for protecting the relic populations of rare animal species in the Aral

Sea region, transitioning conservation approaches from situational management to the realm of strict territorial guarantees by the state.

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