

# Legal Aspects of The Use and Protection of Wild Relatives of Cultivated Plants in The Republic of Uzbekistan

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**Abstract:** The article gives an overview of the legal aspects of the protection of wild relatives of cultivated plants in the Republic of Uzbekistan. Laws and articles aimed at the protection and defense of certain categories of plants and redivid territories are given. Proposals were also made to create a department (department) under the Main Forestry Directorate of the Ministry of Agriculture of the Republic of Uzbekistan for the use and protection of wild relatives of cultivated plants, which would allow the development of market relations between state bodies and the private sector in the field of use and protection of DSCR.

**Key words:** wild relatives of cultivated plants, protection of the plant world, law on forest, law on nature protection, etc.

The Republic of Karakalpakstan and Khorezm, due to its geographical position on the northern border of Uzbekistan, as well as a wide variety of natural landscapes - from the remains of the hills, large coastal tugai to open desert spaces - has a wide variety of species of flora and wild relatives of cultivated plants (DSKR).

Since ancient times, the plant world has been for man, for his livelihood, the most important component of the natural environment, a source of renewable natural resources (wood, pet food, technical, medicinal raw materials, food products), the basis for the selection and introduction of useful plants. In turn, plant communities form a vegetation cover, which performs the most important environment-forming and environmental protection functions, such as water-regulating, soil-protective, anti-erosion and others (Azhiev et al. 2020). In Article 1 of the Law of the Republic of Uzbekistan "On the Protection and Use of the Plant World" (new edition) of August 24 Of 2016, it is stated that this Law regulates relations in the field of protection and use of the plant world growing in natural conditions, as well as wild plants kept in the conditions of culture, for their reproduction and preservation of the genetic fund (DSKR) (Ajiev et al. , 2020, 2021a,2021b) .

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 the improvement of crops.

Many of their unique characteristics are particularly promising for adapting agricultural systems to climate change. In particular, many wild relatives of cultivated plants are drought-tolerant, such as the wild barley species *Hordeum spontaneum*.

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 survival strategies in such diverse climatic conditions. The genetic traits that enable SSR to thrive in such different and sometimes extreme conditions represent a valuable resource for breeding in the context of climate change.

Climate change is expected to lead to more frequent and severe droughts, higher temperatures during the growing season, increased soil salinity in coastal areas and 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 sustainable and adaptive in the face of 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: orchards, 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 (household conditions) and are the property of farms, dehkan farms, other legal entities or individuals. Use and protection these plants are regulated by the norms of civil legislation, as well as the legislation on farms, dehkan farms, the legislation of other branches of law. Species 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, on the basis of the conclusions of the Academy of Sciences of the Republic of Uzbekistan. The resettlement of new plant species in the wild flora, as well as the hybridization of wild plants, are allowed in accordance with the established procedure for research and economic purposes, by decision of specially authorized state bodies on the basis of the conclusions of the Academy of Sciences of the Republic of Uzbekistan and the bodies of the state service for plant quarantine. Botanical collections of scientific, cultural, educational, educational or aesthetic value are subject to state accounting. 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 law. Legal entities and individuals who are owners of botanical collections are obliged to comply with the rules of accounting, replenishment, storage, acquisition 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.

The objects of the plant world (Article 5 of this Law) are:

wild plants;  
waste products of wild plants;  
botanical collections.

Law on the Protection and Use of Plant Life Chapter 3. Protection of plant life, Article 15. Measures for the protection of the plant world says that the protection of the plant world is carried out by:

establishment of rules in the field of protection and use of the plant world, norms and standards for the use of objects of the plant world;  
establishment of restrictions and prohibitions in the use of objects of the plant world;  
suspension, termination, cancellation of the right of special use of objects of the plant world;  
prevention of unauthorized use and other violations of the established procedure for the use of objects of the plant world;  
organization of protection of the growing environment of the plant world;  
listing of rare and endangered species of wild plants in the Red Book of the Republic of Uzbekistan;  
prevention of harmful effects on the plant world or its destruction in the implementation of economic and other activities;  
the formation and development of protected natural areas;  
the establishment of botanical gardens and dendrological parks;  
cultivation of wild plants in artificially created conditions;  
carrying out quarantine measures to protect the plant world, timely detection and elimination of quarantine and other dangerous pests, plant diseases and weeds;  
conducting state accounting of objects of the plant world and accounting for the volume of their use;  
maintenance of the state cadastre of flora objects and monitoring of the plant world;  
control in the field of protection and use of the plant world;  
regulation of import into the Republic of Uzbekistan and export from the Republic of Uzbekistan of flora objects;  
organization and conduct of scientific research in the field of protection and use of flora;  
conducting state environmental expertise in the field of protection and use of flora;  
carrying out biotechnical and other measures for the protection and rational use of the plant world.

In the same Law, article 21 states that activities affecting the growing environment of flora must be carried out in compliance with the requirements that ensure the preservation of flora. The placement and operation of production facilities, the introduction of new technologies, geological exploration, mining, the

determination of grazing sites and drives of farm animals that can adversely affect the growing environment of flora should be coordinated with the State Committee of the Republic of Uzbekistan for Nature Protection and the Main Forestry Department. This Law prohibits the commissioning of production facilities and the use of technologies that are not provided with measures to protect the growing environment of plant objects. When using plant protection products, stimulants of their growth, mineral fertilizers and other preparations, the requirements for the protection of plant objects and the environment of their growth should be taken into account. In order to prevent the death of wild plants and the deterioration of the environment of their growth, legal entities and individuals are obliged to comply with the rules for the transportation, storage and use of these drugs. Unauthorized burning of vegetation in natural plant communities is prohibited. In the correct and effective application of legislation on the protection of flora in the Republic of Uzbekistan, a significant role is played by the state cadastre of flora. The concept, its purpose and objectives, the procedure for maintaining, the content and principles of maintaining the state cadastre, objects of the plant world are fixed in a number of basic regulatory 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 Cadastres of the Republic of Uzbekistan", "Regulations on the Procedure for Maintaining State Accounting, Accounting for The Volume of Use and State Cadastre of Flora Objects", set forth in Annex No. 2 to [the Resolution](#) of the Cabinet of Ministers of the Republic of Uzbekistan dated 07.11.2018 No. 914.

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

In the "Regulation on the procedure for maintaining the state cadastre of flora objects of the Republic of Uzbekistan", this concept is expanded and set out in the following wording: "The state cadastre of flora objects is a system of continuously updated information on the species composition, number, geographical distribution, quantitative and qualitative characteristics, use of wild plants, their economic assessment, characteristics of the environment of their growth." Paragraph 3 of this Regulation states that the state cadastre of plant objects takes into account all species 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 taking into account all species of wild vascular plants and fungi that affect the ecological environment in the region. This position is controversial because of 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 the plant world is the state accounting of flora objects and their use. The regulation states that the state cadastre of flora objects is designed to provide state authorities and management, interested legal entities and individuals with cadastral information. That is, this regulatory legal act enshrines the right of legal entities and individuals to receive information about the plant world.

in the Republic of Uzbekistan. The regulation lists the subjects of the state cadastre of flora objects, that is, the bodies directly maintaining the state cadastre.

These are legal entities that are users of the plant world:

agricultural enterprises, institutions and organizations - on agricultural land;

forestry enterprises - on the lands of the state forest fund;

enterprises, institutions, organizations authorized by state authorities on the ground - on the lands of the reserve;

Academy of Sciences of the Republic of Uzbekistan - throughout the territory of the republic on rare and endangered, medicinal, food and ornamental species of plants.

The regulation establishes the basic principles of maintaining the state cadastre of flora:

coverage by the state cadastre of all objects of the plant world throughout the territory of the republic;  
unity of methods of collection, technology of processing and presentation of information;

centralized management of the state cadastre;  
ensuring the requirements of the Unified System of State Cadastres;  
reliability and continuity of replenishment and updating of cadastral information.

The state cadastre of flora includes:

information on the territorial distribution of flora, the state of their populations, quantitative and qualitative characteristics; data on the nature and volume of economic use of flora; maps of the distribution of objects of the plant world; description of the general state of the growing environment of flora, economic assessment of flora objects; regulatory requirements for the systematization, storage, updating and prompt issuance of cadastral information to interested users in the prescribed manner in appropriate forms and volumes; other information about the objects of the plant world.

Bodies of state power and administration 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 referential nature, and here the provision also indicated the mechanism for determining the fee for the use of cadastral information. The regulation states that the maintenance of the state cadastre of flora is carried out at the expense of the state budget. All organizations that maintain state accounting and the state cadastre of flora objects are subject to financing.

In our opinion, the problem of financing organizations maintaining a state cadastre of objects not only of flora, but also of the animal world is the most urgent among all the problems of state cadastres. The regulation sets out the contents of the state cadastre of flora objects in an independent section. The State Cadastre of Flora Objects of the Republic of Uzbekistan contains a set of quantitative, qualitative and estimated information on each type of wild plants, which, according to their properties and nature of use, are combined into the following groups of cadastral objects:

- rare and endangered species of wild plants;
- wild plants used for medicinal and food purposes;
- wild plants used for technical purposes;
- wild ornamental plants;
- vegetation of natural pastures and hayfields;
- plants growing in protected natural areas;
- other plant species.

The information included in the state cadastre of plant objects by plant species growing in protected natural areas consists of the following data:

- identification number;
- name of the species of plants;
- conservation status of the species;
- the name of the protected natural area on which the registration is carried out;
- the area on which the accounting is carried out;
- the area of growth of the plant;
- density of plant growth;
- population size of the species;
- the state of the population of the species;
- use;
- economic valuation.

The most vulnerable of the above list, in our opinion, is information on 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 features and do not bring possible financial profit to the state budget. Maintenance of the state cadastre of plant objects includes the previous (collection in early years), the main (primary), and the current (annual) types of collection of cadastral information, ensuring its continuous updating.

On the basis of primary information, primary cadastral data on flora at the territorial level are summarized and entered.

With the current (annual) collection of cadastral information, all further changes that occurred after the introduction of primary data are recorded and made to the cadastre.

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

The formation of cadastral data (cadastral information) on the objects of the state cadastre of the plant world is carried out:

at the regional level - by authorized units of the State Committee for Ecology;

at the republican level - by the cadastral service of the State Committee for Ecology.

The forms of providing cadastral information at the regional and republican levels are determined by the State Committee for Ecology.

At the regional level, the authorized subdivisions of the State Committee for Ecology analyze the incoming information, assess the reliability of the information submitted and form a geodatabase on wild plants of the Republic of Karakalpakstan, the regions and the city of Tashkent, compile reports and annually submit them to the State Ecology Committee by March 1 in the prescribed form.

At the republican level - cadastral service of the State Committee for Ecology:

systematizes the reports of the authorized subdivisions of the State Committee for Ecology;

maintains a geodatabase on the state cadastre of flora;

establishes economic valuation;

analyzes the state of the growing environment of plants;

transmits the necessary cadastral information to the Unified System of State Cadastres.

The State Committee for Ecology annually submits the necessary information on the state cadastre of flora objects to the Unified System of State Cadastres until April 1 of the year following the reporting year. The form of submission of cadastral data to the Unified System of State Cadastres is approved by the State Committee for Ecology in coordination with the State Committee for Land Geodescadre.

Responsibility for the reliability of the provided cadastral information of flora objects is borne in accordance with the legislation by authorized bodies and legal entities that keep state records of flora objects and the volumes of their use, authorized subdivisions of the State Committee for Ecology, leading the state cadastre of flora objects.

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 procedure for forest management 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 the Forest", dated March 29, 2018

With the adoption of these laws, there have been major changes in the establishment of the legal regime of forests. New concepts, norms and legal relations in the field of use and protection of forests have emerged, an independent system of legislation has been formed in accordance with which forests have begun to be considered as objects of satisfaction, first of all, of environmental interests, and recently the interests of DSKR. In their use, first of all, a balance of environmental requirements and economic interests is ensured. All forests in the Republic of Uzbekistan according to the Law "On Forests" are State property, which is national wealth, is subject to rational use and is protected by the state (Article 5). All forests form a state forest fund. The Fund consists of forests of national importance, i.e. forests managed by state forestry bodies; forests used by other departments and legal entities (Article 6). The law proceeds from the fact that not every set of trees is recognized as a forest and is part of the state forest fund. In accordance with Article 7, the state forest fund does not include: field-protective forest belts, as well as other woody and shrubby vegetation on agricultural land; protective plantations on the right-of-way of railways, roads, canals and other water bodies; tree and shrub plantations, as well as planted for landscaping in cities and other settlements; tree and shrub plantations in household and garden plots.

The varieties of forests that are part of the state forest fund differ, first of all, on such grounds as forest management, and the peculiarities of forest management in these forests.

The Law "On Forests" includes articles that establish a number of general requirements for forest management, the rights and obligations of forest users, both permanent and temporary.

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. It emphasizes, first of all, the principle of a differentiated approach to forest management. It should be conducted taking into account the ecological and national economic importance of forests in market conditions. Among these requirements, the first place is given to strengthening the protective and other properties of forests, ensuring continuous, non-exhaustive and rational use of the forest, subject to the preservation and reproduction of DSKR. An important function in forest management is to reproduce and improve the quality of forests. Therefore, the law provides for the need for expanded reproduction, improving the breed composition and quality of forests, increasing their productivity, forest reclamation and plantation cultivation. Among the requirements, the law further calls afforestation, which is carried out in order to increase the forest cover of territories, improve the species composition of forests, breed tree species and prevent erosion processes. The study of the geographical location of the DSKR shows that their main places of growth are the lands of the forest fund and the lands of environmental, recreational, recreational purposes. The lands of ecological purpose include the lands of reserves, national, dendrological and zoological parks, botanical gardens, sanctuaries, natural monuments, protective and sanitary zones. Recreational lands are plots with natural healing objects and with special climatic conditions. Recreational land is land intended and used for recreation and tourism. Land in suburban and green areas consists of land outside the city limits, serving as the location of structures related to the improvement and normal functioning of urban economy, as well as land occupied by forests, forest parks and other green spaces.

The specificity of this category of land is that around many of them protective and sanitary zones are established, which are defined in the Land Code as zones created around the lands of reserves, zones of settlements, recreational lands, hydraulic and water intake facilities.

A draft Forest Code is currently being developed in Uzbekistan. It would be very appropriate to include the following wording in Article 1 of the Code, entitled "Forest legislation": "Forest legislation is a normative legal act that establishes the legal framework for the protection, protection, use, reproduction and increase in the productivity of forests, the preservation of its gene pool, the protection of wild relatives of cultivated plants, forest ecosystems and natural forest complexes, based on the basic principles of law."

In addition, in our opinion, it would be expedient to create a department (department) under the Main Directorate of Forestry of the Ministry of Agriculture of the Republic of Uzbekistan for the use and protection of wild relatives of cultivated plants, which would allow the development of market relations between state bodies and the private sector in the use and protection of DSKR.

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