

INTERNATIONAL LEGAL REGULATION OF PRINCIPLES IN THE FIELD OF CLIMATE PROTECTION

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Abstract. *The article carried out comprehensive theoretical studies of foreign legislation in Environmental Protection. Principles in the field of climate protection are of great importance in the world. This is because climate change is contributing to an increase in the incidence of natural disasters. Environmental protection measures are provided for by the United Nations Framework Convention on climate change, the Paris agreement on climate change, the United Nations Framework Convention on climate change, the United Nations Environment and Development Conference. In developed countries, special principles have been introduced in the Prevention of environmental conditions, environmental safety and climate disasters based on international legal acts. The new principles of climate protection are aimed at preventing damage to the environment, preserving the environment, and using natural resources more efficiently. The legal principles of climate protection contribute to ensuring environmental safety, preventing harmful effects on natural resources, improving the quality of life of people through careful use of Natural Resources and other natural resources. The Paris Agreement is the first treaty ratified in the world, adopted by all heads of state at the United Nations conference on climate change. The main goal of the Paris Agreement is considered to be the management of the environment by developing states through the effective organization of several measures aimed at combating climate change. By conducting a legal analysis of various solutions of international organizations, the authors proposed important and effective principles that contribute to solving climate change problems.*

Keywords: *Climate protection, legal principles, Natural Resources, Environmental Safety, international treaties.*

КЛИМАТТЫ ҚОРҒАУ САЛАСЫНДАҒЫ ҚАҒИДАТТАРДЫ ХАЛЫҚАРАЛЫҚ-ҚҰҚЫҚТЫҚ РЕТТЕУ

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Аннотация. Мақалада қоршаған ортаны қорғаудағы шетел заңнамасына жан-жақты теориялық зерттеулер жүргізілген. Әлемде климатты қорғау саласындағы принциптердің маңызы зор. Себебі климаттың өзгеруі табиғи апаттардың жиілеуіне ықпал етуде. Қоршаған ортаны қорғау шаралары Біріккен Ұлттар Ұйымының Климаттың өзгеруі туралы негіздемелік конвенциясында, Климаттың өзгеруі туралы Париж келісімінде, Біріккен Ұлттар Ұйымының Климаттың өзгеруі туралы негіздемелік конвенциясында, Біріккен Ұлттар Ұйымының Қоршаған орта және даму конференциясында қарастырылған. Дамыған мемлекеттерде халықаралық құқықтық актілерді негізге ала отырып экологиялық жағдайларды, экологиялық қауіпсіздіктерді және климаттық апаттарды алдын алуда арнайы принциптер енгізіле бастаған. Климатты қорғаудың жаңа принциптері қоршаған ортаға келетін зияндардың алдын алуға, қоршаған ортаны сақтауға, табиғи ресурстарды тиімді пайдалануға бағытталған. Климатты қорғаудың құқықтық принциптері экологиялық қауіпсіздікті қамтамасыз етуге, табиғи ресурстарға келетін зиянды әсердің алдын алуға, табиғат байлықтарын, өзге де табиғи ресурстарды ұқыпты пайдалану арқылы адамдардың өмір сүру сапасын арттыруға себеп болады. Париж келісімі – Біріккен Ұлттар Ұйымында климат өзгерісі жөніндегі конференцияда барлық мемлекеттер басшылары қабылдаған әлемдегі алғаш рет бекітілген келісім болып табылады. Париж келісімінің басты мақсаты – дамушы мемлекеттердің климат өзгерісімен күресуге бағытталған бірнеше шараларды тиімді ұйымдастыру арқылы қоршаған ортаны басқаруы болып саналады. Халықаралық ұйымдардың әр түрлі шешімінің әлеуметіне құқықтық талдау жүргізе отырып авторлар климаттың өзгеруіндегі мәселелерді шешуге ықпал ететін маңызды әрі құндылықтары тиімді принциптерді ұсынды.

Түйінді сөздер: Климатты қорғау, құқықтық принциптер, табиғи ресурстар, экологиялық қауіпсіздік, халықаралық шарттар.

МЕЖДУНАРОДНО-ПРАВОВОЕ РЕГУЛИРОВАНИЕ ПРИНЦИПОВ В ОБЛАСТИ ЗАЩИТЫ КЛИМАТА

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Аннотация. В статье проведены всесторонние теоретические исследования иностранного законодательства в охране окружающей среды. Принципы в области защиты климата имеют большое значение в мире. Это связано с тем, что изменение климата способствует увеличению числа стихийных бедствий. Существуют международные договоры и Конвенции в области экологии. На конференции ООН по изменению климата, Парижском соглашении об изменении климата, Конференции ООН по окружающей среде и развитию предусмотрены экологически эффективные меры. В развитых государствах на основе международных правовых актов стали внедряться специальные принципы предупреждения экологических ситуаций, экологической безопасности и климатических катастроф. Новые принципы защиты климата направлены на предотвращение вреда окружающей среде, сохранение окружающей среды, эффективное использование природных ресурсов. Правовые принципы защиты климата способствуют обеспечению экологической безопасности, предупреждению вредного воздействия на природные ресурсы, повышению качества жизни людей за счет бережного использования природных богатств, иных при-

родных ресурсов. Парижское соглашение является первым в мире соглашением, принятым главами всех государств на конференции ООН по изменению климата. Главной целью парижского соглашения считается управление окружающей средой развивающимися государствами путем эффективной организации нескольких мер, направленных на борьбу с изменением климата. Проводя правовой анализ социализации различных решений международных организаций, авторы выдвинули важные и действенные принципы, способствующие решению проблем изменения климата.

Ключевые слова: Охрана климата, правовые принципы, природные ресурсы, экологическая безопасность, международные договоры.

DOI: 10.52026/2788-5291_2024_78_3_94

Introduction

All human rights, such as the right to life, housing, water and sanitation, nutrition, health, development, personal security, and a sufficient standard of living, are either directly or indirectly hampered by climate change. Furthermore, the consequences of climate change worsen inequality by disproportionately harming individuals, communities, and groups that are already vulnerable, such as children, Native Americans, and persons with disabilities. International standards and principles in the areas of human rights and the environment, such as solidarity, cooperation, transparency, access to information, participation, equality, fairness, accountability, as well as the "polluter pays" and precautionary principle, should serve as the foundation for effective measures to prevent, mitigate, and adapt to climate change [1, p. 42]. Nonetheless, entrepreneurship can also aid in the development of ideas and solutions meant to stop, lessen, or otherwise deal with climate change and its detrimental effects on the environment and people. The corporate sector needs to be included in the solution to secure climate justice and avert future climate damage. An authoritative global framework for preventing and eliminating detrimental effects on human rights related to entrepreneurship, including effects on human rights related to entrepreneurship as a result of climate change, is represented by the United Nations Guiding Principles on Entrepreneurship in the Human Rights Dimension [2, p. 59]. The fundamental principles of international human rights law are reflected in the UNDP. Any legal or policy response that the business sector contributes to in response to the effects of climate change on human rights must be compliant with existing international standards and the UN, as well as applicable international norms. The primary legal and policy ramifications of the UN for the United States and corporations concerning human rights and climate change are examined in this document, which ends with several

important advocacy theses from the Office of the High Commissioner for Human Rights.

Form and methods

In the process of writing the article used scientific research methods. In particular, methods of generalization, methods of synthesis, historical methods, methods of analysis, comparative legal methods were used. The regulatory framework for the study is the climate legislation of the Republic of Kazakhstan and abroad. In addition, articles and other works of domestic and foreign scientists who conducted scientific research in the field of climate protection were analyzed. In particular: Kultelev S. T., Bykovsky V.K., Tulenova A., G.T. Aigarinova., Sokolova N.A., Abashidze A.H., Rylova M.A., Veselova D.N., Malysheva I.S., Anufriev F.E., Kovalev Yu. Yu., Porshneva O. S.

Results

The findings allowed for the identification of broad strategies for reflecting the distinct but general principles of accountability, caution, sustainable development, and international cooperation in the legislation of a foreign nation. These approaches can also be helpful for Kazakhstani legislation. - the introduction of quotas as an economic mechanism to encourage the reduction of greenhouse gas emissions, which allows us to demonstrate real responsibility through the established polluting pay principles; - the timing of consecutive periods with targets for reducing greenhouse gas emissions, as well as specific deadlines for achieving carbon neutrality, taking into account ambitious investments determined at the national level. Enables you to incorporate the precautionary concept into legislative regulations. The biggest contributors to climate change include burning of gas and oil, as well as atmospheric carbon dioxide. These factors also improve laws pertaining to environmental safety and have a special impact on other industries. The impact of climate protection on sustainable

development through new opportunities is the main outcome of the environmental safety principles.

Discussion

Legal regulations aimed at preventing climate change and how they are reflected in foreign legislation. The theory of law develops the idea of a legal principle. These are the foundational ideas of legally defined historical systems, the first normative and guiding principles articulated in law, defining its substance, its pillars, and the social life patterns enshrined in it. The fundamental principles serve as the heart, foundation, or basis of the international legal system [3, p. 19]. Climate protection is known as norms and rules, principles of law that establish the main direction and specific content of international legal regulation of relations in the industry. The principles of international law with legal provisions in Environmental Protection affect a wide range of public life. [4, p. 117]. Usually, several distinct norms represent and embody a single principle. It is important to identify the widely accepted rules of international law that are set down in different international treaties. The following environmental law principles are distinguished by international environmental law, national laws, and scientific research in numerous countries: cooperation, polluter pays, foresight, compensation, and hazard prevention. Rights related to climate change regulation are not uninterested in environmental law principles. The UNFCCC's specific principles and the generally recognized principles of international law which are incorporated in the UN Charter and the Declaration on the Principles of International Law form the foundation of international cooperation on climate change. The present interpretation of the notion of common but differentiated duties was outlined in principle 7 of the 1992 Rio de Janeiro Conference on Sustainable Development's Declaration on Environment and Development, which was approved concurrently with the UNFCCC². The principle of common but differentiated responsibilities is reflected in a number of articles of the UNFCCC and was further developed in the Numerous articles of the UNFCCC and the Kyoto Protocol, which establishes qualitatively and quantitatively distinct obligations for wealthy and developing nations, both include the concept of common

but differentiated responsibilities (Article 10). Article 2, paragraph 2, of the Paris Agreement states: "This Agreement will be implemented in such a way as to reflect justice and the principle of common but differentiated responsibilities and respective capabilities in the light of different national conditions." This passage enshrines the idea of shared but differentiated responsibilities. N.A. Sokolov claims that while the Paris Agreement upholds the notion of distinction, it does it in a more dynamic manner. A country's self-identification is based on its nationally determined contributions. The fairness of each nation's autonomous contribution should be evaluated individually [5, p. 177]. The 1992 Declaration on Environment and Development presents the precautionary principle, often known as the precautionary approach, in the following manner: States, to the extent of their capacities, frequently employ a precautionary strategy to safeguard the environment. The absence of comprehensive scientific information shouldn't be a justification for delaying the implementation of costly actions to halt environmental degradation in situations when there is a risk of significant or irreversible harm. In order to counteract global climate change, Nikonov R.V. looked into the origins and content of the precautionary principle. According to the writer, "the birth of the precautionary principle is the result of the transition from awareness of climate danger to measures other than preventive measures" ; "recognition of the will to protect current and future generations is one of the main symbols of the precautionary principle, without which the announced measures will remain at the forecast level." He distinguishes between the proclamation of action and the content of the obligation to act under the precautionary principle [6, p. 194].

Regarding the first element, it is said that "a specific obligation to act is provided by the precautionary principle from the moment the Framework Convention is adopted," and that "the precautionary principle itself appears in the climate context as a powerful engine of action." The definition of activities to reduce and stabilize greenhouse gas emissions is indicated with regard to the second component of the precautionary principle (the content of the obligation to act). Proposals to conduct inventories of sinks and sources of greenhouse gases, establish quantitative targets that take

² Конференция ООН по окружающей среде и развитию, Рио-де-Жанейро, Бразилия, 3–14 июня 1992 года. <https://www.un.org/ru/conferences/environment/rio1992>

legal obligations into account, and reduce energy consumption are some of the most significant examples of these activities [7, p. 30].

The definition of the principle of sustainable development is "development that meets the needs of the current generation and does not undermine the ability to meet the needs of future generations." It is developed within the framework of the concept of sustainable development. The pertinent priorities are outlined in the UNFCCC preamble. Article 3 of the UNFCCC states in paragraph 4 that "The Parties have the right to sustainable development and must contribute to it." Since economic development is crucial for implementing climate change response measures, policies and actions in the field of protecting the climate system from anthropogenic changes should be tailored to the unique circumstances of each Party and integrated with national development programs." "At the 70th UN General Assembly session in September 2015, the battle against climate change was designated as one of the 17 Sustainable Development Goals. The principles of sustainable development are expressed in the Paris Agreement in paragraphs 1 of Article 2 and paragraphs 2, 4 and 9 of Article 6. Currently, one of the main tenets of the international legal regulation of environmental protection is the concept of international collaboration. It forms the basis of almost all international legal actions that are currently in effect and being created in this field. It is integrated into the system of legal procedures for climate protection and is put into practice in numerous legislation. A number of clauses in the Paris Agreement also acknowledge the unique situation of developing State Parties. Apart from the aforementioned, S. T. Kultelev emphasizes: - The idea of state sovereignty. The author claims that this idea, which is typical of public international law, is also expressed in the area of climate protection: only a broad framework is established internationally for adopting specific actions to combat climate change [8, p. 82].

The UN Framework Convention's preamble recognizes the significance of the internal political programs and actions adopted by States, as well as their freedom of sovereign discretion in carrying out their assigned commitments. We believe that one of the terms of the Paris Agreement, which states that the Parties agree on the basis of the principle of equality and appropriate opportunities, in light of different national conditions, expands and incorporates this idea (preamble of the Paris Agreement). The Paris Agreement provides that "the Parties

shall take into account in the implementation of this Agreement the concerns of the Parties whose economies have been most affected by the impacts of the response measures, especially developing country parties." We believe that the Agreement does not require the Parties to restrict their reaction measures against other Parties in this particular phrasing. As a result, there is a chance that the actions adopted by the Parties to address climate change currently impede global trade.

According to Tulenova A, the ethical and philosophical foundations of the "climate justice" idea still hold true today [9, p. 76]. We believe that the term "climate justice" refers to "the principles that should guide our main social, economic, and political mechanisms in relation to the management of environmental risks caused by climate change, including the polluter pays principle, the common but differentiated responsibility principle, the interests of future generations, and the justice principle." Therefore, climate justice paves the way for the abolition of the negative effects of climate change on the environment, society, and states." The ideas of preventative measures, international collaboration, sustainable development, and common but differentiated responsibility will be examined as we examine the legal acts of a foreign state. We believe that the following interpretations and comments can be made about them while considering the global environment, domestic laws, and the evolving customs at the start of the second decade of the 21st century. The present legal actions that have been implemented to implement the Paris Agreement will be used as an example to discuss the concept of common but differentiated responsibility. Remember that the main tenet of the Paris Agreement is nationally decided contributions, on which the Parties may modify their level of ambition and report on every five years. According to [10, p. 77], this clause serves as the initial standard for determining whether or not a legal act reflects the idea of common but differentiated responsibility.

The second need was the application of an economic mechanism (often known as "the polluter pays") to limit greenhouse gas emissions, such as carbon taxes, carbon units, or emissions quotas. Republic of Kazakhstan has developed an environmental code. Conclusions on the legislative reflection of climate prevention principles are premature based on the analysis of the legal act; the adopted by-laws were utilized for these goals. Resolution of the Government of the Republic of Kazakhstan dated Upon approval of the

Republic of Kazakhstan's updated National Contribution to the global response to climate change, which requires that measures be taken to minimize climate risks, ensure the adaptation of natural ecosystems, economic activities, and infrastructure, protect public health, ensure food security, and ensure access to water, as well as to increase resilience to climate change while eliminating its effects.

Conclusions on the legislative reflection of climate prevention principles are premature based on the analysis of the legal act; the adopted by-laws were utilized for these goals. Resolution of the Government of the Republic of Kazakhstan dated Upon approval of the Republic of Kazakhstan's updated National Contribution to the global response to climate change, which requires that measures be taken to minimize climate risks, ensure the adaptation of natural ecosystems, economic activities, and infrastructure, protect public health, ensure food security, and ensure access to water, as well as to increase resilience to climate change while eliminating its effects. Beijing's policy primarily focuses on ways to lessen climate change's effects. This is demonstrated by the switch from coal to natural gas, the rise in the proportion of renewable energy in the nation's energy balance, and modifications to the People's Republic of China's transportation system. But not every action taken in this direction aims to lower greenhouse gas emissions. By purchasing quotas from China, corporations in other nations acquire the carbon footprint from China through the trading of hydrocarbon units. Since energy produced mostly at thermal power plants is required to recharge such vehicles, the widespread adoption of electric cars therefore frequently does not cut emissions. The nation is taking steps to adapt to climate change, but both the scope and quantity of these actions should be expanded.

China has had success with international cooperation. The nation signs both multilateral and bilateral agreements on the subject at hand, influences the global environmental and climate agenda, and is a member of several international and industrial groups addressing the topic of battling climate change [11, p. 337]. The roots of Russia's climate policy have been forming since 2009, the year the Climate Doctrine was adopted. The theory centers on two approaches to putting climate policy into practice: adaptation to the effects of climate change and mitigation of its effects. Since lowering greenhouse gas emissions is a priority in our nation, as demonstrated by adopted

documents and continuing initiatives, we shall concentrate on mitigation in this study [12, p. 64]. The first criterion so reflected the idea of common but differentiated responsibility in French regulations that were passed to carry out the objectives of the Paris Agreement.

The precautionary principle was examined with consideration for its two elements, which we designated as criteria: the "content of the obligation to act" (2) and the "declaration of action" (1). The first criterion in legal acts was whether or not climate protection was established for the purposes of the legal acts themselves; the second criterion was whether or not the activities to reduce and stabilize greenhouse gas emissions have been determined with consideration for legal obligations, including quantitative targets, inventories of sources and sinks of greenhouse gases, various projects, and funds [13, p. 86].

The following legislative actions in the Republic of Kazakhstan incorporate the precautionary principle within the context of its second component, the "content of obligations to act". Legal actions create the Republic of Kazakhstan's idea on the shift to a "green economy," the National Project "Green Kazakhstan," the adoption of the regulations for the planning and execution of the process of climate change adaptation, and other related topic. Consequently, the Republic of Kazakhstan has created a comprehensive regulatory framework for the energy industry. Laws pertaining to environmental regulation and legal regulation concerning renewable energy sources reflect particular objectives to cut greenhouse gas emissions, attain carbon neutrality by 2050, and generally protect the climate, which is consistent with the idea of sustainable development in the context of preventing climate change. A new form of interaction between man and nature, environmental protection is a product of modern times. It is a system of state and public measures (technological, economic, legal, educational, and international) intended to promote harmony between society and the natural world, as well as the preservation and propagation of natural resources and existing ecological communities for the benefit of present and future generations. The legal framework for environmental protection is a cohesive set of ecological and legal tools that is used to enforce environmental protection laws and promote the wise use of natural resources.

Law enforcement actions, environmental and legal relationships, and legal standards are

all components of the legal regulation system. Environmental legislation, which includes a component of international law and legal protection of nature inside the state, is now being established in every country to safeguard the habitat. This legal framework provides the foundation for the conservation of natural resources and the environment that supports life. Established by the International Organization for Economic Cooperation and Development in 1972, the "polluter pays" principle mandates that businesses that negatively affect the environment through their operations pay for the costs of putting compensatory measures in place [14, p. 226]. The expenses of taking action to either completely stop this pollution or reduce it to a level that as nearly as feasible satisfies environmental quality requirements must be borne by individuals and legal organizations acting as polluters. Reimbursement of environmental expenses by the polluter through product and service charges is a right that should be noted.

Conclusion

It is crucial to build some significant areas of the most pertinent policies for states in the area of accounting for changing climatic elements while establishing the framework for the sustainable development of the nation as a whole and its various regions. Our thoughts are that... climate control;... examination of projected climatic changes.

Acquiring and preserving climatic data, as well as proficiently planning and implementing climate mitigation strategies within one's community. As soon as possible, this crucial document has to be discussed and prepared for adoption, taking into account the suggestions made in Kazakhstan on the composition and substance of the climate doctrine. In our opinion, consideration of organizational, legal, scientific, and human resources is essential for implementing the Republic of Kazakhstan's national strategy concerning climate change. The Republic of Kazakhstan's Environmental Code and other regulatory legislative acts have to incorporate the fundamental ideas pertaining to climate change. In our opinion, it is necessary to give priority to such principles.

In order to shield the climate from harm.

In order to prevent damage to the climate.

- Strengthening climate protection measures.
- Strengthening Greening.
- At effective use of Natural Resources.
- Strengthening the responsibility of the party that caused the damage.
- Providing access to climate information.
- Sustainable development.
- Digitalization of the climate.
- Environmental and economic balance.
- Compliance with the norms of international law.
- Increase international cooperation.

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