

## LEGAL REGULATION OF TRADE IN ENDANGERED AND THREATENED SPECIES: NATIONAL AND FOREIGN EXPERIENCE

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**Abstract :** This article examines the issues, solutions, suggestions and recommendations for legal regulation of international trade of endangered or threatened species based on international documents, experiences and norms of national law. Uzbekistan information is given on the actions of the authorities aimed at the protection of wild flora and fauna. Normative legal documents aimed at animal protection will also be introduced. It helps to understand why efforts are being made to preserve the world of wild animals and not to lose biological diversity.

**Key words:** wildlife, illegal trade of wild animals, protection of rare animals, Red Book, international trade, poaching, biological diversity, ecotism, CITES.

### Introduction

Wildlife is the natural environment on earth. Wildlife is disappearing as humans cut down forests, pollute the oceans, and emit large amounts of carbon dioxide gas, which causes global warming. And the wild nature is home to a variety of wild animals and plants. However, now the species of wildlife are declining and are in danger of extinction. Due to the careless attitude of people to nature, the existing biological diversity is also disappearing more and more. Also, they are considering the sale of wild animals only as a source of income. This in turn leads to the decline of wildlife. International wildlife trade generates billions of dollars in revenue each year and threatens the survival of countless animal species. Wild animals are used for food, medicine, clothing, jewelry and other ornaments, for research purposes, as well as simply for entertainment, as exhibits in zoos. For this reason, the preservation of wildlife and the protection of rare animals is increasingly becoming a global problem. Despite the protection of wild animals in Uzbekistan, international trade relations are not regulated on a holistic basis here. Therefore, it is appropriate to study aspects of international experience. The article contains proposals and recommendations based on international experiences on issues of trade in endangered or threatened species of animals in Uzbekistan, international conventions and national legislation.

### Materials and methods

During the research, attention was paid to the analysis of the following topics:

1. International CITES convention;
2. The issue of legal regulation of trade in endangered and threatened species of animals in our national legislation;
3. Scientific and theoretical researches of scientists in this field;
4. Measurements against illegal trade.

In general, scientific analysis, comparisons, systematic, static, generalization of scientific knowledge were used in this research work.

### Research results

CITES is one of the most important documents on the regulation of wildlife. What is its importance and impact on wildlife?

Endangered Species of Wild Fauna and Flora (CITES) regulates worldwide trade in endangered

and threatened wildlife, their made as a global agreement to ensure its survival. Countries join CITES on a voluntary basis, but by joining, member countries agree to comply with the Convention and adopt domestic legislation aimed at ensuring its implementation at the national level.

There are three CITES appendices that list species according to their level of threat:

T/R	Appendix I	Appendix II	Appendix III
Characteristic	Species that are in danger of extinction and CITES prohibits international trade in specimens of these species	Species that are not currently endangered but may be if trade is not strictly controlled	Species introduced at the request of a Member State that needs the cooperation of other countries to prevent unsustainable or illegal exploitation regulating its trade

The Convention is administered by a secretariat managed by the United Nations Environment Programme, whose main task is to coordinate, advise and manage the work of the Convention, as well as monitor its implementation.

We believe that trade in wildlife will find its legal solution as long as CITES exists. More than 170 countries have joined CITES since its inception, and since more than 30,000 species of wildlife are listed as "protected" under the treaty, countries have no problem with this issue. But is our assumption correct...?

Countries that are members of CITES do not always fully fulfill their obligations. CITES currently fails to protect many plants and animals that are in need of protection and are threatened with extinction. For example, from bluefin tuna, which have declined dramatically in 50 years, to severely depleted pink and red corals collected for jewelry, the continued international trade of many species is drastically reducing their chances of survival. Illegal trade is also on the rise: skins, claws, teeth, bones and other body parts of Indian endangered tigers are on a huge demand nowadays. For this reason, it is necessary to strengthen the control of illegal and legal trade.

The Republic of Uzbekistan is a member of CITES. While CITES aims to legally regulate trade in rare and endangered animals around the world, the Red Book of Uzbekistan contains comprehensive information on the status of rare, endangered and threatened plants and animals in Uzbekistan which is the main document ever received. 207 species of animals are included in various categories of rare and endangered species in this book, including 184 species included in the Red Book of the Republic of Uzbekistan (2009): 24 species of mammals (with 25 subspecies), 48 species of birds, 16 species of reptiles, 17 species of fish (with 18 subspecies), 3 species of annelids, 14 molluscs and 60 arthropod species. In addition, 73 species and subspecies of animals whose status is of global concern are included in the IUCN Red List. 88 endangered species and subspecies are included in the appendices of the CITES Convention. See the table:

**The number and percentage of rare and endangered animal species in Uzbekistan**

Class	Total number of species in class	Number / % of total number of species in class		
		Rare and endangered species (RDB RUz, 2009)	IUCN species (2013)	CITES
(2013)	CITES	25 / 23,4	24 / 22,4	20 / 18,7
Birds	460	48 / 10,4	31 / 6,7	58 / 12,6
Reptiles	60	16 / 26,7	3 / 5,0	5 / 8,3
Fishes	84	18 / 21,4	11 / 13,1	4 / 4,8
Invertebrates	14900	77 / 0,5	4 / 0,03	1 / 0,007
<b>Total</b>	<b>15611</b>	<b>184 / 1,2</b>	<b>73 / 0,5</b>	<b>88 / 0,6</b>

In the Republic of Uzbekistan, state management in the field of wildlife protection and use is as follows:

- Cabinet of Ministers of the Republic of Uzbekistan,
- Ministry of Natural Resources of the Republic of Uzbekistan;
- Forestry Agency of the Republic of Uzbekistan;
- It is carried out by Local state authorities within their powers.

In accordance with our legislation, the State Committee for Ecology and Environmental Protection of the Republic of Uzbekistan and the The State Forestry Committee of the Republic of Uzbekistan are obliged to take measures in order to preserve rare and endangered species of wild animals that cannot be restored and reproduced as well as to create the necessary conditions for the reproduction of this type of animal.

The procedure for separation is specified in Article 19 of the Law "On Protection and Use of Animal World". The procedure for isolating rare and endangered species of wild animals from their natural habitat:



As a result of the reforms in Uzbekistan that began in 2016, large-scale work on the legal regulation of wildlife is being carried out. In particular, in 2014, the procedure for setting quotas in the field of hunting in the country caused some misunderstandings, but as a result of the adoption of the Law "On Hunting and Hunting Farming" adopted in 2020, hunting and hunting activities in our country have been greatly regulated. First, the license procedures for hunting animals were clearly



defined. Secondly, quotas were allocated for hunting animals in a special order. Also, values were paid for animals that are disappearing or in danger of extinction.

Due to poaching and habitat loss (including losses due to human-induced climate change), local populations are declining dramatically, while entire species are on the verge of extinction. Some, like Japanese sea lions, have been hunted and completely destroyed for the use of their organs in traditional medicine. Found in East, Central, and West Africa, the African Gray Parrot, an amazing mimic, continues to be illegally trapped for the international wildlife trade. Bears, especially the endangered Asian black bear, are targeted for gall bladders and bile used in traditional Asian medicines and cosmetics. An estimated 73-100 million sharks are killed each year, leading to the extinction of many shark species.

Every person and even the state itself know very well that if there is no legal trade, there will be illegal trade. What if there is legal trade? All regulated, legal trade that does not destroy wildlife or biodiversity. Therefore, it is very important to regulate the legal trade. Also, wildlife conservation should look for ways to breed species.

### **Summary**

As it mentioned above, illegal wildlife trade is a multi-billion dollar industry. In particular, the income from illegal trade makes people enslaved to their desires and encourages them to look for illegal ways of income. For this reason, organizations, groups, movements have been formed for legal regulation. One of them is IUCN (International Union for Conservation of Nature). The organization publishes a list (commonly called the Red List) of more than 30,000 endangered wildlife species. There may be international documents and norms. However, only the countries that ratified it follow these norms. Therefore, the animal world is still in danger. If the conditions listed below are followed in every country, every place the world's wild animals and plants will be able to fully preserve their diversity and pass it on as a legacy to the generations that will live after us.

#### **1. Regulatory regulation of wildlife trade**

Activities in each country must be strictly regulated. The number of wild animals set aside for hunting activities should not harm biological diversity. If the quotas are in a state of damage to biological diversity, it will lead to a crisis of wild flora and fauna.

#### **2. Anti-corruption knowledge and practice**

Corruption in wildlife, forestry and fisheries supply chains is a major obstacle to the global transition to legal and sustainable trade and harvesting. The recent High Level Commitments at the London Conference on Illicit Financial Flows and the Resolution on Corruption by Members of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) are international encouraged efforts. Developed approaches to identify corruption and reduce threats to biodiversity.

#### **3. International cooperation**

It is necessary to support international cooperation in the field of wildlife trade. One important solution is to develop and support international agreements and policies and integrate them into national systems to reduce the negative impact of trade and ensure that it is conducted in a sustainable manner.

#### 4. The welfare of rare animal

Animal welfare on the wildlife trade agenda and integrating it with wider issues such as disease and food availability is one solution to wildlife conservation. Collaboration between conservationists and animal rights activists should be mutually beneficial and can better develop human health and animal welfare tools to influence trade in ways that benefit both humans and wildlife.

#### 5. Strengthen accountability measures

**Code of Administrative Responsibility** of the Republic of Uzbekistan Pursuant to Article 94 Extermination, hunting of rare or endangered animals, or other actions that may lead to the extinction, loss of health, or habitat destruction of such animals if actions are taken, the rare or endangered species of animals included in the Red Book of the Republic of Uzbekistan are destroyed, preyed upon, or their nests and shelters are destroyed to destroy their nests, nests and other habitats, or to commit other actions that lead to the extinction of such animals, decrease in their number, or damage to their habitat, or to prey on such animals in violation of the conditions specified in the hunting permit - committing these offenses confiscating or not confiscating items that are weapons of mass destruction shall result in the imposition of fines on citizens in the amount of five to ten times the amount of the base calculation, and on officials - in the amount of ten to fifteen times. Also, according to **Article 202 of the Criminal Code**, Violation of the procedure for the use of fauna and flora: Violating the rules of hunting and fishing or catching other species of the animal world, the established procedure or conditions for catching rare and endangered animal species, or collecting or preparing medicinal, nutritional and ornamental (decorative) species of wild plants, as well as if the violation of the order of use of fauna and flora in the protected natural areas causes a significant amount of damage, - a fine of one hundred to two hundred times the amount of the base calculation or up to three hundred hours of compulsory community service or up to two years of correctional work will be punished.

**Article 258<sup>1</sup> of the Criminal Code of Russia**, it is possible to be prosecuted with the restriction of freedom by confiscation of income and wages for up to two years, a fine of up to 1 million rubles, or imprisonment for up to 4 years.

**Of the Criminal Code of the Republic of Kazakhstan** Illegal handling of rare and endangered species of plants or animals, their parts or derivatives : Rare and endangered species of plants or animals illegal keeping and possession of species, their parts or derivatives, including species whose circulation is regulated by international agreements of the Republic of Kazakhstan, as well as plants or animals, their parts or derivatives. If it is prohibited to use, store, transfer, import, export, send, transport or destroy, as well as destroy their places of residence, - confiscate their property, hold certain positions or hold certain positions for up to five years to deprive of the right to engage in activities, to impose a fine of up to three thousand monthly calculation indicators, or to carry out correctional works in the same amount; shall be punished by community service for a period of up to eight hundred hours or deprivation of liberty for up to three years or restriction of liberty for the same period or deprivation of liberty. Even in Uzbekistan, the punishment of deprivation of liberty should be applied in cases of illegal treatment of rare and endangered wild animals.

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