



The Right To Use Biological Resources

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ABSTRACT

In the sustainable development of the world, the issues of protection and legal regulation of biological resources are becoming increasingly global and topical. Issues related to biodiversity, flora and fauna, forest use and environmental security, environmental policy, rational use of natural resources are reflected. An analysis of international documents and national legislation has shown that biological resources are an integral part of natural resources. Issues related to cultured and uncultured biological resources have been explored in the context of the legal literature and new legislation.

KEYWORDS

World community, biological resources, research, conservation, living organisms, microorganisms.

INTRODUCTION

Today, when science and technology are developing rapidly, the development of the economy requires compliance with the principles of sustainable development

recognized by the world community, that is, the effective use of natural resources.

Yu.A.Juraev [1], Sh.X.Fayziev [2], N.Rajabov [3] D. Mahkamov's[4] scientific research has

provided insights into the use and conservation of biological resources.

According to the lawyer S.Yu. Mirolyubova, the composition of biological resources includes uncultured and cultured biological resources[5]. In addition to this view, it should be noted that cultivated biological resources are considered as species of living organisms. Here we are talking about updated and further improved varieties of plants, pedigree animals and microorganisms, objects obtained artificially by humans as a result of selection. The various living organisms that make up cultural biological resources are objects whose evolution has evolved to meet human needs, as well as potentially useful and valuable for humanity.

Modern biotechnologies have been used to obtain cultured biological resources, a cultured biological resource is a complex concept that includes one or another type of resource and technology for the use of resources and biotechnology. We focus on new and improved plant varieties, animal breeds, and human-derived microorganism strains through artificial selection, i.e., cultural biological resources include species of living organisms. The evolution of their development has a real or potentially beneficial, valuable significance for meeting the needs of human beings, as well as for humanity.

An analysis of international documents and national legislation reveals that biological resources are an integral part of natural resources. Thus, according to the legal literature and the content of the new legislation, biological resources can be divided into cultured and uncultured biological resources.

Cultivated biological resources include: 1) seeds of agricultural crops, forest plants and grain crops; 2) animal breeding products (material) and strains of microorganisms; 3) any material containing genetic genetic information in the genetic code of cultured living organisms.

It should be noted that cultivated biological resources provide the basis for the country's food security, pharmaceuticals and agriculture. It is obvious that the development of fundamental research in the field of genetics and selection and the implementation of this research in practice will have a positive impact on the development of the agricultural sector.

It should be noted that the main task of cultivated biological resources is to ensure food security of the country. Cultural biological resources are the basis of food, pharmaceuticals and agriculture.

Strengthening the constitutional principle of the use and protection of natural resources as the basis of life and activity is a prerequisite for the legal regulation of the rational use of cultural resources in food and agriculture, as well as their protection in national legislation. Since the circulation of cultural biological resources in agriculture is interrelated with trade and environmental issues, the legal regulation of relations related to cultivated biological resources is carried out in various areas of legislation, including civil, agricultural law and administrative law. Legal regulation of biological resources grown as property rights is regulated by the Civil Code of the Republic of Uzbekistan and other laws. A distinctive feature of cultivated biological resources is that they can be a secondary object of property rights, on the one hand in direct material form (e.g. seeds of agricultural and forest plants,

genetic material), on the other hand in the form of intellectual rights to selection achievements (e.g. or breeding products).

Most CIS countries have adopted legislation regulating this area. For example, in the Russian Federation on June 5, 1996 the Law “On state regulation of activities in the field of genetic engineering” was adopted. That is, one of the types of results of intellectual activity in the field of mastered biological resources is the achievement of selection and invention in the field of biotechnology, which regulates the relationship of recognition of patent rights. It is also widely used in relations in the field of nature management, environmental protection, environmental safety as a result of the implementation of engineering activities. Relations in the field of cultured biological resources and biotechnology, inventions, intellectual law are regulated by the Civil Code of the Republic of Uzbekistan, as well as (the Law “On Seed Production”, the Law “On Selection Achievements”).

THE MAIN FINDINGS AND RESULTS

International cooperation is crucial in the context of globalization, as the development of new biotechnologies using biological resources has allowed the development of high-profit sectors in the economies of many countries around the world.

Uzbekistan has ratified the Convention on Biological Diversity, but there are a number of commitments associated with it, such as the fourth report. It plans to accede to the International Treaty on Plant Genetic Resources for Food and Agriculture, which sets out international obligations to ensure access

to the country's national genetic resources and biotechnology.

As the development of biotechnologies and the use of their variable genetic materials have caused problems with the environment and human health, biological safety, the formation of national legislation in the territory of the European Union is influenced by the following international documents.

Risk assessment for the byte processing of a living organism for export, import and any domestic use, including as a food or feed or modified by a new combination of genetic material as a result of use and the Cartagena Protocol on Biosafety of the Convention on Biological Diversity, which sets out the requirements for management. In this regard, the conservation and sustainable use of biodiversity in our country is one of the priorities of environmental policy. This is due to the fact that natural ecosystems and their use, ie animal husbandry, irrigated agriculture, forestry, fisheries, recreation, tourism, etc., are directly related to biodiversity. The Cartagena Protocol on Biosafety is an international agreement on the procedure for measures for the safe movement, recycling and use of modern biotechnology products across national borders [6]. “To date, 171 of the 198 UN member states and the European Union have joined the Protocol as an international organization”[7].

Adoption of the Protocol is a crucial step for the international regulation of the use of genetically modified organisms (GMOs) and their byte products, taking into account the tasks of environmental protection. At the same time, it allows minimizing potential risks to the environment and human health. In this regard, it should be noted that the use of modern

biotechnology products will help to eliminate the possible risks and expand the range of local products for export[8]. According to a recently adopted normative legal document, GMO products will be examined.

Analysis of international documents in the field of biological resources allows us to conclude that the international community is increasingly focusing on genetic resources and biotechnology, as well as states' commitment to free access to genetic resources, including traditional knowledge about them. Genetic resources, biotechnologies related to intellectual property rights in this field.

It should be noted that the development of biotechnology has significantly changed the traditional breeding, during which the genotype of plant and animal breeds changes directly under artificial conditions. Biotechnology allows you to interfere with the genetic apparatus and purposefully modify living organisms, choosing the best wool from among artificially created genotypes. Moreover, biotechnology has indeed revealed and demonstrated the special importance of genetic resources as a public treasure. Therefore, the state must ensure the preservation of national genetic resources, including cultural biological resources.

It is necessary to develop and adopt a national program of national cultural biological resources that will ensure the collection, processing, storage and use of scientific knowledge in the field of biotechnology, taking into account the rapid development of the global bioindustry market using cultural biological resources, as well as international and national legislation.

Biological resources determine the place and role of peoples living in the relevant area.

Strengthening the constitutional principle of use and protection of natural resources as the basis of life and activity is the main condition for the legal regulation of the rational use of cultural biological resources in food and agriculture and their protection in national legislation. Since the turnover of cultural biological resources in agriculture is interrelated with trade and environmental issues, the legal regulation of relations related to cultural biological resources is carried out in various areas of legislation, including civil, environmental, agricultural and administrative.

CONCLUSION

In addition, it is important to develop and improve regulations governing relations in the field of biological resources in the following areas:

- Improvement of international law, including international activities of Uzbekistan in the field of legislation on genetic resources and biotechnology;
- Legal regulation of protection of human and civil rights and freedoms in the use of genetic resources and biotechnology in the food industry and agriculture;
- Development of standards in the field of biological resources and biotechnology;
- Legal regulation of genetic safety, including biological safety.

REFERENCES

1. Juraev Yu.A. Proceedings of the scientific-practical conference

2. Fayziev Sh. Constitutional-legal guarantees of realization of ecological policy of the Republic of Uzbekistan // Review of law sciences. 2020. № Special issue. URL: <https://cyberleninka.ru/article/n/konstitutsionno-pravovye-garantii-realizatsii-ekologicheskoy-politiki-respubliki-uzbekistan> (date of appeal 13.03.2021).
3. Narzullaev, O. (2020). Biological resources-COVID-19. Legal support of biological resources for scientific purposes and biological safety. European Journal of Molecular & Clinical Medicine, 7(2), 714-724.
4. Нарзуллаев, О. (2020). Фундаментальные правовые основы использования водных биоресурсов: сравнительный анализ. Review of law sciences, 2(Спецвыпуск).
5. Razhabov N. The constitutional and legal framework for ensuring the right to environmentally friendly products // Review of law sciences. 2020. № Special issue. URL: <https://cyberleninka.ru/article/n/konstitutsionno-pravovaya-osnova-obespecheniya-prava-na-ekologicheskii-chistuyu-produktsiyu>.
6. Mahkamov D.N. Legal status of protection and use of flora. Textbook.- Tashkent: TSLI, 2011. –P.13.
7. Narzullaev, O. K. (2021). Protection Of Biological Resources And Problems Of Legal Regulation Of The Use Of Biodiversity. The American Journal of Political Science Law and Criminology, 3(02), 1-6.
8. Нарзуллаев, О. (2020). Биологические ресурсы мухофаза қилиш. Общество и инновации, 1(1/5), 414-421.
9. Legal regulation of the use and protection of biological resources: scientific and practical. Manual / S.A. Bogolyubov, E.A. Galinovskaya, D.B. Gorokhov; edited by E.L. Minin.-M.: Institute of Legislation and Comparative Law under the Government of the Russian Federation: INFA-M, 2018.-P.24.
10. Narzullaev O. Biological resources - covid-19. Problems of scientific use of biological resources and legal support of biological safety // Review of law sciences. 2020. №2. URL: <https://cyberleninka.ru/article/n/biologicheskie-resursy-covid-19-problemy-nauchnogo-ispolzovaniya-biologicheskikh-resursov-i-pravovogo-obespecheniya-biologicheskoy> (date of appeal: 13.03.2021).
11. <http://parliament.gov.uz/uz/events/chamber/28535/>
12. On October 11, 2019, at the twenty-third plenary session of the Senate of the Oliy Majlis, the senators adopted a resolution “On the accession of the Republic of Uzbekistan to the Cartagena Protocol to the Convention on Biological Diversity” (Montreal, January 29, 2000).
13. Нарзуллаев, О. (2020). БИОЛОГИЧЕСКИЕ РЕСУРСЫ–COVID-19. ПРОБЛЕМЫ НАУЧНОГО ИСПОЛЬЗОВАНИЯ БИОЛОГИЧЕСКИХ РЕСУРСОВ И ПРАВОВОГО ОБЕСПЕЧЕНИЯ БИОЛОГИЧЕСКОЙ БЕЗОПАСНОСТИ. Review of law sciences, (2).

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14. Нарзуллаев, О. Х. (2019).
МАДАНИЙЛАШТИРИЛГАН
БИОЛОГИК РЕСУРСЛАР: МИЛЛИЙ
ҚОНУНЧИЛИКНИНГ РИВОЖЛАНИШ
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тадқиқотлар» электрон журнали,
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