

SOME ASPECTS OF OPTIMIZING THE ACTIVITIES OF EXECUTIVE AUTHORITIES EXERCISING STATE CONTROL OVER THE USE OF WATER RESOURCES

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Abstract:

this article analyzes the use of water resources in the Republic of Uzbekistan, the problems that have arisen, in particular, the daily increase in the level of desertification on the territory of the Republic, as well as the system of competent authorities exercising state control over the sphere, which are considered one of the main factors, their powers. Proposals were also developed to optimize the system of executive authorities exercising state control over the use of water resources in order to eliminate such problems as rational use of water resources, drought and water scarcity faced by the future generation, as well as to organize a single state management body that implements these activities in the region and provide it with all powers. These proposals are justified by the experience of foreign countries.

Keywords: water resources, state control, competent authority, desertification, rational use of water, natural environment, hydrogeological conclusion, permit, underground and surface waters.

INTRODUCTION

Effective use of water resources, increase of underground and surface water reserves is one of the urgent problems facing the world community. Because the improper use of water resources, global warming, as well as the constant growth of the world's population are causing desertification. According to statistics, 12 million hectares of land around the world are desertified every year, and 23 hectares of land are desertified in 1 minute. Currently, 75 percent of the Earth's surface is desert. If this threat continues, it is estimated that by 2050, 95 percent of the Earth's surface will be unusable. 87% of desertified wetlands have become so in the last 300 years. Looking even more recently, 54 percent of desertification has occurred in the last 100 years. This process is still ongoing in South-East Asia and Africa. In Uzbekistan, 9 square meters of territory is becoming desert every minute [1].

According to the Food and Agriculture Organization of the United Nations, 37% of the total land resources and 29% of the water resources are used for the cultivation of agricultural products and the international trade of food. If we take into account the acute water shortage in some regions, the scarcity of suitable land for agriculture and the accelerating process of

desertification, it is obvious that the creation of a perfectly functioning agrarian system is a vital necessity for ensuring global and regional food security.

Material and methods

The following issues were analyzed within the framework of this research: firstly, analysis of the current state of implementation of state control over the use of water resources in Uzbekistan, and secondly, development of proposals aimed at improving the legislation in this field.

In order to achieve these goals, methods such as comparative-legal, logical, scientific and legal sources' comprehensive analysis, as well as statistical data analysis were used in the research work.

Research Results

One of the main normative legal documents in the field of water resources protection and implementation of state control in Uzbekistan is the Law "On Water and Water Use" of May 6, 1993. The main tasks of this law are to ensure the rational use of water for the needs of the population and economic sectors, to protect water from pollution, contamination and depletion, to prevent and eliminate the harmful effects of water, to improve the condition of water bodies, as well as enterprises, institutions, organizations in the field of water relations, is to protect the rights and legal interests of farmers, farms and citizens.

It should be noted that according to Article 3 of this law, water is the state property of the Republic of Uzbekistan - national wealth, water must be used wisely and it is protected by the state. Therefore, the control function of the state is used to ensure the rational use of water. In particular, all ministries, state committees and agencies, enterprises, institutions, organizations, farmers and peasant farms, and citizens must comply with the regulations set forth in Article 9 of the Law on water use, water protection, prevention and elimination of harmful effects of water, water it is confirmed that the main task of state control over water use and protection is to ensure compliance with accounting rules, as well as other rules specified in the legislation on water.

Russian jurist O.A. Kiblitckaya stated that one of the main factors of the deterioration of the natural environment is the sharp weakening of the state's management and, first of all, control functions in the field of nature use and environmental protection. At the same time, one of the main tasks of the implementation of state policy is to ensure effective state management of environmental protection and use of natural resources in the field of ecology, which requires the provision of state, departmental, industrial, urban and public environmental control actively implemented in foreign countries [2, p.119-122].

In full support of this opinion, we can say that it is important to ensure the purposeful use of water resources, to prevent desertification, and to implement the control function of the state management bodies that regulate this area. Paying attention to this issue, B.V. Erofeev emphasizes the importance of state control over the rational use of water resources, the prevention and elimination of water pollution, drying up, and their use [3, p.67].

Some scientists emphasize that the control of the use and protection of water bodies is the activity of the competent state, city, public bodies aimed at organizing control over the rational

use and protection of water, compliance with the procedure for water use, and compliance with other provisions established by water legislation. [4, p.334].

Russian jurist V.A. Dolzhenko noted that in the modern development of the environmental control system in Russia there are organizational and legal issues that need to be solved urgently, the division of environmental protection objects between several federal executive authorities has led to the deterioration of the environmental situation in the country, and Russia Subjects of the Federation emphasize that it is very difficult for the executive authorities to cooperate with the many regional bodies of the ministries and agencies. He also emphasized that one of the options for solving these problems is the need to create a single executive body that performs various types of state control over all components of the natural environment and applies its powers to all objects of state environmental control without exception [5, p.75].

The opinions presented by V. A. Dolzhenko are relevant not only for the Russian Federation, but also for the Republic of Uzbekistan. Because the number of authorized executive authorities exercising state control over the use of water resources is extremely large. This leads to the concentration of the control function of the state in the hands of various bodies and the decrease of efficiency indicators. For example, according to the second part of Article 9 of the Law "On Water and Water Use", state control over water use and its protection is carried out by the following executive authorities:

1. Local government bodies;
2. State Committee for Ecology and Environmental Protection of the Republic of Uzbekistan;
3. State Committee of Geology and Mineral Resources of the Republic of Uzbekistan;
4. Inspection of control over the Agro-Industrial Complex under the Cabinet of Ministers of the Republic of Uzbekistan;
5. Ministry of Health of the Republic of Uzbekistan;
6. Ministry of Water Management of the Republic of Uzbekistan;
7. Drinking water control inspection under the Ministry of Housing and Communal Services of the Republic of Uzbekistan [6].

Based on this list, we can say that the function of state control over the use of water and its protection exists in 7 state bodies. However, despite the large number of state control bodies over the use and protection of water, the problems in this field are increasing year by year. It will be more effective to explain our idea on the basis of the following drawings.

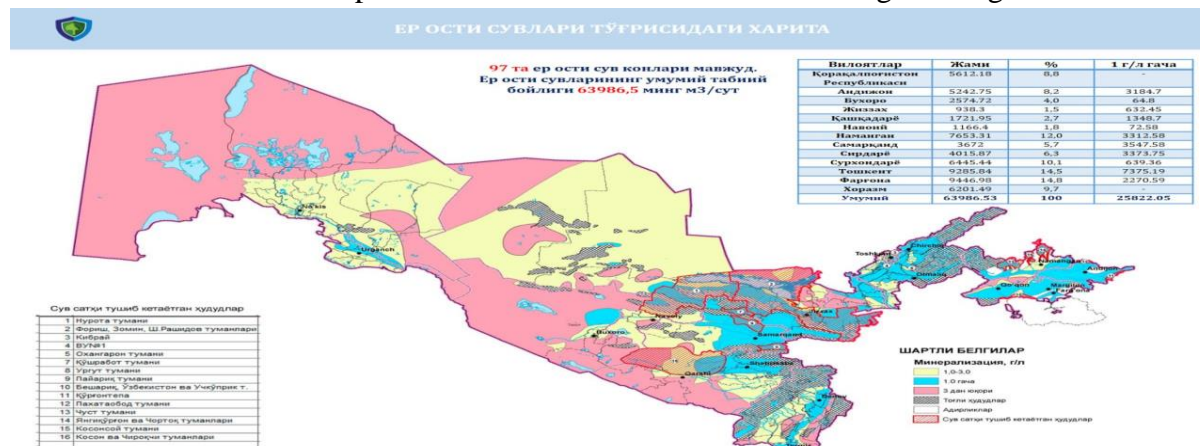




Image 2.

In these infographics published by the Ministry of Natural Resources, we can see the current state of water resources and the state of control over water use. If we pay attention to Figure 2, the volume of land use water was 14872.67 thousand m³ in 2010, and by 2020 this indicator was 18618.64 thousand m³. Also, when the wells used for various purposes of underground water were inspected, the number of wells inspected in the republic was 7951, and 6963 of them did not have a hydrogeological report, 7322 did not have a well digging permit, 6358 did not have a well technical passport, and 5422 did not have a special water use permit. The main root of these problems is the existence of state control over the use of water resources in various executive bodies, and allowing censorship by the officials of the executive bodies.

We will analyze on the basis of legislation in order to distinguish the tasks of these bodies in the field of control over the rational use of water resources. Article 10, paragraph four of the "Regulation on the State Committee for Ecology and Environmental Protection of the Republic of Uzbekistan" states that one of the main tasks of the State Committee for Ecology and Environmental Protection is to protect the atmosphere, underground resources, water, forests, fauna and flora, protected natural resources. It is established to establish state ecological control over the observance of legislation in the protection and use of territories, and within the framework of this task, state control over the state of surface and underground water, rules for the use of water protection facilities, water management systems, reservoirs and other hydrotechnical facilities, use of water resources, compliance with established norms, rules and procedures of water use, protection of surface and underground water from pollution, contamination and drying up, as well as implementation of water protection measures on the shores (zones) of water bodies, forest resources, valuable natural landscapes, as well as the provision of water conservation, water management, cropland protection and other protective functions of forest vegetation [7].

In accordance with the "Regulation on the State Committee of Geology and Mineral Resources of the Republic of Uzbekistan", this body is responsible for geological research of the earth's surface, extraction of minerals (including mineral, thermal, industrial groundwater), processing of mineral raw materials, as well as geological monitoring of mining operations. - provides control over the provision of timely hydrogeological conclusions to the drilling of water wells by hydrogeological organizations in accordance with the procedure established by law in the field of state control over compliance with the requirements of legal documents and normative documents in the field of subsoil use and protection by legal entities and individuals, and the law issues permits for drilling wells for water and special use of water (for underground water) in accordance with the procedure specified in its documents [8].

In accordance with the "Regulation on the Inspection of the Agro-Industrial Complex under the Cabinet of Ministers of the Republic of Uzbekistan", this body carries out the following control over the rational and efficient use of water in artificial water bodies and compliance with the rules of water use and water consumption:

on the strict observance of the regulations on water use and water consumption by water management organizations, associations of water users and other water users, as well as farmers and peasant households and other water users;

on the approval of water intake limits (for the period of vegetation and novegetation) from water management facilities, compliance with them and compliance with the rules of water use and water consumption;

over the correct and accurate accounting of the initial amount of water taken from water bodies and poured into them;

on the provision of water resources in accordance with the approved water intake limits of regions and economic sectors, on taking measures to improve land reclamation conditions;

on effective use of irrigation and reclamation systems, irrigation and collector-drainage networks, reservoirs, pumping stations and other water management and hydrotechnical facilities;

on taking the necessary measures to strengthen the responsibility of water users and water consumers for economical and rational use of water resources, to increase the level of culture of water use;

on the use of water from artificial watercourses (open and closed canals, collector-drainage networks), artificial water basins (reservoirs, places where flood waters collect, etc.);

over the implementation of hydrotechnical and other works affecting the state of water and water management facilities in accordance with the law;

on the management of the state water cadastre in accordance with legal documents;

on taking measures to prevent unauthorized use of water resources and water management facilities;

within the framework of inspections and monitoring carried out by supervisory bodies, on compliance with the established standards in the construction and reconstruction of irrigation facilities and hydrotechnical facilities, as well as on the purposeful and rational spending of allocated budget funds [9].

The "Regulation on the Ministry of Health of the Republic of Uzbekistan" does not specify the powers of the Ministry of Health to exercise state control over water use and protection [10]. However, in accordance with the "Regulation on the Sanitary-Epidemiological Peace and Public Health Service of the Republic of Uzbekistan", it is established that the Sanitary-Epidemiological Service conducts inspections of economic entities that provide consumers with tap water and discharge wastewater [11].

In accordance with the "Regulation on the Ministry of Water Management of the Republic of Uzbekistan", the Ministry of Water Management and its territorial bodies conduct a systematic analysis of data on water use and electricity consumption, and monitor the use of these resources within the allocated limits and take measures for their effective use [12].

According to the "Regulation on the inspection of the use of drinking water under the Ministry of Housing and Communal Services of the Republic of Uzbekistan", the following are the main tasks of this body:

- implementation of state control over compliance with the requirements of regulatory documents on technical regulation in the field of rational and effective production, supply and sale of drinking water, use of drinking water, provision of sewage and wastewater treatment services;

- implementation of state control over the technological audit of water supply and sewage system facilities aimed at improving the technological process and saving energy by enterprises providing drinking water and sewage services (hereinafter referred to as water supply and sewage enterprises);

- preventing arbitrary connection to the water supply and sewage system and implementing state control over compliance with the requirements of the technical conditions for connection to the drinking water supply and sewage system;

- implementation of state control over the state of drinking water supply and sewage system facilities and their conditions of use, the prevention of damages and accidents in the water supply and sewage system and the implementation of measures for their prevention, compliance with the established norms of drinking water loss;

- implementation of state control over the condition of underground drinking water wells and compliance with the conditions of their use, regardless of their organizational and legal forms [13].

If we pay attention to the legislation of foreign countries, we can see that the state control over the use of water resources is carried out by a single body. In particular, according to Article 59 of the Water Code of the Republic of Belarus, control over water use and protection is carried out by the Ministry of Natural Resources and Environmental Protection [14]. In accordance with Article 85 of the Law of Georgia "On Water", state control in the field of water protection and use is carried out by the Ministry of Environmental Protection and Natural Resources, the Ministry of Health and the Ministry of Agriculture and Food within their powers [15].

It should be noted that with the decree of the President of the Republic of Uzbekistan dated December 21, 2022 "On measures for the implementation of administrative reforms of the new Uzbekistan" No. necessity was determined and a number of changes were made in the system of executive authorities. According to it, the Ministry of Natural Resources was established on

the basis of the State Committee of Ecology and Environmental Protection of the Republic of Uzbekistan, the Ministry of Mining and Geology of the Republic of Uzbekistan was established on the basis of the State Committee of Geology and Mineral Resources of the Republic of Uzbekistan, the Inspection of Control over the Agro-Industrial Complex under the Cabinet of Ministers of the Republic of Uzbekistan. It was transferred to the Ministry of Agriculture. Nevertheless, there are still many state management bodies with the authority to exercise state control over the use of water resources.

Conclusions

The above-discussed theoretical and legal sources served to develop the following conclusions based on the experience of a foreign country:

Firstly, the rational use of water resources and the increase of underground and surface water reserves are of great importance.

Secondly, if we pay attention, most of the bodies that carry out state control over water use and protection are considered functional bodies, and their main task is to regulate other areas. But these bodies are given the function of exercising state control over the use and protection of water based on the sphere of regulation. In our opinion, this way is wrong. Because, in this situation, the existence of structures that exercise state control over the use and protection of water within the functional bodies causes a conflict of interests between those who distribute water, users and those who should protect them. As a result, there are problems related to desertification, acute shortage of underground and surface water and changes in their composition. Therefore, it is appropriate to establish the Water Use Control Inspectorate under the Cabinet of Ministers of the Republic of Uzbekistan, which is independent of other executive bodies and whose main task and function is to control the implementation of state control over water use and its protection.

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