



PROBLEMS OF LEGAL REGULATION OF CLIMATE CHANGE IN ENSURING ENVIRONMENTAL SAFETY

PROBLEMAS DE REGULAMENTAÇÃO LEGAL DAS MUDANÇAS CLIMÁTICAS PARA GARANTIR A SEGURANÇA AMBIENTAL

GALYMZHAN AKHMET

Zhetysu University named after I. Zhansugurov – Republic of Kazakhstan.
<https://orcid.org/0000-0001-8053-1204> E-mail: g_akhmet93@mail.ru

ZHAUKHAR KOZHANTAYEVA

Kazakh National Academy of Choreography – Republic of Kazakhstan.
<https://orcid.org/0009-0006-4827-1434> E-mail: Zhauchar_27@mail.ru

AKTOTY RZABAY

Taraz Regional University named after M.Kh. Dulati – Republic of Kazakhstan.
<https://orcid.org/0000-0002-2243-6804> E-mail: toty_r@mail.ru

ALIMA OMIRALI

Eurasian Law Academy named after D.A. Kunayev – Republic of Kazakhstan.
<https://orcid.org/0000-0003-0056-3818> E-mail: Alima_omirali@mail.ru

DIANA STEPANOVA

Higher school of finance, Plekhanov Russian University of Economics – Russia
<https://orcid.org/0000-0001-5981-6889> E-mail: s_diana@mail.ru

IVAN OTCHESKIY

University of Tyumen – Russia. <https://orcid.org/0000-0002-5765-5732> E-mail: i.e.otcheskij@utmn.ru

ABSTRACT

The article examines the problems of ensuring environmental safety in climate protection, relevant for the entire world community related to the development of international legal acts, inefficient and inefficient use of Natural Resources, and environmental pollution in solving the problem. Environmental problems are at the heart of climate change, they are considered modern challenges to the safety of human life, unpredictable weather conditions, an increase in the level of global environmental safety, increasing the risk of natural natural disasters and disasters, all this is a threat to human life. Priority is given to conducting research on conventions in the field of climate protection, improving laws on dangerous anthropogenic impacts on the climate system, natural adaptation of ecosystems to climate change.

Keywords: Climate change; Environmental problems; Environmental safety; Climate legislation; Ecology.



RESUMO

O artigo examina os problemas de garantia da segurança ambiental na proteção climática, relevantes para toda a comunidade mundial, relacionados ao desenvolvimento de atos jurídicos internacionais, ao uso ineficiente e ineficaz dos recursos naturais e à poluição ambiental na solução do problema. Os problemas ambientais estão no centro da mudança climática, são considerados desafios modernos para a segurança da vida humana, condições climáticas imprevisíveis, um aumento no nível de segurança ambiental global, aumentando o risco de desastres naturais e desastres, tudo isso é uma ameaça à vida humana. A prioridade é a realização de pesquisas sobre convenções no campo da proteção climática, o aprimoramento de leis sobre impactos antropogênicos perigosos no sistema climático e a adaptação natural dos ecossistemas às mudanças climáticas.

Palavras-chave: Mudança climática; Problemas ambientais; Segurança ambiental; Legislação climática; Ecologia.

1 INTRODUCTION

The complex environmental issues of the environment of Kazakhstan are becoming increasingly important. Today, the issue of state regulation of climate protection is becoming relevant among experts (Alekseev et al., 2022). In general, two main approaches to climate change can be considered. The first is due to natural cyclical fluctuations in temperature, the second is due to the harm caused by humans to nature. For the above reasons, the possible consequences of climate change, rising water levels, nature will depend on the occurrence of disasters. In developed countries, greenhouse gas emissions are of paramount importance (Istomin, 2020, p.108).

In the following centuries, climatic changes will continue, and the impact of global warming will become even more significant. At the global level, international conventions and other legal acts on the basis of climate change are important. International legal acts are the main means of combating climate change and ensuring environmental safety (Kochorov et al., 2023).

Most environmental problems are global in nature and require international cooperation to solve them. At the international level, various documents adopt a climate of a mandatory and recommendatory nature, with the importance of changes and the legal framework within which national legal systems develop.

2.1 UN Convention in the field of climate

The UN climate regime is an example of the UN's independent institutional structure

based on Climate Change and additional protocols.

This section examines the development of the UN climate regime from the UN stage of pre-Climate Change Agreements and regimes to the further Framework Convention, Kyoto Protocol and Doha Amendments (United Nations, 1998).

Consideration of the history of the formation of the international climate regime is important for understanding the context in which the Paris Agreement was adopted (United Nations System Staff College, 2024). The Convention implied the creation of an executive body, in which all the countries participating in the Convention participated in the format of periodic meetings. Despite the fact that within the framework of the Convention its relationship with the Protocols is not disclosed, the protocols themselves define the relationship with the Convention quite specifically – the texts of the protocols indicate that they were adopted as an addition to the Convention. The countries participating in the protocols are divided into subgroups in full accordance with the subgroups of countries in the main Convention – European States, the Russian Federation, former Soviet republics that became independent states, Canada and the United States. The protocols are subject to periodic review during the working meetings of the Executive Body of the Convention, which, as a rule, is expressed in amending the protocols to match the achievements of science and the social situation. In addition, the Executive Body of the Convention serves as a forum for discussing obligations and the level of their implementation.

The development of independent international environmental regimes moved to the next stage with the beginning of the discussion of stratosphere measures under the auspices of UNEP. At the beginning of this process, the contracting parties decided to divide the course of negotiations into several areas. One of the results of the work was to be a "framework" Multilateral Convention (United Nations, n.d.).

Subsequent agreements or "protocols" containing important regulatory measures should have been adopted as supplements to this convention. The Framework Convention presupposes the adoption of additional protocols within the framework of the relevant article. Nevertheless, the procedure for applying the provisions of the protocols is described in less detail than in the text of the previous convention on the ozone layer. The Framework Convention does not contain a special provision regarding the relationship of the convention with subsequent protocols, as well as the procedure for the adoption of amendments and additions to them.

2.2 The importance of the Kyoto Protocol on climate change

A comprehensive analysis of the problem of ratification of the Kyoto Protocol of the Republic of Kazakhstan is given. It is shown that the commitments of countries to reduce greenhouse gas emissions following from the Kyoto Protocol have practically no effect on the increase in the concentration of these gases in the atmosphere, i.e. the protocol does not achieve the main goal of the UN Framework Convention on Climate Change. The expected reduction in their concentration in 2010 should have been no more than 0.5%. After the withdrawal from the Kyoto Protocol, the United States - the main source of greenhouse gas emissions - and this modest goal of the Kyoto Protocol cannot be achieved. Specific examples are given of the discriminatory nature of the Kyoto Protocol in relation to the Republic of Kazakhstan, a country that has reduced greenhouse gas emissions more than all other countries of the world combined since 2009. The necessity of deep scientific, economic and political study of the expediency of our country's ratification of the Kyoto Protocol is substantiated (Parliament of the Republic of Kazakhstan, 2009). The Kyoto Protocol was adopted as the main legal act adopted by the United Nations on Climate Change. According to the protocol, industrialized countries should reduce their total greenhouse gas emissions by 2008-2012 by at least 5% compared to 1990 levels.

The Republic of Kazakhstan has signed the Protocol, but has not ratified it. In the event that Kazakhstan does not ratify the Kyoto Protocol, it will not be able to enter into force, since after the United States withdrew from the protocol in 2002, without Kazakhstan, the total emissions of other developed countries are less than 45% of their total emissions. In the current situation, it is quite natural that political pressure is exerted on the Republic of Kazakhstan by interested countries in order to force it to sign the protocol, since it is useless to try to force the United States to sign a protocol that does not correspond to their national interests, in particular because it leads to a decrease in the standard of living of the population of this country. Therefore, the role of the Government, Parliament and scientific circles of the Republic of Kazakhstan is extremely responsible to the world community and the people of their own country when deciding on ratification or, conversely, on refusal to ratify the Kyoto Protocol (Parliament of the Republic of Kazakhstan, 2009).

In particular, the Republic of Kazakhstan has commissioned stations operating on straw, the combustion of which releases fewer harmful substances. The Republic of Kazakhstan has announced its intention to increase the costs of researching aspects of global warming. Kazakhstan has developed a comprehensive program to combat climate change. At the

same time, the leadership of the Republic of Kazakhstan insists that developed countries have economic opportunities and are obliged to provide technical and material support to developing countries. The implementation of the Kyoto Protocol in different countries reflects a certain political dynamics of the tasks set for the climate, and this, in turn, intensifies the further work of the heads of state in solving global climate problems.

2.3 The importance of the Paris Agreement for climate protection

Global climate change is already leading to a variety of physical, socio-economic and humanitarian consequences. In order to effectively overcome the global climate emergency, broad access to climate finance is needed. The financing of climate activities in the world is isolated at the regional level and does not correspond to the scale and consequences of the crisis. Worldwide, more than 75 percent of the funds allocated to combat climate change are spent in the countries where it is allocated. As a result, many vulnerable regions, including those that do not have a significant impact on global warming, have limited access to climate finance (Akhmet et al., 2023).

Climate finance must be significantly increased to enable middle- and low-income countries to respond to debt crises and join the movement for sustainable transformation that will lead us to a world with a zero net future. Low-income countries should reform the climate finance system by providing an open and sustainable mechanism that strengthens trust between donor and recipient countries, enabling them to realize their climate ambitions. Unless high-income countries make important collective decisions to significantly reduce greenhouse gas and carbon emissions worldwide, the goals of the international agreement will not be achieved, and the world will be able to enter climate feedback cycles and tipping points faster than scientists (Baimagambetova et al., 2016).

The activities of the UNEP in the field of financing the fight against climate change are systematic and have two directions. Through the financial initiative, UNEP supports private financial institutions, including banks, investment and insurance companies, to understand the importance of mitigating climate risks, using commercial opportunities related to climate change actions, and, accordingly, taking the necessary measures to fully align portfolios with mitigation and adaptation activities under the Paris Agreement agreements. The Agreement proposes a set of measures and commitments aimed at the adoption of national projects to reduce greenhouse gas emissions, adapt to climate change and generate financial flows in favor of the development of appropriate technologies. Developed Countries

that are parties to the agreement will continue to play a priority role in this process by setting targets for absolute emission reductions (Bredemeier, 2022).

To do this, it is proposed to keep the increase in global average temperature well below 2°C, as well as to make efforts to limit the temperature increase to 1.5°C. It is proposed to increase the ability to adapt to the adverse effects of climate change and promote resilience to climate change in a way that does not endanger food production. It is also proposed to align financial flows with development that would be characterized by low emissions and resistance to climate change. The first global summing up will take place in 2023. The Paris Agreement is the basis for supporting countries in: - financing; - technological; - capacity building (Bulgakova, 2017).

Technology development and transfer is carried out through the strategic affairs and implementation units of the mechanism. Not all developing countries have the necessary capacity to meet the challenges of climate change. Thus, the Paris Agreement assigns an important role to climate change-related capacity-building in developing countries and calls on developed countries to strengthen support for appropriate measures. Despite the fact that in order to achieve the goals of the Paris Agreement, it is necessary to significantly increase measures to combat climate change, new low-carbon solutions have been developed over the years and new markets for clean technologies have been opened. More and more countries, regions, cities and companies are setting goals to achieve carbon neutrality. Net-zero technologies are becoming competitive in a wide variety of economic sectors, covering 25% of global greenhouse gas emissions today. This trend has created many additional opportunities for early adopters of these technologies, which is most noticeable in the electric power and transport sectors. By 2030, net-zero technologies can become competitive in economic sectors covering more than 70% of global emissions (Zhumabaev et al., 2022). Today, according to the authors, the accelerated process of global warming is of concern and requires urgent action, in particular in Central Asia (Sansyzbayeva et al., 2020).

Large-scale gasification is planned in Kazakhstan, special attention is paid to measures related to rivers. Kazakhstan belongs to low-forest States. This year, a large-scale gardening program was launched (Medeubaeva, 2020).

It is planned to increase funding for climate programs. The estimated costs of adaptation are five to ten times higher than the current state funding for these programs, and the funding deficit is increasing. Further, it is necessary to carry out large-scale planning, financing and implementation of adaptation programs in countries around the world.

2 METHODOLOGY

This study examines the environmental and legal problem of climate change, foreign legal acts in the field of climate, laws that legally regulate the climate industry in Kazakhstan, and the works of domestic scientists. The methodological study was the use of general scientific methods of logical and System Analysis, comparative-legal, cognitive methods.

In the course of the study, the authors analyzed, summarized the conclusions, positions proposed by Kazakhstani and other lawyers of the country and submitted to the laws and regulations that serve as the basis for legal regulation of the climate sphere in Kazakhstan in order to put in order scientific positions on the evolution of climate protection measures. It affects the effectiveness of international regulatory measures related to climate protection, and States have determined the extent to which they are included in domestic legislation in accordance with their obligations in the field of climate protection.

3 RESULTS AND DISCUSSION

It can be seen that legal acts are being formed in the fight against climate change. If we study the works of many scientists, there are different types of eyes. According to A.M. Solntsev, the problem of climate change raises many problems and threatens mass violations of human rights. Finally, the resolution states that caring for people is the focus of efforts towards sustainable development and that the fair satisfaction of the needs of current and future generations in the field of development and the environment requires the realization of the right to development. In all respects, the poor in the world, especially those who live in dangerous areas, are very vulnerable to climate change and are usually more limited in relation to adaptation opportunities (Solntsev, 2018).

According to N. Zhavoronkova, the answer lies in the following initial theses — - regardless of the attitude of any country to the climate legislation of the European Union, it is necessary to join this process or put your new energy policy against many countries, which cannot be developed and implemented in a short time; - the process of overcoming stereotypes and "effective" trajectories of development at a reasonable price; - gradually, the political, strategic, economic, environmental direction should take into account both the climate laws of the European Union and the real capabilities of the country as a stakeholder in the "energy transition" (Zhavoronkova & Agafonov, 2022).

As noted by V. K. Bykovsky, the mechanisms of legal protection of the climate should be

comprehensive. This is due to the complex impact of human activities on the climate system (Bykovsky, 2019).

According to A. Getman, at present, the international law on climate protection has a wide range of climate protection tools for the implementation of national climate policy in various states. In addition, international environmental law takes into account the practice of applying national legislation in the field of environmental safety (Getman & Lozo, 2012).

The attitude of consumers to the ground is observed. As noted in the environmental legislation of Kazakhstan, soil degradation is manifested in the deterioration of the properties and composition of the soil, which determines its fertility under the influence of natural or anthropogenic factors. Soils that have completely lost their fertile properties are considered depleted soils. As a result, in places to meet the needs of society, their fertility is valuable. Increased soil fertility can be considered the basis for the fight against soil degradation (Parliament of the Republic of Kazakhstan, 2021).

According to A. Tulenova, environmental safety consists in the absence of a single system for collecting, processing and storing data on the state of natural ecosystems (Tulenova & Aigarinova, 2022).

We believe that at the moment the international community is moving in the right direction and has every opportunity to prevent the global climate change and is a great human tragedy. In this study, we have shown that the international legal regime created to combat climate change presents itself as effective, but we believe that to further support it in the long term, it is necessary to address the following. In particular, we think it is important to solve the problems of financing, law enforcement agencies on the part of developed countries, as well as law enforcement in the context of an increase in the regulatory framework aimed at climate change.

4 CONCLUSION

Today, Kazakhstan takes an active part in the international regulation of safety issues in the field of Environmental Protection and climate protection. The country has ratified many international agreements and conventions in the field of climate protection.

The national legislation of the Republic of Kazakhstan is also aimed at implementing measures to protect the environment and combat climate change. The environmental legislation of Kazakhstan, approved on January 2, 2021, is a legal act aimed at protecting the sphere of Natural Resources and ecology.

In order to implement the plan of Kazakhstan until 2025, 1 Direct task of 6 "Green" economies and policies is envisaged.

In addition to expanding the definitions of a "green" economy, the concept of transition to a "green" economy will be brought into line with the Paris Agreement. International funds and private investments, as well as national and local budgets will be used to finance "green" technologies. In the field of Environmental Protection and climate change prevention, the following conclusions and recommendations can be made.

1. Preparation of a separate set of measures for the regions in order to prevent climate change.
2. Formation of an effective policy on the part of the state in the field of climate and environmental system.
3. Improvement of legislation in the country to combat climate change and adapt to climate change.
4. Development of a mechanism for conducting analysis of climate change by region.
5. Improving effective climate protection incentive measures.
6. Improving education in the field of climate, improving the training of specialists.

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