

ASERS

Journal of Environmental Management and Tourism

Quarterly

Volume XI

Issue 5(45)

Fall 2020

ISSN 2068 – 7729

Journal DOI

<https://doi.org/10.14505/jemt>

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Journal DOI: <https://doi.org/10.14505/jemt>

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Journal DOI: <https://doi.org/10.14505/jemt>

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DOI: [https://doi.org/10.14505/jemt.11.5\(45\).18](https://doi.org/10.14505/jemt.11.5(45).18)

Legal Problems of the Formation and Development of the Institute of Environmentally Unfavourable Territories

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Suggested Citation:

Nurutdinova, A.Z., Bekisheva, S.D. (2020). Legal Problems of the Formation and Development of the Institute of Environmentally Unfavourable Territories. *Journal of Environmental Management and Tourism*, (Volume XI, Fall), 5(45): 1215 - 1221. DOI:[10.14505/jemt.v11.5\(45\).18](https://doi.org/10.14505/jemt.v11.5(45).18)

Article's History:

Received 23rd of May 2020; Received in revised form 24th of June 2020; Accepted 19th of July 2020; Published 24th of August 2020. Copyright © 2020 by ASERS® Publishing. All rights reserved

Abstract

The legal regime of environmentally unfavourable territories is studied in the article. Nowadays, more and more areas of the territory of Kazakhstan are exposed to unfavourable impact on the environment due to the increasing influence of developing scientific and technical progress. These activities do not only harm environmental systems and individual natural resources but also complicate and sometimes make it impossible for citizens to live in these areas. Such areas of the territory need to be restored, the damage should be compensated, and the inconveniences of human habitation should be compensated. Thus, there is a need to establish special legal regimes governing the respective responsibilities of those who carry out activities that degrade the environmental situation in these areas, the authorities, and the rights of citizens living in these areas. The objective of the presented study is to analyze the legislation regulating the legal regime of environmentally unfavourable territories in the Republic of Kazakhstan and the international experience of such regulations. As a result of the research, the authors conclude that it is necessary to develop a comprehensive legal regulation to address most of the issues of ensuring the restoration of environmentally unfavourable areas, compensation for environmental damage, and reimbursement to the population.

Keywords: legal regime; compensation; environmental disaster; restoration.

JEL Classification: Q52; Q57; Q58; K32.

Introduction

In the modern world filled with industrial, technical, military, and other objects, as a result of various human activities, hectares of forests are destroyed at an inexorable rate, fruit-bearing lands become lifeless deserts, animal and plant species disappear one after another, and global climate changes occur (Baiev *et al.* 2019, 801). Several territories have experienced unfavourable environmental situations caused by both natural and man-made disasters, as well as long-term violations of environmental requirements and regulations that have made the territory of a separate settlement (or a larger area) uninhabitable for living. Analysis of the environmental situation in some territories of the Republic of Kazakhstan indicates that, despite the implementation of several recent environmental measures, as well as the reduction of discharges and emissions of pollutants, the situation in the field of environmental protection remains unfavourable, and the level of environmental pollution is high (Kasprova 2014; Boltanova 2017, 33; Bekisheva 2009, 160-165). This is the Aral Sea region, where millions of hectares of land have been lost to agriculture due to misuse of irrigation areas and, of course, the Semipalatinsk

nuclear test site. During the years of its operation from 1949 to 1989, more than 450 tests were conducted, resulting in the detonation of more than 600 nuclear and thermonuclear devices. Radioactive contamination from such activities covered the entire Semipalatinsk region and several areas in adjacent regions, where the environmental situation was extremely poor. The table below reflects the unfavourable situation caused by the contamination of several regions of Kazakhstan with radionuclides.

Table 1. The unfavourable situation

No.	Hazard level	Measurement indicators (rem)	Region, district
1	Extremely hazardous region	100 and more	Abay, Beskaragay, Zhanasemey districts of East Kazakhstan region
2	Environmental risk area	35-100	Beskaragay, Zhanasemey, Abay, Abralinsky districts of East Kazakhstan region; May district of Pavlodar region
3	Mid-hazardous region	7-35	Kurchatov (city), Chubartay, Ayagoz, Borodulikha, Novoshulba districts of Semipalatinsk region; Yegindybuldak district of Karaganda region; May district of Pavlodar region; Ust-Kamenogorsk, Ridder (cities); Glubokoye, Tavrichesky, Shemonaikha districts of East Kazakhstan region

The above-mentioned data show that the huge territories of the republic have become environmental disaster zones and cannot be used in socio-economic and household activities. As one of the strategically important directions of modern state policy is the overcoming of consequences and liquidation of dangerous environmental pollution, including revealing and rehabilitation of zones of environmental unfavourable conditions and environmental catastrophes, it seems expedient to define the essence and the basic directions of legal regulation of environmentally unfavourable territories. However, despite being mentioned in separate documents, the term has not yet been established at the legislative level, and there is still no unified opinion in science. The studies of the legal phenomenon of environmentally unfavourable territories are presented in the works of scholars, including K.A. Narbaev (2018), E.S. Turganbaev (2016), J.A. Isaeva (2012), M.E. Anokhina (2020), and A.A. Kornilova (2019). However, not all problems of legal regulation of such territories are reflected in available works. Environmentally unfavourable zones are spread practically in all countries of the modern world (Vlasova and Barasheva 2018, 1494). Many of these countries have a wealth of experience in legal and institutional solutions that can effectively address many types of negative impacts, so it is relevant to draw on international experience. Thus, the existing issues, such as the order of restoration of environmentally unfavourable territories, calculation of compensation to the population, etc., require the development of a common legal approach, which allows to effectively address all the problems of this sphere of social relations. Therefore, the studies, the results of which can be used in the solution of legal problems of environmentally unfavourable territories, including organizational and legal character, are extremely relevant. We have put forward a hypothesis that the effectiveness of legal regulation of environmentally unfavourable zones can be significantly enhanced by the adoption of a unified and comprehensive normative regulatory act.

1. Methods

In the given article, research methods were used, among which the dialectical method of cognition of reality, applied in combination with several additional methods, was the main one. Considering the task of complex analysis of the studied legal phenomenon, the method of complex approach was widely used. The statistical method allowed us to show the scale of environmental threats and the urgent need to conduct their study. The study was carried out using a comparative legal method. The comparative legal method allowed to study examples of legal solutions on an international scale and assess the experience of foreign lawmaking. The special legal method helped to distinguish separate legal concepts necessary for normative regulation of different aspects related to the territories of environmental unfavourable conditions.

2. Results

The basis of legal regulation of environmentally unfavourable territories in the Republic of Kazakhstan is the Constitution of the Republic of Kazakhstan (Konstitutsiya Respubliki Kazakhstan 1995) and the Environmental Code (EC) of the Republic of Kazakhstan (Kodeks Respubliki Kazakhstan 2007). Paragraph 1 of Article 31 of the Constitution of the Republic of Kazakhstan declares the goal of the state to ensure the protection of the environment favourable for human life and health. Thus, the Constitution of the Republic of Kazakhstan shows that human health and favourable environment in the territories where people live are inextricably linked. The EC

in section 6 details the concept and types of environmentally unfavourable territories, naming two types: zone of environmental emergency and zone of environmental disaster (Art. 173 EC). 1. The extreme environmental situation is the environmental situation, which has arisen on a site of the territory where, as a result of economic and other activity or natural processes, steady negative changes in the environment occur, threatening public health, a condition of natural environmental systems, and the gene pool of plants and animals. 2. An environmental disaster is an environmental situation that has arisen in the area where, as a result of economic and other activities or natural processes, deep irreversible changes in the environment have occurred, resulting in a significant deterioration of public health, destruction of natural environmental systems, and deterioration of flora and fauna. As we can see, the main difference in the above-mentioned definitions is the degree of deterioration and reversibility/ irreversibility of the occurred changes. In addition to the definitions above, the EC establishes special measures applied to eliminate threats and adverse effects in the zones of environmental emergency and environmental disaster (Art. 176 EC), the order of compensation for damages to persons affected as a result of an environmental emergency or environmental disaster (Art. 177 EC), features of monitoring the environmental situation in these zones (Art. 178 EC), and the reasons for termination of the legal regime of these zones (Art. 179 EC) and liability (Art. 180 EC).

In addition to the Republic of Kazakhstan EC, several various elements of normative regulation of environmentally unfavourable zones are available in several by-laws. For example, in the Republic of Kazakhstan, damage assessment and determination of the necessary forces and means to eliminate the consequences of natural disasters are carried out in accordance with the Resolution of the Government of the Republic of Kazakhstan by the relevant committees on prevention and liquidation of emergency situations, depending on the size of the emergency zone (Sharipkhanov and Samoilov 2015, 91).

Order of the Minister of Internal Affairs of the Republic of Kazakhstan "On creation of the Interdepartmental State Committee for Prevention and Elimination of Emergency Situations" of November 7, 2014 № 784 lists in detail the direct socio-economic consequences of emergency situations, including: full or partial loss of housing and property, as well as damage to health and material values of the population; the consequences of the damage caused to social and industrial infrastructure; full or partial loss of reserves and loss of fertility, soil contamination of agricultural enterprises, as well as damage to the main and circulating funds of enterprises (Prikaz Ministra vnutrennikh del Respubliki Kazakhstan 2014).

Environmental law doctrine most often uses the term "environmental disaster" but there is no single approach to defining it. The majority of scholars disclose an environmental disaster through various categories, such as "environmental crisis", "environmental emergency", and others. For example, I.S. Khramova and M.S. Andreeva (2015) define an environmental crisis as a consequence of a sustainable disturbance of the equilibrium in the interaction between society and nature, which is manifested in the inability of the natural environment, changed by society, to perform its inherent functions of metabolism and energy, and the social environment — to correct this situation by social and economic means available to society. In this context, "environmental disaster" and "environmental crisis" are synonymous. E.S. Boltanova (2017) believes that it is necessary to replace the terms. In particular, in her opinion, it would be expedient to replace the word "emergency" in the word combination with the words "environmental situation", i.e. it should be said about "environmental crisis". However, T.B. Ulyanova (2018) distinguishes extreme situations from emergency situations primarily by their "social" nature and consequences. Thus, it can be concluded that it is impossible to identify the concepts of "crisis situation", "environmental disaster", and "environmental emergency". A broader interpretation of this concept is given by I.S. Shchepanskii and K.V. Zhigadlo (2019), who note that an environmental disaster is characterized by the presence of significant negative changes in the state of the environment under the influence of anthropogenic and natural causes, including those resulting from accidents, catastrophes, and natural disasters, accompanied by social and economic costs. According to V.A. Dmitrieva and D.A. Gevorkyan (2018), an environmental disaster is an exceptional, extreme circumstance, which has arisen as a result of accidents, catastrophes, and natural disasters, which have caused sharp negative changes in the environment, created a threat to life, health of the population, and require the implementation of a set of emergency measures aimed at protecting the population and normalizing the environmental situation according to the legislation. At the same time, it should be noted that the legal significance in attributing a situation to an environmental disaster is that the current legislation connects with the fact of their occurrence several legal consequences, among them: 1) declaration of an environmental disaster zone in accordance with the procedure determined by the current legislation; 2) establishment by law of the amount of state funding for measures aimed at overcoming negative consequences of an environmental disaster; 3) determination of the legal status of citizens in the event of an environmental disaster; 4) establishment of a procedure for compensation for damages to affected citizens; 5) determination by the law of a

measure for the restoration of territories affected by an environmental disaster, and so on.

3. Discussion

The analysis of the development of legal regulation of this sphere of public relations shows that this process is intense and is carried out under the influence of the society's awareness of the inadmissibility of ignoring the risks of accidents, catastrophes, natural disasters with environmental consequences dangerous for life and health of the population, the necessity to be ready to respond to emergency environmental situations of any nature, and the scale of the caused damage and its extent. The legal norms regulating social relations connected with environmental disasters are formed at different levels, have different sectoral features and spheres of application. They form a complex legal institution, the characteristic features of which are: a) extension of its norms to all spheres of economy, types of industrial and other economic activities, where man-caused incidents with consequences dangerous for the environment and people's health can occur, as well as to all public authorities, local self-government bodies, enterprises, institutions, organizations, citizens, which should ensure the organization and implementation of measures to respond to emergency situations with consequences dangerous for people's health; b) identification of special measures for prevention and liquidation of emergency environmental situations: information, financial, material and technical, rescue and salvage, etc.; c) establishment of a special procedure for implementation and maintenance of the regime of emergency situation of anthropogenic and natural origin, the zone of emergency environmental situation; d) dispersion of its norms into different branches of legislation: constitutional, administrative, environmental, health, civil, etc.

The above-mentioned seems to indicate that the current legislation of Kazakhstan does not sufficiently regulate the concept of "environmental disaster" and does not properly distinguish its legal characteristics.

It should be noted that the legal category "disaster" is widely spread in the international public law, which is especially evident in the analysis of documents adopted by the UN. The following two fundamental aspects are of particular interest.

Firstly, the category "disaster" is referred to by the UN in both a broad and narrow sense. In a broad sense, this category includes not only combating the direct consequences of natural and man-made disasters but also reducing health risks, combating poverty, etc. (UNO 2015). In a narrow sense, in many UN documents "disaster" is understood only as a natural disaster, accident, or man-made catastrophe (UNO 2009a). Secondly, the category of "disaster" can be considered not only globally but also locally, *i.e.*, in the context of the problems of the most vulnerable categories of the population, such as the elderly (UNO 2014), women (UNO 2009b), etc.

In a narrow sense, the UN International Strategy for Disaster Reduction defines a "disaster" as the serious disruption to the functions of a community or society, resulting in widespread human, material, economic, and environmental loss that exceeds the ability of the affected community or society to cope with it by relying on its resources. In other words, a natural hazard (a potential disaster) may lead to different results — this is the difference between a hazard and a disaster (UNISDR 2006).

In turn, a broad approach means that disaster risk reduction must be correlated with development and poverty reduction initiatives since the lack of development and poverty are often the cause and consequence of a natural disaster. For example, failed attempts to develop forests and rangelands for crop production can lead to desertification, landslides, dust storms, and drought, which, in turn, leads to even greater poverty and vulnerability. Yet, desertification and its consequences are also blamed on people who destroy vegetation faster than it can grow, precisely because they are poor and cannot afford to buy organic fuel (UNISDR n.d.).

It is clear from this short review that the UN does not link the global negative environmental impact on a particular area to the failed economic policies of a particular country, the reluctance of authorities to carry out effective control, and the reluctance of businesses to invest in environmental equipment and other environmentally significant activities, and this situation cannot be called a "natural disaster".

Foreign legislation and environmental doctrine give great importance to the legal regulation of environmental protection of territories. According to David Holtzman (2012), in his paper "Accounting for nature's benefits: the dollar value of ecosystem services. Environmental Health Perspectives", "environmental legislation in developed countries in the 21st century is aimed at reducing air pollution, fighting bacteria and pesticides". Most of the publications of foreign scholars in this field are devoted to the study of forecasting environmental risks (Haimes and Sage 2015, 32) and the assessment of environmental damage in emergency situations (Reiss and Thompson 2007).

European law does not contain the concept of an environmental disaster area but does establish a legal regime for certain areas. For example, Article 8 of the European Union Directive 96/62/EU "On the assessment and management of atmospheric air quality" of 27 September 1996 (Council Directive 1996) requires a list of

zones in which air pollution levels exceed established limits and the so-called "margin of tolerance". Programs should be developed for such zones indicating measures to reduce pollution to the level of limits. Such measures should be taken within a strictly limited period.

In our opinion, the experience of the Norwegian Inspection for Pollution Control is very useful for Russia. The Norwegian experience of establishing special government structures aimed at identifying, supervising, and controlling environmentally unfavourable areas is evidence of an effective, competent approach that allows for a timely response and elimination of environmental risks at the national level and the protection of citizens' right to a favourable environment. Another interesting experience of legal regulation of environmental disadvantage in Norway is that local authorities have been given special competence and delegated legislation on nature conservation, pollution, wildlife, territorial planning and construction, and more. Local authorities are the ones that have the right to issue permits, as well as to impose environmental management restrictions within their powers. The sphere of responsibility of governors in Norway coincides with that of local authorities. The National Agency for Investigation of Environmental Crimes, which was established in 1989, is also quite effective in Norway (Nikiforov 2015, 22).

In Japan, Law № 97 of June 10, 1968 on combating air pollution (Kasprova 2014) identifies areas where air pollution is high, and there is a necessity to take special measures, as well as areas of industrial centres, where there is a high probability of increasing the level of environmental pollution and difficulties in meeting the established standards for the content of pollutants in the air. For such areas, prefectures have developed pollution control programs. In the United States, "critical areas" or "areas of critical importance" are designated under United States law, with special environmental management regimes (Kasprova 2014).

Thus, foreign legislation regulates in detail only certain aspects of environmentally unfavourable zones, and comprehensive regulation is not applied.

Conclusion

The legislation of the Republic of Kazakhstan regulates the concept of environmental crisis in certain areas, first of all, not according to the source of occurrence but by the results (degree) of consequences. It means reversible or irreversible negative consequences, which radically change the human environment or otherwise harm people and the natural environment. At the same time, both a man-made and a natural emergency can lead to an environmental disaster. Meanwhile, each year the number of environmental disaster areas is growing rapidly in state reports on the environment, and some of them have acquired this status informally. This fact points to the necessity to introduce a unified, integrated mechanism to regulate the concepts of environmental disaster, crisis, and emergency, as well as various aspects of population residence, economic and other activities in environmentally unfavourable areas, in accordance with the provisions of existing legislation. The absence of proper legal regulation of terminology and mentioned aspects can lead to serious consequences in the form of a high increase in morbidity and mortality, a high degree of environmental pollution, and the destruction or degradation of natural environmental systems. Thus, the hypothesis of the study has been fully confirmed and, based on the analysis, it can be concluded that Kazakhstan needs to properly develop and adopt a unified legal act regulating the status of areas with unfavourable environmental situations.

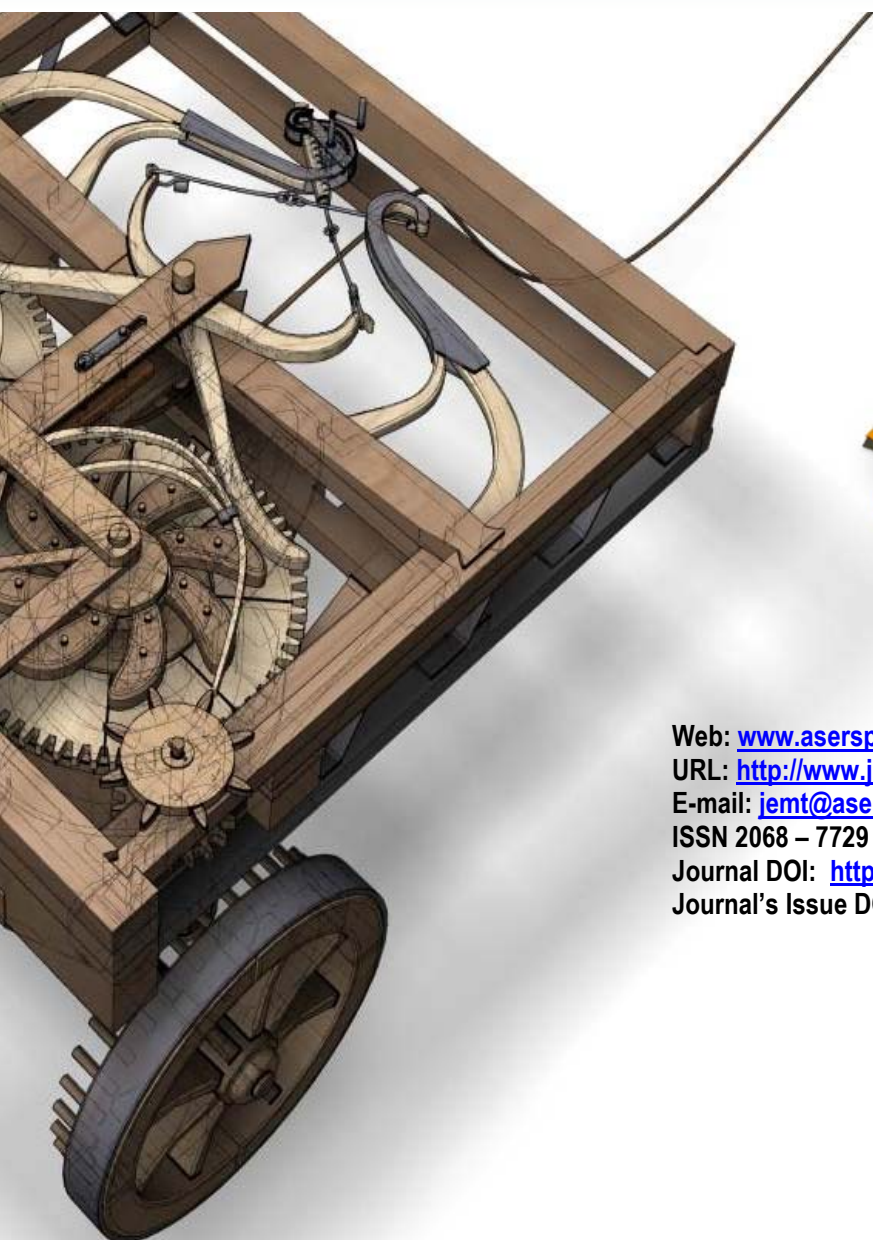
References

- [1] Anokhina, M., *et al.* 2020. Formation of the competitive potential of the agricultural territories. *Entrepreneurship and sustainability issues*, 7(3): 1921-1936.
- [2] Baiev, V.V., Bakhov, I.S., Fokina-Mezentseva, K., and Boretska, N. 2019. Strategic Analysis of Development of Medical Tourism Macro-Destinations. *Journal of Environmental Management and Tourism*, 10(4(36)): 801-808.
- [3] Bekisheva, S.D. 2009. Legal regulation of environmentally unfavourable territories according to the Environmental Code of the Republic of Kazakhstan. *Human rights and security problems of society and personality in modern Russia: materials of the 2nd Interregional Scientific and Practical Conference, Volgograd, December 4-5, 2008*, 160-165. Volgograd: PrinTerra. (in Russian)
- [4] Boltanova, E.S. 2017. Legal regime for zones of environmental disaster and emergency situations. *Environmental law*, 1: 33-39. (in Russian)
- [5] Dmitrieva, V.A., Gevorkyan, D.A. 2018. Zones of environmental disaster and emergency environmental situations. *Young Scientists Forum*, 1(17): 359-364. (in Russian)

- [6] Haimes, Y.Y., Sage, A.P. 2015. *Risk Modeling, Assessment and Management*. New York: John Wiley & Sons, Inc.
- [7] Holzman, D. 2012. Accounting for nature's benefits: the dollar value of ecosystem services. *Environmental Health Perspectives*, 120(4): 152–157.
- [8] Isaeva, Zh.A. 2012. Features of the legal regime of environmentally unfavourable territories in the Republic of Kazakhstan. *Science and modernity*, 19-2: 189-196. (in Russian)
- [9] Kasprova, Yu.A. 2014. *Environmentally unfavourable territories: features of the legal regime*. Abstract of a thesis on the degree of Doctor of Jurisprudence], Institute of State and Law RAS, Moscow, p. 26. (in Russian)
- [10] Khramova, I.S., Andreeva, M.S. 2015. Zones of environmental disaster: complexities of legal regulation and necessity of modernization of legislation. *New science: Current state and ways of development*, 6-3: 219-222. (in Russian)
- [11] Kornilova, A.A., Khorovetskaya, Ye.M., Mamedov, S.E., Ospanov, T.Zh., and Sarsembayeva, D.Ye. 2019. Territory Management: Urban Planning and Recreational Planning of Populated Areas in the Republic of Kazakhstan in the Second Half of the 20th Century. *Journal of Environmental Management and Tourism*, 10(6(38)): 1295-1302.
- [12] Narbaev, K.A., Guseva, V.I., Raimbekov, K.Zh., Kusainov, A.B. 2018. Assessment of socio-economic consequences of emergency situations (on the example of the Republic of Kazakhstan). *Regional economy*, 144: 1246-1255. (in Russian)
- [13] Nikiforov, A.A. 2015. Organizational framework for environmental protection in the Kingdom of Norway. *Environmental law* 1: 21-24. (in Russian)
- [14] Reiss, R.D., and Thompson, M. 2007. *Statistical analysis of extreme values*. Basel: Birhauser.
- [15] Sharipkhanov, S.D., Samoilov, S.V. 2015. Modern aspects of work planning for prevention and liquidation of emergency situations as part of development of information logistic systems. *KBTU Bulletin*, 3: 91-95. (in Russian)
- [16] Shchepanskii, I.S., Zhigadlo, K.V. 2019. Environmental zoning of the territory: problems of identification and legal regulation. *Actual problems of Russian law*, 8(105): 183-190. (in Russian)
- [17] Turganbaev, E.S., Sharipkhanov, S.D. 2016. Main directions of activity on prevention and liquidation of natural and man-made emergency situations in Kazakhstan. *Materials of the 15th International SPC*, 45-50. Almaty: International Academy of Business. (in Russian)
- [18] Ulyanova, T.B. 2018. Problems of legal regulation of the regime of the environmental disaster area in case of liquidation of emergency situations on specially protected territories. *Collection of Proceedings of the International Scientific and Practical Conference: Global environmental security: topical problems of law and practice*, edited by M.M. Mukhlynina, A.I. Nikiforov, S.V. Aramilev, M.V. Saltykova, L.R. Sharifullina, 251-255. Khimki: Academy of Civil Protection EMERCOM of Russia. (in Russian)
- [19] Vlasova, E.L., and Barasheva, E.V. 2018. Financial Control and Financial Monitoring within the System of Government Financial Administration: Correlations and Interrelationships. *Journal of Advanced Research in Law and Economics*, 9(4(34)): 1494-1502.
- [20] Council Directive 96/62/EC of 27 September 1996 on ambient air quality assessment and management (OJ L 296, 21.11.1996, p. 55). Available at: <https://op.europa.eu/en/publication-detail/-/publication/d7a055cc-8501-40c1-9ba7-91b71f878558/language-en>
- [21] Kodeks Respubliki Kazakhstan ot 9 yanvarya 2007 goda № 212-III. The Code of the Republic of Kazakhstan on January 9, 2007 № 212-III "Environmental Code of the Republic of Kazakhstan" (with amendments and additions as of 26.12.2019)]. Available at: https://online.zakon.kz/Document/?doc_id=30085593#pos=4;-45 (in Russian)

- [22] Order of the Minister of Internal Affairs of the Republic of Kazakhstan on November 7, 2014 № 784 "On the establishment of the Interdepartmental State Committee for the Prevention and Elimination of Emergency Situations". Available at: https://online.zakon.kz/Document/?doc_id=31669108 (in Russian)
- [23] The Constitution of the Republic of Kazakhstan (adopted at a national referendum on August 30, 1995) (with amendments and additions as of March 23, 2019). Available at: https://online.zakon.kz/document/?doc_id=1005029#pos=4;-108 (in Russian)
- [24] UNISDR. 2006. *Rukovodstvo po snizheniyu riska stikhiinykh bedstvii na urovne soobshchestva v Tsentralnoi Azii, 2006* [A Guide to Disaster Risk Reduction at the Community Level in Central Asia, 2006]. Available at: https://www.unisdr.org/files/2299_ACommunityGuiderus1.pdf (in Russian)
- [25] UNISDR. n.d. *20 istorii uspekha snizheniya riska stikhiinykh bedstvii iz opyta Tsentralnoi Azii* [20 success stories in disaster risk reduction from the Central Asian experience]. Available at: http://www.unisdr.org/files/2300_20GoodExamplesofGoodPracticeruss1.pdf (in Russian)
- [26] UNO. 2009a. Osushchestvlenie Khiogskoi ramochnoi programmy deistvii v Aziatsko-Tikhoookeanskom regione. Predmetnoe issledovanie: natsionalnaya sistema borby s bedstviyami v Kitae i ee otvet na zemletryasenie v Venchuane [Implementation of the Hyogo Framework for Action in the Asia-Pacific region. Case study: National Disaster Management System in China and its response to the Wenchuan earthquake]. Available at: https://www.unescap.org/idd/events/cdr-2009/CDR_2R.pdf
- [27] UNO. 2009b. *Snizhenie riska bedstvii s uchetom gendernogo aspekta. Strategiya i prakticheskoe rukovodstvo* [Reduction of disaster risk from a gender perspective. Strategy and practical guidance]. Geneva: UNISDR, UNDP, IUCN.
- [28] UNO. 2014. Poslanie Generalnogo sekretarya OON po sluchayu mezhdunarodnogo dnya po umensheniyu opasnosti bedstvii ot 13 oktyabrya 2014 goda [Message from the UN General Secretary on the occasion of International Day for Disaster Reduction, 13 October 2014]. Available at: http://www.unisdr.org/2014/iddr/documents/IDDR14.SGMessage_Russian.pdf
- [29] UNO. 2015. Protokoly. III Vsemirnaya konferentsiya OON po snizheniyu riska bedstvii. 14-18 marta 2015 g. Sendai, Yaponiya [Protocols. The Third UN World Conference on Disaster Risk Reduction. 14-18 March 2015. Sendai, Japan]. Available at: https://www.unisdr.org/files/45069_proceedingsthirdunwcdrrru.pdf

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ISSN 2068 – 7729

Journal DOI: <https://doi.org/10.14505/jemt>

Journal's Issue DOI: [https://doi.org/10.14505/jemt.v11.5\(45\).00](https://doi.org/10.14505/jemt.v11.5(45).00)