

The establishment of specialized environmental court in the republic of Kazakhstan – call of the timesZhadyra Slamhanovna Shukenova¹, Bolat Zholdasbekovich Aitimov², Bolat Abduldaevich Seriyev²¹H.A. Yasawi International Kazakh-Turkish University, Kazakhstan²I.Zhansugurov Zhetysu State University, Kazakhstan

Abstract. The article considers the legal protection of the environment and analyzes the development of the environmental legislation. Resolution of issues of combination of economic and ecological interests of society and state in the process of law-making is important for conduct of ecological policy favorable for the citizens of RK. The article states that only state regulations allows to decide the problem in complex. By consideration of problems of the environmental legislation, questions of imperfection of norms ecological law are mentioned. The author considers the possibility of forming a system of environmental courts, and also raises the question of the necessity of its creation. The article gives reasons for the creation of special environmental courts in RK. The main limiting factor on the way of creation of environmental courts is the necessity of additional financing. It may be negotiated on the basis of use of foreign and international experience.

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Introduction

The development of the company for the period of its existence has impacted on the environment, transform it. Adverse impacts on the environment and to human development require a certain range of knowledge that addresses the issues of restoration, conservation, rational use and protection of the environment, the laws ensure the natural conditions of human life. The international community has been identified global challenges of our time: the environmental crisis, the environment [1].

Anyway any public relations should be implemented through regulation. Today, environmental law is the law of self-discipline, one of the branches of the law, which took its stage of formation and development. In addition, environmental law is a science and academic discipline. With the adoption and entry into force of the law of the Environmental Code of the Republic of Kazakhstan, the intensive development of land laws, administrative reform of public authorities over the past two years, a new stage in the development of environmental law. Today is the process of "greening" of the individual branches of law.

Effective means of ensuring compliance with the environmental requirements of the legislation can only be rules of international, administrative, criminal and civil law, adopted and modified based on the analysis of judicial practice, as well as other practical experience in applying environmental law by the persons participating in the process of nature.

Environmental law can be defined as a set of legal rules governing the public (environmental)

relations in the area of interaction between society and nature in the conservation and sustainable use of the environment for present and future generations [2].

Independence of the branches of the law is determined by the presence of a subject of legal regulation, namely the specific social relations, which are aimed at streamlining the rules of law, as well as the method of regulation.

The subject of environmental law in the public relations field in the interaction between society and the environment. These social relations, so the item itself of environmental law, are divided into three components:

1) Environmental protection law that regulates public relations concerning the protection of ecological systems and complexes, the total environmental legal institutions, addressing conceptual issues throughout the environment. The purpose of this is to ensure that the natural regulation of the house, people natural home in the complex;

2) Nature and resources law, which regulates public relations for the provision of specific natural resource use, as well as issues of conservation and management - the land, its subsoil, water, forests, wildlife, and air;

3) The norms of other independent bodies of law, serving public relations related to environmental protection, united the task of protecting the environment (norms of administrative law, criminal law, international law).

The method of environmental law is the way to impact on social relations. There are the following methods:

- greening (a manifestation of general ecological approach to any and all phenomena of social life, the penetration of global environmental objectives into all spheres of social relations regulated by law);

- administrative law and civil law (the first is based on the unequal status of legal entities - from the relations of power and subordination, the second is based on the equality of the parties on economic instruments of regulation);

- historical, legal and prognostic (justification reliably receive legal and economic measures, possibly taking into account social and other changes to avoid repeating mistakes, knowledge of future states, processes and events). [3]

Analysis of delivered research and publications

Since the declaration of independence, Kazakhstan has experienced a qualitative change. Republic became an independent state, has changed the economic and political system of the society. Based on the principle of separation of powers system was reorganized legislative, executive and judiciary.

In recent years taken a new, current Constitution, as well as a significant number of legislative acts in the field of economy, protection and use of natural resources, in particular, such as the Civil Code, codified laws of the land, the subsoil, the Environmental Code and many others.

Reforming the economic system is in a period of economic recession, which, of course, has a negative impact on the solution of environmental problems, exacerbating the already critical state of the environment. In an increasingly structural imbalances in production, the growth of domestic and external debt and worsening social problems of attention to the state of the environment has been reduced to a minimum. The activities of the executive and legislative power structures is primarily focused on actively addressing short-term economic and social issues. Environmental problems attributed to the background, which can not adversely affect the long-term development prospects of the country.

In the modern period of the study and evaluation of the causes of the ecological crisis are of fundamental importance and could have a major impact on the improvement of the legislation.

Increase in the volume of natural resources in Kazakhstan, as in all countries with raw materials orientation of the economy, showing a trend of increase over the exploitation of nature. Warnings from scientists about the need for a consistent and constant consideration of environmental impacts of macroeconomic policies are not taken into account, or they are given a minimum value.

Apparent inconsistency and contradiction between the way the reality of mankind builds its

relation to the environment throughout its history, and still reigning illusion about the possibilities of improving the existing methods of production and regulation. Based on the traditionally used energy raw materials presently existing method of management may lead to a global ecological catastrophe. Alternative same types of energy sources (solar, wind, etc.) are not able to compete seriously in meeting today's energy needs.

In the modern period, searches for an optimal legal regulation should be focused on a fundamentally different basis. As practice shows, all sorts of attempting to tie or to improve the existing legal mechanism in relation to short-term needs of the economy, based on the existing power, are ineffective in principle, and in the rate of rise of the ecological crisis and unpromising. Environmental legislation, based on outdated approaches may even contribute to the deepening environmental crisis, if it is to follow the ideas of anthropocentrism - the protection of the human environment, with its destructive ambitions and illusions of solvability with causing intractable problems.

The analysis of the environmental situation and legislation in the modern period can and should lead to a reassessment of the relationship of man to himself and nature, as well as a choice of directions of its development in the future. The value of such findings and assessments should be quite comparable with the results of environmental modeling, international understanding founders of the Club of Rome half a century ago, and to determine the origin of environmental priorities in policy and legislation developed and many developing countries. In the new stage of development of ecological problems are not just sharpened, but purchased, unfortunately, different quality.

However, the way out is possible if in the near future in Kazakhstan, as in other countries, all kinds of legal regulation will be oriented to a qualitatively different system of production and consumption, and will be based on fundamentally different principles that can provide not only the harmonization at the international level, but also harmonization of the interests of the world community with the possibilities of the biosphere.

The backlog of questions and tasks of environmental legislation for objective and subjective reasons, were not able to find a comprehensive solution. Their relevance is not only maintained, but even intensified. In this regard, the need for a theoretical understanding for problems of environmental legislation in the new situation becomes urgent necessity, and comes to the fore.

Human life and health is the highest value in any civilized society. One of the conditions of the data

protection benefits is the availability of a quality of the environment, which makes it most suitable for human life [4].

The Republic of Kazakhstan, establishing itself as a democratic, secular, legal and social state whose highest values announces man, his life, rights and freedoms [5].

So, along with other rights and freedoms, was isolated and the so-called environmental law. Although the scope of the constitutional rights of citizens in the legal literature unnecessarily pushed into the background, and yet little studied by scholars, they all agree in this: not just a simple fix environmental rights and freedoms in the Constitution requires a clear affirmation of the mechanisms of their implementation in real life.

Meanwhile, it must be said the sharp deterioration of the ecological situation in the world that has raised the question of the survival of humanity and has already caused enormous damage to life, health and property of millions of people. These problems have long gone beyond narrow national boundaries and can not be considered as purely an internal affair of any state already. Today, there are a number of environmental problems: Kazakhstan's entry into a new phase of historical development has led to an increase in the number of factors that adversely affect the state of the environment.

Now the problem of the global environment, as well as being the most relevant, it is water pollution, air, and the problem of defining the subject of emissions into the environment.

For example, the overall assessment of the level of air pollution in the cities of the Republic of Kazakhstan. Observations of the atmospheric air in the Republic of Kazakhstan were held in 34 towns across the country by 96 observation posts, including 56 hand positions: in Aktau, Aktobe, Almaty, Astana, Atyrau, Balkhash and Zhezkazgan, Karaganda, Kokshetau, Kostanay, Kyzylorda, Ridder, Pavlodar, Petropavlovsk, Semipalatinsk, Taraz, Temirtau, Ust - Kamenogorsk, Shymkent, Ekibastuz, Special Economic Zone Seaport Aktau and the village Glubokoe and 40 automatic observation stations: Astana, SCFM "Burabai" Shchuchinsk, sanatorium Shchuchinsk, SPE "Burabai" Kokshetau, Almaty, Shymkent, Aktobe, Kulsary Zyryanovsk, Uralsk, Aksai, Karaganda, Temirtau, Kyzylorda v.Toretam, v. Akay, Kostanai, Rudnyi, Zhanaozen, Petropavlovsk, Turkestan.

State air pollution was estimated by the analysis and processing of air samples collected at fixed monitoring stations. The main criteria of quality are the values of maximum permissible concentrations of pollutants in the air of residential areas. The level of air pollution was estimated by the integrated

pollution index, which was calculated using the five substances with the highest normalized values of maximum permissible concentrations based on their hazard class, as well as estimated and excess of maximum allowable concentrations.

The content of harmful substances in the air of cities in Kazakhstan remains high. By polluted city air pollution index attributed 9 cities, including those with high levels of air pollution in six cities: Almaty, Karaganda, Kyzylorda, Ust-Kamenogorsk, Temirtau, Taraz.

According to the results of observations of the state of air pollution in the cities of the Republic of Kazakhstan the highest level of air pollution in February 2013 was observed in the city of Almaty.

Compared with February 2012 level of air pollution in the cities of Almaty, Kyzylorda Ust-Kamenogorsk, Taraz, Ridder, Semei, Petropavlovsk, Kostanai, Astana, Balkhash, Ekibastuz, Kokshetau did not change significantly, in the cities, Temirtau, Zheskazgan, Shymkent, Atyrau, a village Glubokoe, Aktobe, it was dropped in Pavlodar, the increase in the level of air pollution was marked in the cities of Karaganda, Shymkent and Aktau.

On the territory of the Republic of Kazakhstan for the month of February 4 cases of high air pollution were noted in city Aktobe of Aktobe region [6].

Along with this, the relevance of the subject and gives a great moral value of the good. At the moment, favorable quality of the natural environment of humanity, in connection with which the present generation of earthlings have no moral right to dispose of their wealth to the detriment of future generations. Finally, the need for in-depth study of the human and civil rights to a healthy natural environment caused by the lack of development of the problem from the standpoint of constitutional law and no one can pinpoint the exact damage to the environment as a whole.

Provides for a comprehensive system of measures providing environmental citizens' constitutional rights. However, the practical realization of these rights is being hampered by a number of serious reasons. The main reason - the inability, on the one hand, to ensure the provision to any degree of material of sufficient financial resources for environmental protection on the other - the impossibility of the environmentally harmful companies, or at least restrict their activities.

However, citizens are reluctant or do not participate in the protection of their environmental rights. Inactivity of citizens defined by a number of reasons, one of which is the lack of information and citizens.

Table # 1. List of cities in the Republic of Kazakhstan on the level of air pollution

City	Index pollution 5		
	Feb. 2012	Jan. 2013	Feb. 2013
1 Almaty	11,4	15,2	12,2
2 Karaganda	6,6	8,3	8,7
3 Kyzylorda	9,1	10,2	8,2
4 Ust-Kamenogorsk	8,6	6,4	7,9
5 Temirtau	10,7	6,7	7,3
6 Taraz	8,0	7,0	7,1
7 Zhezkazgan	7,3	7,4	6,1
8 Shymkent	7,9	6,2	6,0
9 Ridder	6,3	5,6	6,0
10 Semei	4,8	5,6	5,0
11 Petropavlovsk	4,1	4,0	4,3
12 Taldykorgan	1,5	3,0	3,4
13 Aktau	1,9	3,5	3,3
14 village Glubokoe	4,8	2,9	3,2
15 Atyrau	4,6	3,5	3,2
16 Kostanai	2,4	3,3	3,1
17 Astana	3,2	2,9	2,9
18 Aktobe	8,3	5,7	2,8
19 Balkhash	1,7	2,7	2,5
20 Ekibastuz	2,3	2,2	1,5
21 Pavlodar	3,6	1,7	1,4
22 Kokshetau	0,8	0,5	0,6

For Kazakhstan, it is important to strengthen the work on access to environmental information, public participation and decision-making and access to justice. Taking into account that for civil society and human rights organizations, in particular the key is the performance of Kazakhstan with its obligations under the so-called "third basket" of the OSCE, consisting of commitments in the field of democracy, the rule of law and respect for human rights and freedom, taking into account the measures taken by the government and the Supreme Court of the Republic of Kazakhstan for the development of the Aarhus Convention. [7]

It should be noted that there is no real access to information and effective public participation in decision-making in the field of environmental protection either in the legal or practical level:

1. The justice system does not provide effective protection of nature and the protection of human rights to a healthy environment.

2. Not that national legislation ratified the Aarhus Convention, in particular the Law "On Subsoil and Subsoil Use" partially restricts access to information, Article 634 of the Code "On Administrative Offences", did not disclose the legal framework for public participation in the review of administrative violations in the field of environment. Chapter 34 of the Code, the same does not allow participation by citizens and public organizations in such proceedings, which are not affected by their personal interests and the interests of the public and no harm is caused to them and to the environment.

3. Violates the principle of equality of parties in court proceedings.

4. Implementation of court decisions is not guaranteed, often kills the faith fair justice.

5. The Constitution of the Republic of Kazakhstan from 1995, unfortunately excludes the right of citizens to a healthy environment.

The aforementioned reasons are forcing people to seek protection outside the state.

To do this, we propose the following:

- the OSCE and international organizations must begin to assess the environmental situation of human rights in Kazakhstan and the countries to meet their obligations under international environmental agreements as part of their published reports and human rights;

- commission on Human Rights and the Human Rights Commissioner for the President of the Republic of Kazakhstan must be more active in the field of the rights of citizens to a healthy environment sector;

- Aarhus centers of the Republic of Kazakhstan to move away from the declarative functions, to strengthen and expand its work. Provide citizens with effective access to environmental information;

- the judicial system of the Republic of Kazakhstan in environmental affairs to ensure the provision of the zero rate of the state fee and court costs.

To increase the accountability of judges and law enforcement officials have a number of provisions that directly or indirectly aimed at ensuring and protecting the environmental rights of citizens and the environment.

Environmental disputes in Kazakhstan's practice there quite often, and their number is steadily increasing. The largest number of disputes arise under claims of territorial departments of ecology or environmental prosecutors for damages to the environment caused her accidental or excessive contamination.

There are also disputes arising from the lack of companies of state ecological expertise, permits for gas flaring, unauthorized use of water resources, the debate about the ownership of the waste, and others.

For example, the Committee for Environmental Regulation and Control of the Ministry of Environment of the Republic of Kazakhstan and its territorial departments of ecology in accordance with the Environmental Code of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On private entrepreneurship", annually in large enterprises conducted environmental audits.

In this case, the events in the Gulf of Mexico, contributed to a unscheduled inspections at oil production facilities for compliance with the technology of oil operations, safety regulation in abnormal situations and assess the impact of the operations on the environment.

It should be noted that the environmental disaster similar to what has happened in the Gulf of Mexico, just not acceptable in the Caspian Sea with its unique ecosystem. Here, it is necessary to harmonize the operations of oil production while maintaining the quality of the environment.

In this regard, in the Atyrau region in the summer of 2010 by state environmental inspectors in cooperation with prosecutors conducted an unscheduled inspection at the production facilities of "North Caspian Operating", located in the Caspian Sea.

The audit found that the construction of oil production facilities in violation of environmental regulations allowed pollution of the Caspian Sea oil and other chemical contaminants. So, 2010 is not the surface of the sea spilled 6,712.5 liters of pollutants. In 2011, the skeleton of the "D" because of the overflow tank from the ship «JMS 24" on the marine waters of spilled diesel fuel.

Only the first 8 months of 2011 on the LP "TCO" occurred 43 contingencies that result in atmospheric air caused damage amounting to 67.162 million tenge, in respect of the legal entity issued a decision imposing fines totaling 24.4 million tenge and so more.

At the same time, the company's representatives have repeatedly clarified in order to obtain permits for emissions into the environment. However, by the employees of the company effective measures to address the comments are not accepted.

However, despite the presentation of large multi-million dollar fines of natural resources at the production facilities continue to make technological failures of major equipment and create emergency situations which can result in significant damage to the environment.

In this context, we see that the laws of the Republic of Kazakhstan is not always valid in solving environmental problems.

Everyone knows that the issue of the environment is a major global environmental problem. In the Republic of Kazakhstan, this problem has a special place, because the lion's share of economic activity of the Republic has the market associated with the extraction and processing of raw materials, which is like no other inherent pollution production. In this regard, the issue of legal regulation in the area of emissions into the environment is central to the environmental legislation of the Republic of Kazakhstan. However, the law is not always possible to give a definite answer to these or other disputes arising in law enforcement on emissions into the environment. In accordance with paragraph 2 of Article 95 of the Environmental Code of the Republic of Kazakhstan, one of the mechanisms of economic

regulation of the environment and natural resources is a fee for the issue of the environment. In this case, under the emissions to the environment legislator understands that emissions charges of pollutants, waste production and consumption in the environment, harmful physical effects.

The obligation to make payments for emissions into the environment provided by the Tax Code of the Republic of Kazakhstan and the payments themselves are carried out in order on the basis of a special nature issued by the authorized body in the field of environmental protection environmental permit.

Environmental permits are obtained and applied to the budget for the issue most of natural resources, the activities of which leads to the release of pollutants, waste water and waste. However, in recent years, although many of natural resources trying to resolve issues related to payments for issue by concluding agreements that provide for the obligation to issue payments for one of the parties, the practice of law does not give a clear answer to the question: Who is the subject of the issue? Who should pay? Always a controversial issue, it is difficult to determine the subject of emissions into the environment.

In this regard, the tightening of responsibility of enterprises through criminal prosecution is a necessary step in solving environmental problems. In the Government of the Republic of Kazakhstan submitted a draft legislative act "On amendments and additions to some legislative acts of the Republic of Kazakhstan on environmental issues", which provides for greater criminal liability for environmental offenses.

We believe that the tightening of liability for environmental violations will prevent accidents at work sites, which ultimately will improve the quality of the environment and will maintain the ecological balance.

The lawyers representing the interests of companies in the subsoil of environmental disputes, it is necessary to carefully analyze the legal rules applicable to a particular dispute. This is to prevent misuse of the courts of the substantive law and to prevent undue attract companies to civil liability.

For example, according to the Environmental Code of the Republic of Kazakhstan, the harm of pollution is determined by direct or by indirect method. The direct method - definition of damage at a cost of remedial actions - should be used on a priority basis. This allows for companies to take immediate measures to address the effects of pollution. The indirect method - calculation of damages in special formulas - is used in cases where remediation is not possible (for example, air pollution) [8].

Environmental inspectors usually do not find out if there might have recovery programs, and immediately make a complaint and redress for the indirect method. Later, when the company raised the issue in the courts, the inspectors often leading explanations that are hardly justified. For example, one company has been sued for compensation for environmental damage caused by the disposal of waste without an environmental permit. The amount of damage has been calculated by the indirect method. Inspector to substantiate the use of the indirect method as follows: the company in accordance with the Tax Code of the Republic of Kazakhstan paid to the budget payments for the disposal of these wastes in a 10-fold, therefore, she recognized the damage estimate for the indirect method. The Company believes this approach is totally illegal for the issue is not the damage assessment of waste disposal, and the company running the fee issue, sang the tax liability. In other words, it is difficult to prove cause-and-effect relationship in this area.

The dynamics of disputes dealt with by the courts relating to the application of environmental legislation, showing steady growth. According to statistics, the practice of citizens' requests for judicial protection of environmental rights is gradually increasing. So, if in 2010 received three applications (one on the suit and the damages caused by the violation of environmental legislation) in 2011 -14 (seven of them for compensation), in 2012 the number of disputes in this category has increased to 24. During the three years of the 30 examined claims related to violation of the law of conservation of the environment, and 23 were decided with satisfaction of the claim. A special place is occupied by disputes over compensation for damages for breach of environmental law [9].

Another reason, not wanting to participate in the defense of citizens' environmental rights is ineffective remedy. In defense of the rights of citizens in the field of environmental protection legislation in force assigns a significant role to courts. However, the courts almost inactive in this area, since both natural and legal persons are poorly informed about the possibilities of judicial protection of their environmental rights. The citizen's right to take legal action as a universal legal remedies can not only defend the interests of the plaintiff, but ultimately the whole of society, thus contributing to the regime of law and order.

Given the fact that the jurisprudence in the area of environmental protection of citizens' rights in Kazakhstan still not rich, of considerable interest to the relevant international experience. For example: Bangladeshi authorities plan to create the country's

environmental court. The new trial will be held hearings on cases of environmental pollution.

In many countries, environmental justice is a separate court system having exclusive jurisdiction over environmental issues [10, page 18]. Calls for creation of environmental court in many western countries have been heard for many years before the beginning of XIX century[11]

The following example, there is also an international environmental court. At the initiative of a group of lawyers to the founding conference Mexico City in November 1994 was established by the International Tribunal of Environmental Arbitration and Conciliation. He is the first non-governmental organization of judges includes 29 environmental lawyers from 24 countries [12].

Tim Stephens says that international environmental justice has come of age, yet the global environment continues to deteriorate. The challenge of the twenty-first century is to reverse this process by ensuring that governments comply fully with their obligations, and progressively assume stricter duties to preserve the environment [13].

Internationally the activities of the environmental court is regulated by the statutes under which the tribunal to settle international disputes on matters of environmental protection and nature in three forms:

a) The method of consultation of interested parties at their request, on the basis of a legal analysis of the concrete situation.

b) The method of reconciliation of the contending parties on the basis of a compromise solution dispute that suits both parties.

c) The method of the present judicial and arbitration proceedings by mutual request of the parties to the judgment, which the parties previously agreed to be bound.

Settlement of Disputes in International Environment Court is based on the principles of arbitration. The parties are free to decide on the appeal to the Tribunal and its composition is selected from three or more judges to hear the case.

The range of persons who may apply to the International Environmental Tribunal is unlimited.

International environmental tribunal may consider a wide range of disputes. It includes disputes relating to pollution of the neighboring country and the consideration of environmental harm prevention, suspension or termination of very environmentally damaging activities. He also considers the dispute concerning the use and protection of shared by two or more states of natural resources. Among some others - debate on the protection of environmental rights of the people. The cases in the International Environment

Court established in international environmental law, national legislation of the countries.

At the moment the Supreme Court expects first-half analysis of case law to resolve disputes relating to the application of environmental legislation. This work was preceded by the preparation of a new edition of the regulatory decisions of the Supreme Court "On the practice of courts of law on the issues in the field of the environment", the development of which will involve scientists, practitioners, government agencies, educational institutions, non-governmental organizations and the general public.

Regional courts recommended to investigate civil cases in 2010-2012 with particular attention paid to issues of environmental legislation, in which the judges have problems, and there was a mixed case law. In particular, the actuality of the recovery of damages caused to the environment by actions authorized agencies and prosecutors for excess emissions into the environment and natural resources without special permits, in the evaluation of the documents by the courts to determine the amount of damage by direct and indirect methods.

For the Supreme Court it is important that the activities of vessels meet the requirements of national legislation and international instruments governing the environmental legal relationship to the courts established practice uniform application of environmental legislation that is intended, on the one hand, to reduce the legal risks for businesses, on the other hand, to reliably protect environmental rights of the public.

The practical significance of the study is to develop concrete proposals and recommendations to improve state regulation of environmental legislation of the Republic of Kazakhstan. The results can be used to develop the state body regulating environmental law relationship, in particular in determining how effective regulation.

Conclusion

- the OSCE and international organizations must begin to assess the environmental situation of human rights in Kazakhstan and the countries to meet their obligations under international environmental agreements as part of their published reports and human rights;

- Commission on Human Rights and the Human Rights Commissioner for the President of the Republic of Kazakhstan must be more active in the field of the rights of citizens to a healthy environment sector;

- Aarhus centers of the Republic of Kazakhstan to move away from the declarative functions, to strengthen and expand its work. Provide

citizens with effective access to environmental information;

- the judicial system of the Republic of Kazakhstan in environmental affairs to ensure the provision of the zero rate of the state fee and court costs.

- to increase the accountability of judges and law enforcement officials have a number of provisions that directly or indirectly aimed at ensuring and protecting the environmental rights of citizens, as well as the environment;

- tightening of liability for environmental violations will prevent accidents at work sites, which ultimately will improve the quality of the environment and will keep the ecological balance.

- the lawyers representing the interests of companies in the subsoil of environmental disputes, it is necessary to carefully analyze the legal rules applicable to a particular dispute. This is to prevent misuse of the courts of the substantive law and to prevent undue attract companies to civil liability.

Thus, in the Republic of Kazakhstan protection of citizens' rights in the field of environmental protection legislation in force assigns a significant role to courts. In this regard, we consider it necessary to create specialized environmental courts. The creation of specialized courts where environmental courts must consider in cases of environmental pollution would allow a qualitative examination of disputes.

Respect for environmental rights of citizens and protection of it in Kazakhstan today would ensure for training of administrative personnel, prosecutors and judges in this area.

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