

Participation of Community and Civil Society Institutions in Ensuring Sustainable Development of Cities

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Abstract

The article scientifically and legally studies the issues of sustainable development of settlements, including cities, in accordance with international standards. The article also examines the issues of approval of master plans of cities and the participation of citizens in the effective management of cities, as a result of which the study developed proposals and recommendations on the subject.

Keywords: city, sustainable development, public, civil society institute, urban planning, environmental problem.

The participation of the public and civil society institutions in solving problems in the development of settlements is one of the important principles of the concept of sustainable development.

Based on the provisions of Article 32 of the Constitution of the Republic of Uzbekistan, it is possible to show the active participation of the public in this regard as an important factor of environmental protection in cities. In particular, based on a large number of appeals from the public, the Decree of the President of the Republic of Uzbekistan dated October 31, 2019 "On approval of the concept of environmental protection of the Republic of Uzbekistan until 2030" in our country from November 1, 2019 to December 31, 2020, confirms our opinion. .

For the effective functioning of the principle of participation of the population in solving the problems of sustainable urban development and its full implementation in life, a high level of ecological culture is required, which forms a careful attitude of the population to nature, to better harmony of urban life with the environment. In this regard It is important to contribute to the solution of environmental problems in the republic's territories by introducing the educational system, to increase the ecological literacy of the young generation, to form and develop ecological awareness and ecological culture, and to effectively organize the process of ecological education and upbringing. In this regard, the approval of the concept of development of ecological education in the Republic of Uzbekistan by the decision of the Cabinet of Ministers No. 434 of May 27, 2019 became important. [1]

In this regard, from a young age, it is necessary to inculcate in a person a sense of careful and caring

attitude towards the environment, and to form a conscious need to improve the world around him. Because the fate of every person is directly related to the state of the environment, in this sense, his well-being, peace, tranquility and ultimately the existence of humanity as a biological species is ensured through the protection of nature.

Family, pedagogue, coach and teachers play a special role in forming such a relationship. An important part of the process of forming a careful and caring attitude towards nature and the desire to establish a harmonious relationship with nature, which is manifested in the formation of an information field about the state of the environment and its problems in the city, belongs to public organizations, state authorities and self-government bodies of citizens. It is these state and public structures that involve the public in solving ecological problems of local importance and encouraging the population to take care of nature.

Arousing interest in environmental problems in the population, realizing the importance and seriousness of their consequences, which leads to environmental activism and encourages the population to directly participate in solving environmental problems in determining the ways of solving the main problems of the city and the directions of sustainable development of the city area.

A number of scientists consider the obligation of citizens to protect nature as more of an educational element, first of all, a moral obligation, [2] but a person's understanding of nature as the basis of his life, as well as a clean environment in the city as a condition for his health, contributes to the formation of a stable attitude of a person to nature, a healthy leads to lifestyle.

The importance of citizens' participation in this process is that a person's need to take care of the environment in the city is important not only because he lives here, but also for his children, grandchildren, in other words, the next generation. Sustainable development of the city and maintaining the quality of the unique natural and social system in the city cannot be carried out without taking into account the interests of future generations.

The UN Millennium Declaration (2000) shows the importance of treating nature with respect: "The principles of sustainable development are based on the protection and rational use of all living organisms and natural resources. Only in this way can we preserve for our generations the great wealth that nature has given us. Current unsustainable patterns of production and consumption must be changed in the interests of future well-being and the well-being of our generations." [3]

In international documents, the participation of the population in solving the problems of sustainable development and urban planning is more and more emphasized. The 2030 Agenda for Sustainable Development, as a guide for action, has set the goal of providing people "around the world" with relevant information and information about sustainable development and lifestyles in harmony with nature by 2030. Also, the new program for the development of cities (Habitat III) is based on the principles of active involvement of citizens in public life, formation of a sense of belonging and responsibility among city residents, as well as direct partnership and cooperation between state authorities and civil society in matters of urban and regional policy.

In Article 5 of the Urban Planning Code of the Republic of Uzbekistan, the participation of citizens in the implementation of urban planning activities in the Republic of Uzbekistan is recognized as an important component of the right of citizens to be provided with a comfortable living and working environment in the implementation of urban planning activities. At the same time, one of the main requirements of urban planning activities is to provide conditions for the participation of citizens and public associations in the discussion and adoption of decisions in the field of urban planning activities (Article 6 of the Urban Planning Code).

In addition to the above, Article 10 of the Urban Development Code regulates the participation of citizens, self-government bodies and public associations in the discussion and adoption of decisions in the field of urban development. According to it, citizens, self-governing bodies of citizens and public associations are informed in a timely manner about the state of the living and working environment, expected changes, master plans of settlements, construction and reconstruction of housing and civil facilities, improvement of territories, engineering and transport communications. and has the right to receive reliable, complete information and other information about urban development activities.

Informing citizens, citizens' self-government bodies and public associations about urban planning activities is carried out by state bodies through the mass media, as well as by holding public discussions, organizing expositions and exhibitions. Citizens, citizens' self-governing bodies and public associations have the right to discuss urban planning documents before they are approved, make proposals to them, and participate in the preparation of decisions in the field of urban planning activities.

State bodies consider appeals of citizens, citizens' self-government bodies and public associations related to the issues of urban development within their powers and provide reasonable answers to them within the specified time limits.

Citizens, citizens' self-government bodies and public associations have the following rights, provided that urban planning activities affect their interests:

to request administrative or judicial cancellation of the decision on the placement, design, construction, reconstruction or commissioning of buildings, structures and other objects in case of violation of urban planning legislation;

to require administrative or judicial restriction, suspension or prohibition of the activity of enterprises, as well as the use of other real estate objects, provided that their use is carried out in violation of the legislation on urban planning;

submitting a claim to the court for compensation for the damage caused to the life, health and property of citizens, as well as to the property of citizens' self-government bodies and public associations in connection with the violation of legal documents on urban planning;

demand that the persons guilty of violating the legislation on urban planning be prosecuted in accordance with the law;

organizing their independent examination at the expense of their own funds until the urban planning documents are approved.

In our opinion, the main form of participation of citizens in decision-making in the field of urban planning and ensuring their interests is public discussion, the results of which should be taken into account in regional planning, urban planning, and in some cases, regional planning and allocation.

The following are the main principles of holding public hearings: mandatory holding of public hearings, territoriality (in each settlement), equal opportunities for participation, availability of information, openness. Based on these principles, it is appropriate for the Councils of People's Deputies to determine the procedure for organizing and holding public hearings for the relevant area.

In this regard, the Decree of the President of the Republic of Uzbekistan No. PF-6119 dated November 27, 2020 "On the approval of the strategy of modernization, rapid and innovative development of the construction network of the Republic of Uzbekistan for 2021-2025" specifies the procedure for approving the master plans of settlements, taking into account the results of public discussion. it should be noted. In particular, according to it, a new procedure for public discussion of

the master plans of settlements was introduced, which envisages 4 stages of public control over construction. In this, at the 1st stage, citizens will be introduced to the procedure, place and terms of public discussion; At the 2nd stage, public discussions will be held on the draft of the master plan of the settlement; At the 3rd stage, the public opinion is analyzed based on the results of the public discussion; At the 4th stage, the public will be informed about the results of the public discussion through mass media, including the Internet.

Of course, the establishment of this legal mechanism is important in ensuring the legal participation of citizens in this area. In our opinion, in this case, it would be appropriate to take into account the results of the public discussion, to specify that the results of these discussions must be considered by the official leaders .

On the one hand, the role of public discussions as the main form of expression of citizens' will to make administrative decisions corresponds to the international principles of public participation in decision-making on certain types of activities, on the other hand, the issue of legal consequences of such expression of citizens' will remains unresolved. In fact, the opinion of citizens expressed in public discussions can be positive or negative, based on objective circumstances or the result of a subjective attitude to the problem that has arisen.

The effectiveness of population participation in solving the problems of sustainable development of cities is related to the impact on social relations of citizens as users of natural resources and direct participants in protection measures. Non-participation of the population in the initial stages of urban development planning, lack of information reaching the subjects of these relations or failure to provide this information on time, unwillingness of the parties to communicate with each other in a way that is not compatible with sustainable development, reduces the effectiveness of legislative norms on public participation and, as a result, their state of social orientation shows that it is not developed.

In such conditions, the population is obliged to express their reaction to the problem by exercising the rights granted by the above-mentioned laws (for example, establishing social non-profit organizations engaged in environmental protection activities; obtaining information about the state of the environment and measures to protect it from state authorities and local sending appeals to self-governing bodies; holding meetings, rallies, demonstrations, marches on issues related to environmental protection, participating in collecting signatures on petitions, submitting proposals for conducting public environmental expertise and participating in its conduct, solving environmental protection problems helping authorities, etc.). However, here too there are problems related to the implementation of subjective rights in the field of environmental protection.

One of the clear achievements of public participation in legislation in recent years is the improvement of the institution of public control, the strengthening of the status of public environmental control inspectors. [4] However, the low level of awareness of the population's legal options significantly reduces the effectiveness of these norms.

It is desirable to solve the issues of regional development through equal communication and partnership between the participants, by achieving stability in the relations between the state and population, builder (investor) and citizens, through sustainable development of cities.

The active participation of the public in solving the issues of sustainable development of cities allows to direct the consciousness of every citizen towards the need to protect the environment along with economic and social problems as an equal element in the life of the city. Only real methods and guarantees of citizens' participation in solving the issues of development of ecologically sustainable cities, a clear system of such participation, created on the basis of partnership with the opportunity to

"influence the situation in time", will allow to conduct the correct policy in the field of environmental protection in cities.

In this regard, we consider it appropriate to ratify the Convention on Access to Information in Environmental Decision-Making and Public Participation in Justice (Aarhus Convention, 1998).

Strengthening the position of state bodies in the protection of the urban environment and decentralization in the context of international guidelines and the United Nations Resolutions No. 21/3 of April 20, 2007 and No. 22/8 of April 3, 2009 - Habitat for All on human settlements. and the provisions set out in the international guidelines adopted by the Governing Council of the International Principles of Access to Basic Services are important. [5]

Since 1996, the efforts of the international community have been aimed at strengthening the role of local state authorities and increasing their potential in the process of sustainable development of cities. Since local government bodies are closer to the citizens, they should contribute more to the development of settlements than the state government bodies at the republic level.

According to paragraph 177 of the "Habitat II" agenda (1996), the sustainable development of settlements requires "effective decentralization of functions, policy management, provision of legislative power and sufficient local authorities that are closest to ordinary citizens and best protect their interests can be achieved by allocating funds . [6] This position was later supported in both the Declaration on Cities and Other Settlements in the New Millennium and the New Urban Development Agenda (Habitat III).

With increasing attention to the problems of environmental protection and rational use of nature in our country, the role of citizens' self-governance bodies as an important tool of public power gradually strengthened. The reforms carried out over the past years, including those aimed at improving the administrative-territorial structure, had a significant impact on the powers of citizens' self-government bodies in the field of environmental protection and nature use.

Nevertheless, it should be noted that in the Law "On Nature Protection", which is the main law in the field of ecology, it is necessary to specify the powers of self-government bodies of citizens in the field of environmental protection. In our opinion, it is necessary to supplement this Law with Article 10¹, in which the authorities of citizens' self-government bodies in the field of nature protection should be determined. Even when the Ecological Code is adopted in the future, it is appropriate to define the powers of self-government bodies of citizens in the field of environmental protection in a separate article.

Also, it is desirable to expand the powers of local government bodies related to environmental protection in settlements. In particular, noise, vibration, electric, electromagnetic, magnetic fields and the environment, urban and rural settlements, recreation areas, habitats of wild animals and birds, including their breeding places, natural ecological systems and natural it is appropriate to give the power to take necessary measures to prevent and eliminate other negative physical effects on landscapes.

Self-governing bodies of citizens can participate in the following areas of activity in order to ensure a high-quality environment in cities: participation in the implementation of environmental monitoring in the urban area, implementation of information policy in cities , close cooperation with the public ("connecting link"), active with state authorities partnership and cooperation, solving environmental problems by means of urban planning (territorial planning, zoning and regional planning, urban planning policy, creating an acceptable, attractive and innovative urban environment), that is, solving it by managing urban development.

In short, the special principles of legal protection of the environment are based on the study of urban environmental problems as a single natural and social system, which apply to all participants of environmental legal relations, including citizens, public associations, law-making subjects, as well as law enforcement and based on these principles, it is appropriate to create a system of specific legal measures to protect and improve the environment in cities, aimed at law enforcement entities.

References:

1. Узакова, Г. (2021). Шаҳарларнинг барқарор ривожланишини таъминлашда жамоатчилик ва фуқаролик жамияти институтларининг иштироки. *Общество и инновации*, 2(2/S), 489-497.
2. УЗАКОВА, Г. Ш. (2016). ВОПРОСЫ ПОВЫШЕНИЯ ЭФФЕКТИВНОСТИ ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ И ПРИРОДОПОЛЬЗОВАНИЯ В НАСЕЛЕННЫХ ПУНКТАХ. *Право и жизнь*, (10-12), 144-154.
3. Узакова, Г. Ш. (2021). АҲОЛИ ПУНКТЛАРИДА ТАБИИЙ РЕСУРСЛАРДАН ФОЙДАЛАНИШ ВА УЛАРНИ МУҲОFAЗА ҚИЛИШГА ОИД ҚОНУНЧИЛИКНИНГ РИВОЖЛАНИШИ. *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ*, 6(2).
4. Узакова, Г. Ш., & Саидов, С. В. (2021). ЕРДАН ФОЙДАЛАНИШ ВА МУҲОFAЗА ҚИЛИШ СОҲАСИДА ДАВЛАТ БОШҚАРУВИНИНГ ИЛМИЙ-ҲУҚУҚИЙ АСОСЛАРИ. *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ*, 6(4).
5. Uzakova, G. (2021). Ecologization Of Construction Activities: National and International Experience. *Ilkogretim Online*, 20(3).
6. Узакова, Г. Ш. (2021). АҲОЛИ ПУНКТЛАРИДА АТРОФ МУҲИТНИ ҲУҚУҚИЙ МУҲОFAЗА ҚИЛИШ МАСАЛАЛАРИ. *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ*, 6(1).
7. Гузал Узакова (2021). Участие общественности и институтов гражданского общества в обеспечении устойчивого развития городов. *Общество и инновации*, 2 (2/S), 489-497. doi: 10.47689/2181-1415-vol2-iss2/S-pp489-497
8. Узакова, Г. (2020). Аҳоли пункти ерларининг юридик тавсифи. *Обзор законодательства Узбекистана*, 1(4), 34-37.
9. Узакова, Г. (2020). Ўзбекистон Республикасида аҳоли пункти ҳудудларини зоналаштиришга оид экологик-ҳуқуқий талаблар. *Обзор законодательства Узбекистана*, 1(3), 33-38.
10. Узакова, Г. Ш. (2020). ЎЗБЕКИСТОН РЕСПУБЛИКАСИДА ЭКОЛОГИК ТУРИЗМНИ РИВОЖЛАНТИРИШНИНГ ЎРНИ ВА АҲАМИЯТИ. *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ*, (SPECIAL 2-2).
11. Узакова, Г. Ш. (2020). ЕР УЧАСТКАЛАРИНИ ХУСУСИЙЛАШТИРИШ ЖАРАЁНИНИ ҲУҚУҚИЙ ТАРТИБГА СОЛИШ: МИЛЛИЙ ВА ХОРИЖИЙ ТАЖРИБА. *ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ*, 5(3).
12. Uzakova, G. (2017). The legal regulation of limits of land plots. *Review of law sciences*, 1(1), 20.
13. УЗАКОВА, Г. Ш. (2016). ВОПРОСЫ ПОВЫШЕНИЯ ЭФФЕКТИВНОСТИ ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ И ПРИРОДОПОЛЬЗОВАНИЯ В НАСЕЛЕННЫХ ПУНКТАХ. *Право и жизнь*, (10-12), 144-154.
14. Узакова Г. Шаҳарларнинг барқарор ривожланишини таъминлашда жамоатчилик ва фуқаролик жамияти институтларининг иштироки //Общество и инновации. – 2021. – Т. 2. – №. 2/S. – С. 489-497.

15. УЗАКОВА Г. Ш. ВОПРОСЫ ПОВЫШЕНИЯ ЭФФЕКТИВНОСТИ ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ И ПРИРОДОПОЛЬЗОВАНИЯ В НАСЕЛЕННЫХ ПУНКТАХ //Право и жизнь. – 2016. – №. 10-12. – С. 144-154.
16. Узакова Г. Ш. АҲОЛИ ПУНКТЛАРИДА ТАБИЙ РЕСУРСЛАРДАН ФОЙДАЛАНИШ ВА УЛАРНИ МУҲОФАЗА ҚИЛИШГА ОИД ҚОНУНЧИЛИКНИНГ РИВОЖЛАНИШИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2021. – Т. 6. – №. 2.
17. Узакова Г. Ш., Саидов С. В. ЕРДАН ФОЙДАЛАНИШ ВА МУҲОФАЗА ҚИЛИШ СОҲАСИДА ДАВЛАТ БОШҚАРУВИНИНГ ИЛМИЙ-ҲУҚУҚИЙ АСОСЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2021. – Т. 6. – №. 4.
18. Uzakova G. Ecologization Of Construction Activities: National and International Experience //Ipkogretim Online. – 2021. – Т. 20. – №. 3.
19. Узакова Г. Ш. АҲОЛИ ПУНКТЛАРИДА АТРОФ МУҲИТНИ ҲУҚУҚИЙ МУҲОФАЗА ҚИЛИШ МАСАЛАЛАРИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2021. – Т. 6. – №. 1.
20. Гузал Узакова Участие общественности и институтов гражданского общества в обеспечении устойчивого развития городов // ОИИ. 2021. №2/S. URL: <https://cyberleninka.ru/article/n/uchastie-obschestvennosti-i-institutov-grazhdanskogo-obschestva-v-obespechenii-ustoychivogo-razvitiya-gorodov> (дата обращения: 12.10.2022).
21. Узакова Г. Аҳоли пункти ерларининг юридик тавсифи //Обзор законодательства Узбекистана. – 2020. – Т. 1. – №. 4. – С. 34-37.
22. Узакова Г. Ўзбекистон Республикасида аҳоли пункти ҳудудларини зоналаштиришга оид экологик-ҳуқуқий талаблар //Обзор законодательства Узбекистана. – 2020. – Т. 1. – №. 3. – С. 33-38.
23. Узакова Г. Ш. и др. ЎЗБЕКИСТОН РЕСПУБЛИКАСИДА ЭКОЛОГИК ТУРИЗМНИ РИВОЖЛАНТИРИШНИНГ ЎРНИ ВА АҲАМИЯТИ //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2020. – №. SPECIAL 2-2.
24. Узакова Г. Ш. ЕР УЧАСТКАЛАРИНИ ХУСУСИЙЛАШТИРИШ ЖАРАЁНИНИ ҲУҚУҚИЙ ТАРТИБГА СОЛИШ: МИЛЛИЙ ВА ХОРИЖИЙ ТАЖРИБА //ЖУРНАЛ ПРАВОВЫХ ИССЛЕДОВАНИЙ. – 2020. – Т. 5. – №. 3.
25. Uzakova G. The legal regulation of limits of land plots //Review of law sciences. – 2017. – Т. 1. – №. 1. – С. 20.
26. УЗАКОВА Г. Ш. ВОПРОСЫ ПОВЫШЕНИЯ ЭФФЕКТИВНОСТИ ОХРАНЫ ОКРУЖАЮЩЕЙ СРЕДЫ И ПРИРОДОПОЛЬЗОВАНИЯ В НАСЕЛЕННЫХ ПУНКТАХ //Право и жизнь. – 2016. – №. 10-12. – С. 144-154.