



LEGAL ISSUES OF ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT OF CITIES

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Article history:	Abstract:
Received: November 06 th 2023 Accepted: December 06 th 2023 Published: January 11 th 2023	The article analyzes environmental problems that need to be solved in the process of realizing the goal of sustainable development of cities. The contents of the documents adopted by the international community were studied. At the same time, the norms of the state environmental policy of the Republic of Uzbekistan and the norms of national legislation on the development of open and sustainable cities were studied, and suggestions were made for their improvement.
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Today, the population of the world is experiencing a unique period. On the one hand, the fight against climate change and other environmental problems, the elimination of hunger and poverty that are equally important for all countries, and cooperation in energy security accelerate the process of globalization in the world. On the other hand, the conflict of economic interests and the diversity of political views are causing the emergence of a multipolar world. In such a complex situation, the importance of the activities of the United Nations Organization and other international organizations increases. In particular, the "Sustainable Development Concept" developed by the United Nations and intended to be implemented by all member states during the period 2015-2030 is in the interests of the entire world population, and the program, which includes the goals of sustainable development, is aimed at creating a comfortable lifestyle for everyone that includes focused economic, social, environmental indicators. The Sustainable Development Goals include 17 global goals and 169 related targets, covering all areas related to human well-being: 1) no poverty; 2) zero hunger; 3) good health and well-being; 4) quality education; 5) gender equality; 6) clean water and sanitation; 7) affordable and clean energy; 8) decent work and economic growth; 9) industry, innovation, infrastructure; 10) reducing inequalities; 11) sustainable cities and communities; 12) responsible consumption and production; 13) climate action; 14) life below water; 15) life on land; 16) peace, justice and strong institutions; 17) partnerships for the goals.

It should be noted that the issue of sustainable development of cities has been considered by the international community several times at international conferences, and there are international

documents on this matter. Including the UN Millennium Declaration (2000), the Vancouver Declaration on Human Settlements (1976), the 21st Century Agenda adopted at the UN Conference on Environment and Development held in Rio de Janeiro in June 1992, the UN Human Environment These include the Stockholm Conference (1972), as well as the Kyoto Declaration, a new urban development program adopted by the participants of the UN Habitat-III Conference on Housing and Sustainable Urban Development (October 17-20, 2016, Kyoto, Ecuador).

"National goals and tasks in the field of sustainable development until 2030" were approved by the decision of the Cabinet of Ministers of the Republic of Uzbekistan No. 83 of February 21, 2022. With this document, the goals set in the program are nationalized. The issue of development of open and sustainable cities defined as the 11th goal is implemented by legal norms related to land, ecology, urban planning, management. In the Republic of Uzbekistan, the tasks in this regard are to ensure access to safe, cheap, convenient and ecologically sustainable means of transport until 2030, comprehensive and sustainable planning of the scale of urbanization that is accessible to everyone and ecologically sustainable settlements, expansion of their management capabilities, protection of cultural and natural heritage objects and revitalization of actions on production and preservation, reducing the negative impact of urban ecology on the population, paying special attention to the quality of air and the removal of urban waste and other waste, as well as expanding the area of green areas and parks in cities and residential areas.

The city is a complex social organism, which



goes hand in hand with their expansion, pollution of the air basin, water bodies and soil, degradation of agricultural land. In this regard, in recent years, the environmental problem in settlements and the search for ways to solve it have been approached as a serious problem that requires special attention.[1] In addition, it should be noted that in many countries it is very difficult to green the field of architecture and urban planning and legislation. Contrary to the wishes of the population and activists in the field of ecology, cities are built with high-rise residential buildings, almost without taking into account climate factors, the impact of street noise and, in general, the characteristics of the living environment and human psychology.

In our country, the sustainable development of cities is caused by a number of environmental, social, urban planning and management problems. Due to the concentration of industrial enterprises, large energy stations and other economic facilities in cities, a unique "urban ecology" is currently emerging. In this case, the city not only fulfills the "duty" of the source of ecological pollution of the surrounding areas, but at the same time it itself is the main victim of "self-poisoning".

The state environmental policy in our country requires the adoption of environmental programs based on reliable information about the existing environmental situation, the economic thoroughness of the measures included in them, and the need to provide them economically.

The environmental policy of the state is an effective tool for achieving sustainable urban development, which must take into account the conditions for providing a comfortable environment in urban settlements and protecting the environmental rights of citizens. Creating an optimal system of environmental management bodies in cities is a necessary element of the implementation of this direction of environmental policy. Currently, environmental management in cities has a multi-level character. The tasks of environmental management bodies in cities should be determined by the economic development and specific characteristics of the nature of the area.

In our opinion, environmental policy in cities should be based on the following basic principles: development of mechanisms for prevention of negative effects on urban ecology; ensuring the priority of environmental issues in the adoption of urban planning, economic and economic decisions; predominance of legitimate environmental interests of urban residents over business interests; compensation damages (polluter pays); mutual cooperation of the city administration with city residents in solving environmental problems of the city, etc.

The main tasks that must be performed by the management bodies in urban settlements for the implementation of environmental policy are planning and forecasting, development of clear and accurate executive documents, monitoring, information supply and control.

Recently, it can be observed that the appearance of large cities of our country as a unified architectural composition is being damaged, and its natural, historically formed morphology is not taken into account in urban planning. For this reason, it is necessary to prevent the unplanned, departmental and private construction of the territory in the settlements, to ensure that the construction works are carried out carefully from the point of view of their socially significant consequences. In our opinion, in this regard, there is a need to strengthen the practice of conducting environmental expertise in cities and to establish a social expertise (that is, the quality of flora, fauna, water and atmospheric air, diseases of the local population, learning their mentality, lifestyle and style of the proposed construction area).

At the same time, environmental issues of urban settlements are often regulated by documents of departmental or local government bodies, in which special issues of the use of nature and protection of some natural objects are regulated without taking into account the characteristics of the environment of urban settlements.

In order to correctly understand the tasks of legislation in the field of environmental protection of urban settlements and to effectively solve them, it is necessary to have a clear idea about the criteria that make up this city, the possibilities of influencing the environmental situation with legal means.

The slow pace of technical regulatory reform is also hindering the development of mandatory environmental requirements. In particular, there are no effective legal mechanisms for compensation for environmental damage. Also, ill-thought-out decisions and procedures, as well as the inaction of the participants of ecological-legal relations, especially in populated areas, aggravate the ecological situation. Law enforcement practice shows that many environmental violations go unpunished due to the nature of latency.

In particular, despite the introduction of a moratorium on the cutting of valuable species of trees and bushes, according to the concept of environmental protection of the Republic of Uzbekistan until 2030, approved by the presidential decree, the fact that about 5 thousand trees were illegally cut in the past period also confirms our words.[2]

According to the analysis, from the beginning of 2021, the number of cases related to illegal cutting



and damage of 1 065 trees and bushes in the Republic of Karakalpakstan, 609 in the Samarkand region, 534 in the Kashkadarya region, 349 in the Navoi region, and 344 in the Tashkent region is much higher than in other regions. As a result, during the 6 months of 2021, 2,597 offenses related to the illegal cutting of trees and bushes were committed, causing 6.7 billion soums of damage to the flora.[3]

This is also the decision of the President of the Republic of Uzbekistan " On measures to further improve the management system of works related to household and construction waste" dated September 29, 2020, about violations in the field of ecology, environmental protection and nature use sent by the population to the special information system on the Internet network of the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan by photos and video recordings were considered in accordance with the Code of Administrative Responsibility served as the basis for determining. In this case, the persons who send photos and video recordings of violations are encouraged with a monetary reward in the amount of 15% of the amount of the fine charged from the offender.[4]

It is noteworthy that the President of the Republic of Uzbekistan, Shavkat Mirziyoyev, in his address to the Oliy Majlis and the people of Uzbekistan on December 20, 2022, defined the priority directions for the development of the Republic of Uzbekistan in 2023, and it was noted that environmental issues are becoming a global problem as the fourth direction: "We have to think not only of today, but also of future generations... Preserving our nature, keeping water, air and environment clean should become a culture and practical action of every neighborhood in the coming year. In order to change the current situation in a positive direction, we will strengthen our efforts to protect ecology and the environment, in particular, our work within the framework of the nationwide project "Green Nation".[5]

Unfavorable environmental conditions in urban settlements constitute a large part of the environmental problems of the country as a whole, because it affects a large part of the population of Uzbekistan and has a negative impact on the health of urban residents. In our opinion, in order to improve the quality of life, working conditions and recreation of urban residents, it is necessary to develop the main directions for improving legal protection in this area. First of all, it is necessary to develop and apply legal norms that regulate the actions of physical and legal entities in the field of environmental safety of urban residents and provision of a comfortable environment in cities. In our opinion, in order to improve the

legislation on environmental protection, it is appropriate to adopt a separate law "Shahar aholi punktlarida atrof-muhitni muhofaza qilish to'g'risida".

The most effective measures to ensure environmental protection in cities are the development and implementation of various environmental programs financed by the state, the effective implementation of all types of environmental control, the legal regulation of environmental inspections, environmental insurance and environmental certification, as well as effective using environmental expertise and audit mechanisms. The implementation of these measures allows to reduce the anthropogenic impact on the urban environment.

One of the important areas of environmental protection in urban settlements is economic stimulation, in particular, the regulation of payments for environmental pollution in cities.[6] Analysis of the current situation shows that it is more profitable for companies to pollute the environment and not invest in its protection. Current standards of environmental pollution charges are insufficient. As the indexation of existing fees lags far behind the rate of inflation, they are losing their role as incentives for environmental protection. Therefore, in the indexation of payments for environmental pollution in cities, it is necessary to take into account the real growth of inflation in the current period. At the same time, in order to ensure the targeted nature of the use of these funds, it is necessary to create a system of targeted budget funds by gathering these funds from various payments directed to environmental protection and restoration activities in cities.

Recently, the environmental situation in cities worldwide is becoming serious, in particular, almost all natural objects of cities (atmospheric air, soil, water, flora, fauna) are subject to high anthropogenic influence. In this case, the level of air pollution depends on the specific characteristics of the industries located in each city.[7]

In our opinion, first of all, it is necessary to reduce the harmful effects of air pollution in urban settlements due to the creation of sanitary protection zones around industrial enterprises. At the same time, in order to reduce the sanitary-protection zone, the management of the industrial facility is interested in reducing the amount of rubbish and wastewater to the atmosphere, soil, and water bodies.[8]

Soil cover in cities is also seriously degraded. Under highways and neighborhoods, the soil layer is destroyed, and recreation areas are polluted by household waste, transport and industrial waste.

In order to protect urban land, it is necessary to implement a complex of various measures, such as compliance with sanitary regulations in urban areas



and industrial areas, as well as solving the problems of collecting and destroying industrial and household waste.

The sustainability of urban development is determined by many parameters related to the availability of water supply systems, the creation of environmental protection infrastructure that ensures air quality and sanitation standards, and waste treatment and disposal. Given the dense location of users, urbanization opens up unique opportunities to create a sustainable infrastructure of environmental protection based on appropriate pricing policies, to implement educational programs and to create fair use mechanisms that are considered reasonable from an economic and ecological point of view, when this process is properly managed.

At the same time, for most developing countries, inadequate and non-existent environmental protection infrastructure is the cause of high morbidity and high numbers of preventable deaths each year. Conditions in these countries will inevitably worsen as growing needs outpace government capacity to respond.

Adopting an integrated approach to providing environmentally sound infrastructure in settlements, particularly for the benefit of the urban and rural poor, is a contribution to sustainable development that can improve quality of life, improve productivity, improve health and reduce the cost burden of treatment and poverty eradication.

Most of the activities that can be improved using an integrated approach are included in the following parts of the 21st century agenda - Chapter 6 (Protection of human health and Fortification), Chapter 9 (Protection of the Atmosphere), Chapter 18 (Maintaining and Ensuring the Quality of Freshwater Resources) and Chapter 21 (Environmentally Safe Disposal of Solid Waste and Related Matters).

According to the agenda of the 21st century, all countries should assess the environmental acceptability of the infrastructure of settlements, develop national issues for sustainable processing and disposal of waste, and introduce environmentally safe technologies to protect the environment, human health and quality of life. It is necessary to strengthen settlement infrastructure and environmental protection programs with the help of bilateral and multilateral institutions, which aim to support the approval of an integrated approach to environmental protection infrastructure (water supply, sanitation, sewage disposal, solid waste disposal) and its management, planning, development, maintenance. It is necessary to coordinate the activities of institutions in this field and strengthen cooperation with international bodies, local authorities, representatives of the private sector

and public groups.

The activities of all institutions involved in the creation of infrastructure in the field of environmental protection should, as far as possible, reflect an ecosystemic or holistic-territorial approach to settlements and include monitoring, applied research, capacity building, appropriate technology transfer and technical cooperation activities for a number of program types of activities.

In conclusion, it can be said that developing countries mutually support each other in applying an integrated approach in the areas of water and energy supply, sanitary and preventive measures, sanitation and solid waste disposal at the national and local levels, and external financial institutions themselves support this approach, especially in infrastructure improvement activities. It is necessary to ensure that environmental protection services are applied based on norms and standards developed taking into account the living conditions and resources of the communities that are provided in the emerging settlements. These measures serve to solve a number of environmental problems in the way of sustainable development of cities and other settlements.

USED RESOURCES:

1. Granin A.A. Issues of legal protection of the natural complex of the capital of Russia // State and Law. – 2001. – № 1. – C. 40.
2. Protection of trees will be strengthened; ecological police will be established // <https://president.uz/uz/lists/view/4556>
3. Resolution No. SR-349-IV of July 31, 2021 of the Senate of the Oliy Majlis of the Republic of Uzbekistan "On the information of the State Committee for Ecology and Environmental Protection of the Republic of Uzbekistan on the issue of cutting trees and bushes that are not part of the state forest fund" // www.lex.uz
4. Decision PD-4845 of September 29, 2020 of the President of the Republic of Uzbekistan "On measures to further improve the management system of works related to household and construction waste" // National database of legal documents, 30.09.2020 ., 07/20/4845/1343.
5. <https://president.uz/uz/lists/view/5774>
6. See more about it: Nurmatov M.M. Improving the economic and legal mechanism of Uzbekistan's environmental policy: Doctor of Law Dissertation abstract. – Tashkent: HTI, 2019. – 74 6.
7. Choltyan L.N. Some issues of legal regulation



of environmental protection in populated areas
// The Science theory and practice: materials
of final international scientifically-practical
conference (20.07 - 05.08 2005). – Prague,
Czechia – Dnepropetrovsk, Ukraine –
Belgorod, Russian. – Прага: Praha Publishing
House, 2005. – P. 55-57.

8. Choltyan L.N. Legal support of environmental
protection in urban settlements: Author's
reference. diss. ...cand. legal sciences. – M.,
2009. – C.10-11.