

# Improving Public Control Authorities of Citizens' Self-Governing Bodies in the Field of Nature Protection in Uzbekistan

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**Abstract:** In this article, the issues of improving the powers of citizens' self-government bodies in the field of ecology to conduct public control, practical proposals for changes and additions to the legislation are expressed

**Basic words:** nature protection, public control, citizen self-government bodies, legislation, water, atmospheric air.

In the field of nature protection, improving the powers of citizens' self-governing bodies to conduct public control, ensuring their participation in such environmental activities, remains one of the important issues before the state and society.

O. Utegenov stated that “public environmental control means control over the effective use of natural resources and the implementation of laws aimed at environmental protection carried out by the management body of public structures, members and special departments that are part of their system” [1].

Article 8, Part 2 of the Law “On Citizen Self-Government Bodies” of the Republic of Uzbekistan states that “Citizens' self-governance bodies shall not be included in the system of state authorities and shall exercise their powers granted by law in the relevant territory”[2]. In our country, unlike foreign countries, self-governing bodies of citizens operate, and they exercise the powers assigned to them, including the powers in the field of ecology, as well as independently solve local problems based on national values and traditions in the relevant area without the intervention of state bodies, and issues of nature protection they help the state bodies.

According to the article 32, part 3 of the Law "On Nature Protection", the norm that "public control in the field of nature protection shall be carried out by public associations, labor unions, and citizens" serves as the basis for such activity [3].

J. Safarov, in his research work, because the participation of neighborhood structures is not provided for in this norm, in order to eliminate these shortcomings, “authorization of public control in the field of ecology to citizens' self-governing bodies, and correspondingly, the third part of Article 32 of the Law “On Nature Protection” is added as follows. It is advisable to fill in with: "Public control in the field of nature protection is carried out by public associations, labor unions, citizens' self-governance bodies and citizens” [4].

In addition to this proposal, it should be noted that, based on the fact that nature protection is a constitutional duty for all individuals and legal entities, we believe that the role of non-governmental non-profit organizations should also be determined in this norm. Because citizens' self-government bodies act in the system of non-governmental organizations.

In his scientific article, J. Safarov suggests that “in the current legislation, the authority to conduct public environmental control and public environmental expertise is not given to citizens' self-governing bodies, and it should be defined” [5].

We had a different opinion on this issue. It should be said that the Law “On Self-Governing Bodies of Citizens” does not reflect public control of these bodies. Because its 11th article generally reflects the implementation of public control in many socio-political, economic and ecological spheres by neighborhood structures and their assistance to state bodies through this. To be more specific, Article 11, Part 1 of this Law states that “the assembly of citizens of a town, village, village and urban neighborhood shall exercise public

control over the implementation of laws and other legal documents in the relevant area”. It also includes laws and decisions on nature protection and its rational use.

Other laws also provide for public oversight of environmental issues by self-governing bodies of citizens. For example, it is more clearly specified in the Law “On Protected Natural Areas”. In particular, in part 4 of Article 10 of this Law, “citizens may conduct public ecological expertise and public ecological control in accordance with the procedure established by law when self-governing bodies, non-governmental non-profit organizations, as well as citizens are creating, protecting and using protected natural areas” is marked [6].

At this point, we will briefly touch on the problems of public environmental control in the laws “On Water and Water Use”, “On Protection of Atmospheric Air” on environmental protection and rational use of natural resources.

In this regard, as O. Utegenov rightly noted, “...in the Republic of Uzbekistan, it is necessary to develop the environmental activities of public organizations, and further improve their participation in law-making activities. At the same time, in all laws on ecology that are currently in force in our country, provisions defining the control function of public organizations on the protection and rational use of this or that object of nature should find their place” [7].

From this point of view, we would like to make the following suggestions for the improvement of environmental legislation, in order to ensure the implementation of public environmental control by citizens' self-government bodies.

Article 9 of the Law of the Republic of Uzbekistan “On Water and Water Use” stipulates the state control over water use, which does not specify the procedure and conditions for public control over water protection. It would be appropriate if the law establishes a separate norm on the forms of public control [8].

Because it is expedient that the issue of conducting public environmental control of self-governing bodies of citizens should be clearly reflected in the law.

Although the Law “On Water and Water Use” has improved state management in the field of agriculture and water management, that is, the Ministry of Agriculture and the Ministry of Water Management have been established, no relevant amendments and additions have been made to this Law until now. In some norms of this Law, the sentence “Ministry of Agriculture and Water Management” has not changed, the need to make timely amendments to the legislation was put forward by the author in time [9].

In addition, public environmental control by citizens' self-governing bodies is also important in the protection of atmospheric air. Harmful effects on atmospheric air are caused by sources located in the territory of towns, villages, villages and neighborhoods or in areas close to it. Such sources can be industry, transport companies, etc. Also, situations such as the fact that wastes are not removed on time from the waste disposal pits in some neighborhoods or their permanent accumulation cause air pollution in the relevant area and public health problems.

According to the Environmental Protection Concept of the Republic of Uzbekistan until 2030, “metallurgy, energy enterprises, production of building materials, oil and gas and mining industry enterprises, and motor transport are the main sources of atmospheric air pollution” in Uzbekistan [10].

In order to ensure public environmental control, a new Article 54 was added to the Law “On Protection of Atmospheric Air” dated March 13, 2019, which stipulated the participation of citizens' self-governing bodies in ensuring protection of atmospheric air and was harmonized with the Law “On Environmental Control” [11].

Also, Article 28 of the Law “On Protection of Atmospheric Air” was supplemented with a new Part 6, in which it was determined that “departmental, industrial and public environmental control over atmospheric air protection shall be carried out in accordance with the legislation”. However, the Law does not indicate which organizations are responsible for public monitoring of atmospheric air protection.

This norm refers to legal acts in this field.

In the speech of the President of the Republic of Uzbekistan Sh. Mirziyoyev on January 22, 2020 at the joint meeting of the Legislative Chamber and the Senate of the Oliy Majlis, he criticized that “the content of the law, decrees and decisions does not reach enough places” [12].

So, it is not difficult to understand from the speech of the head of our state that the reforms will not be effective if the essence of the law, especially on atmospheric air or in general, does not reach our communities and citizens there, if its implementation is not properly organized.

On January 22, 2020, the President of the Republic of Uzbekistan, Sh. Mirziyoyev, in his speech at the first meeting of the Legislative Chamber of the Oliy Majlis, said “the need to adopt laws that work directly” [13].

Therefore, we believe that it is necessary to create directly applicable norms in our laws, in particular, the Law “On Protection of Atmospheric Air” and other environmental laws. Because the parliament can only control the implementation of the laws it has adopted, and the issue of control, change, annulment and accountability of the government and its agencies that adopt the legal documents is a complex process, which does not meet the requirements of the unified legislation.

In this regard, the head of our state emphasized the need to develop a “concept for improving the creativity of legislation and normative documents”. [14].

To be honest, despite the adoption of the regulation on public environmental control, we still do not feel that this legal document is working, or we have not found any information about its results in practice.

Taking this into account, in order to harmonize the norms of the Law “On Environmental Control” with the norms of the Law “On Protection of Atmospheric Air” in accordance with Article 28 of this Law, part 7 is inserted and taking into account the subjects conducting departmental and production ecological control, in the following wording It is appropriate to state: “Public environmental control over atmospheric air protection is carried out by citizens' self-governing bodies, non-governmental organizations, public associations and citizens”.

According to the above, it is necessary to improve the legal basis of public control of self-governing bodies of citizens in environmental protection and effective use of natural resources.

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