

## THE NATURE AND LEGAL BASIS OF CITIZEN PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING

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### Abstract:

This article discusses the ecological rights of citizens, ecological interests, the basis and importance of their participation in environmental decision-making, as well as the solutions and foundations of ensuring the rational use of natural resources.

**Keywords:** state bodies, citizen, public associations, decision, right, interest.

### Introduction

"At the present time, when the tasks of building a new Uzbekistan are being rapidly implemented, the need for scientific theoretical study, analysis, evaluation and forecasting of not only the foundations of state building, but also the factors and processes that are the foundations of society, increases.

Descriptions of the developing society are changing compared to previously existing concepts. Its main essence is embodied in the role of "Society - the initiator of reforms..." proposed by the head of our state in his Address to the Oliy Majlis of 2020. This means that society is tasked with becoming a locomotive of the country's development."<sup>1</sup>

In fact, the above-mentioned opinions are not in vain, because by now, the pollution of the environment, their depletion as a result of the careless use of natural resources poses a serious threat to the lives and health of people and the health of the future generation. Also, the development of science and technology, the growth of the population, and the use of natural objects by citizens to meet their needs, without complying with the requirements of ecological regulations, have led to an increase in negative effects on the environment.

These conditions made it necessary for citizens to take care of the environment, use natural resources wisely, and actively participate in solving environmental issues. After all, this issue is addressed in the Decree "On the Strategy of Actions for the Further Development of the Republic of Uzbekistan" adopted at the initiative of our President Sh. Mirziyoev "Ensuring the openness of the activities of state authorities and management bodies, modern forms of providing information on the rights and freedoms and legal interests of individuals and legal entities introduction" noted<sup>2</sup>.

<sup>1</sup> Ю.А.Жураев, Р.А.Икрамов-Academic research in educational sciences volume 1 | issue 4 | 2020, Scientific Journal Impact Factor (SJIF) 2020: 4.804, 300-301 б.

<sup>2</sup> PF-4947 of the President of the Republic of Uzbekistan, 07.02.2017.

Especially as a result of the environmental disasters occurring on the earth, the deterioration of the environment has had a serious negative impact on the life and health of people, as well as on heredity.

These situations, of course, did not leave the people of the world indifferent, and demanded that citizens actively participate in the field of environmental protection and unite in these relations.

The legal basis for citizens' participation in environmental decision-making is the decision of the Cabinet of Ministers of October 20, 2014 No. 290 "On the procedure for transitioning from the procedures for the regulation of the use of biological resources and permitting in the field of nature use"<sup>3</sup>cited. In the decision, it is stated that citizens will also exercise public control over the protection of flora and fauna objects.

Today, in our country, the legal basis of the control of society and civil institutions over the execution of legal documents by state authorities and management bodies is the Law "On Public Control"<sup>4</sup>Defined by law. Article 6 of this Law is called forms of public control, and the participation of citizens and their associations in public board meetings of state bodies is defined as one of the forms of public control. Based on this norm, citizens can participate directly or indirectly through their associations in issues related to environmental protection and use.

In the Republic of Uzbekistan, the constitutional and legal foundations of citizens' participation in state management, solving important issues of state and community life have been established. After all, in the Constitution of the Republic of Uzbekistan, "The people are the only source of state power. State power in the Republic of Uzbekistan is exercised only by the authorities authorized by the Constitution of the Republic of Uzbekistan and the laws adopted on the basis of the interests of the people."<sup>5</sup>, defined as According to the National Strategy of the Republic of Uzbekistan on Human Rights, "currently, the Republic of Uzbekistan has ratified more than 80 international documents on human rights, including the UN joined the 6 main contracting parties and 4 optional protocols"<sup>6</sup>.

The most basic governing rule of citizens' participation in decision-making processes regarding their rights and interests is defined in the Constitution of the Republic of Uzbekistan. In particular, in Article 34 of the Constitution, "State bodies and organizations, self-government bodies of citizens, and their officials must provide everyone with the opportunity to get acquainted with documents, decisions and other materials related to their rights and legal interests."<sup>7</sup>it is said.

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<sup>3</sup> NGO of the Republic of Uzbekistan, 2014, No. 43, Article 530.

<sup>4</sup>Law of the Republic of Uzbekistan "On Public Control", national database of legal documents, 04/13/2018, No. 03/18/474/1062; National database of legislative information, 21.04.2021, No. 03/21/683/0375.

<sup>5</sup>Constitution of the Republic of Uzbekistan, Article 7. – National database of legislative information, 01.05.2023, No. 03/23/837/0241.

<sup>6</sup>Decree of the President of the Republic of Uzbekistan dated June 22, 2020 "On approval of the National Strategy of the Republic of Uzbekistan on Human Rights" No. PF-6012 // [www.Lex.uz](http://www.Lex.uz)

<sup>7</sup>National database of legislative information, 01.05.2023, No. 03/23/837/0241.

It is necessary to highlight two situations that characterize this provision of the Constitution. First of all, as we can see, this article of the Constitution does not specify the participation of citizens in decision-making processes related to their rights and interests. Nevertheless, there is a reason to believe that the content of this article reflects exactly this right of citizens. Here, such a right of citizens comes from the fact that all state bodies and officials should create an opportunity to familiarize themselves with their decisions, that is, their obligation. This obligation of state bodies and other systems gives citizens such an opportunity (right). The obligation of one party gives rise to the rights of the other party, that is, citizens.

Secondly, this right of the citizens, arising from the content of Article 34 of the Constitution, has a general description, that is, it is envisaged that the decisions that should be submitted for perusal are related to all their rights and interests. It should be noted that the concept of "rights and interests of citizens" is very broad. Their main system is given in the Constitution and developed in more detail in other laws. At this point, it should be mentioned that in addition to the political, economic, social, cultural rights and freedoms of people and citizens, environmental rights are also defined in legal documents.<sup>8</sup>Guaranteeing the environmental rights of citizens is one of the main issues of documents related to environmental issues.

President Sh.Mirziyoev in his decree "On the development strategy of New Uzbekistan for 2022-2026" touched on several issues aimed at ensuring the environmental rights of citizens, in particular, in the decree "Elimination of existing environmental problems that harm the health and gene pool of the population, environmental protection in the international arena initiatives, including the promotion of the initiative to develop the World Environmental Charter."<sup>9</sup>

International documents in the field of environmental protection define the concepts of ensuring the right of citizens to environmental information and the right to participate in environmental decision-making.

The issue of citizens' participation in environmental impact assessment processes is more regulated by international documents. One of the first documents in this field is the Convention "On Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters" adopted in 1998 in Aarhus (Aarhus Convention).<sup>10</sup>is of particular importance.

Guarantees aimed at ensuring the participation of citizens and their associations in decision-making of environmental importance in the above-mentioned documents in the

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<sup>8</sup>National database of legal documents, 04/19/2018, No. 03/18/476/1087; 11.09.2019, No. 03/19/566/3734, 15.11.2019, No. 03/19/584/4025; *National database of legislative information*, 04/21/2021, No. 03/21/683/0375, 10/12/2021, No. 03/21/721/0952; 29.12.2023, No. 03/23/891/0989; 07.02.2024, No. 03/24/904/0102.

<sup>9</sup> National database of legislative information, 01/29/2022, No. 06/22/60/0082, 03/18/2022, No. 06/22/89/0227, 04/21/2022, 06/22/113/0330 - thigh; 10.02.2023, No. 06/23/21/0085; 03.01.2024, No. 06/24/221/0003.

<sup>10</sup>The Aarhus Convention is a regional international document, and the members of the European Economic Commission are considered to be the participants of the agreement. But this Convention does not preclude the accession of any member state of the UN.

Aarhus Convention, i.e. participation of citizens and their associations from the initial decision-making processes, informing, taking into account as much as possible the opinions and recommendations expressed according to the results of participation is repeated and expressed in more detail.

According to this Convention, if the planned activity serves to protect the interests of national defense and security, the state may prohibit or limit the participation of citizens and their associations in decision-making processes on this matter. Of course, this situation should be strengthened in the national legislation.

In fact, the head of our state Sh. Mirziyoev in his decision PQ-171 dated May 31, 2023 "On measures to effectively organize the activities of the Ministry of Ecology, Environmental Protection and Climate Change"<sup>11</sup> set the following tasks for the heads of state - for example, the goal of joining the Convention on access to information, participation and access to justice in the process of decision-making on issues related to the environment (Aarhus Convention, Aarhus, Denmark, June 25, 1998) study of compliance, holding an international roundtable discussion on the establishment of the "Aarhus Center" in the Republic of Uzbekistan with the participation of representatives of the United Nations Economic Commission for Europe, the Secretariat of the Aarhus Convention, preparing and studying the necessary analytical materials, forecasting the economic and legal consequences and to the Cabinet of Ministers on the results of the study such as submitting an offer. From this decision of the President, it is not difficult to know how urgent the issue of citizens' participation and obtaining environmental information is in making decisions on environmental issues.

The norms reflected in international documents aimed at ensuring the participation of citizens and their associations in the decision-making of state bodies on issues of environmental importance are being implemented into national legislation by many countries of the world. We think that their transfer to the laws of Uzbekistan is one of the important tasks.

Therefore, every citizen and their associations can participate in the decision-making processes related to the environmental rights and interests of citizens according to the constitutional and legal basis. The importance of citizens' participation in environmental protection can be summed up by the following decrees of President Sh. Mirziyoev: "The problems of environmental protection cannot be solved without the broad participation of civil society institutions and the population. In this regard, the level of ecological knowledge of the population is of particular importance."<sup>12</sup>.

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<sup>11</sup>National database of legislative information, 02.06.2023, No. 07/23/171/0318; 07/27/2023, No. 06/23/114/0527; 24.11.2023, No. 06/23/199/0882; 29.12.2023, No. 07/23/422/0994; 06.01.2024, No. 06/24/5/0008; 08.05.2024, No. 06/24/74/0332.

<sup>12</sup>See: Concept approved by the Decree of the President of the Republic of Uzbekistan on October 30, 2019 "On approval of the concept of environmental protection of the Republic of Uzbekistan until 2030" No. PF-5863 // [www.Lex.uz](http://www.Lex.uz)