

**THE ROLE AND PLACE OF NON-GOVERNMENTAL
NON-PROFIT ORGANIZATIONS IN ENVIRONMENT
PROTECTION IN THE CONTEXT OF ENSURING OF
EFFECTIVE SOCIAL PARTNERSHIP**

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The article analyzes role, place and status of non-governmental non-profit organizations in protecting the environment in the context of ensuring effective social partnership. The spheres, forms and methods of social partnership in sphere of protecting of the environment are determined. The experience of the Republic of Uzbekistan on ensuring effective social partnership in protecting the environment is given. Priority directions of the further development of this sphere are determined.

Key words: non-governmental non-profit organizations, ecological legislation, social partnership, civil society institutions, consultations, negotiations, public examination, support for social partnership.

**РОЛЬ, МЕСТО И СТАТУС НЕГОСУДАРСТВЕННЫХ
НЕКОММЕРЧЕСКИХ ОРГАНИЗАЦИЙ В ОХРАНЕ
ПРИРОДЫ В КОНТЕКСТЕ ОБЕСПЕЧЕНИЯ
ЭФФЕКТИВНОГО СОЦИАЛЬНОГО ПАРТНЕРСТВА**

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В статье раскрывается роль, место и статус негосударственных некоммерческих организаций в охране природы в контексте обеспечения эффективного социального партнерства. Определены сферы, формы и методы социального партнерства в сфере охраны природы. Приводится опыт Республики Узбекистан по обеспечению эффективности социального партнерства. Определены приоритетные направления дальнейшего развития законодательства в этой сфере.

Ключевые слова: неправительственные некоммерческие организации, экологическое законодательство, социальное партнерство, институты гражданского общества, консультации, переговоры, общественная экспертиза, поддержка социального партнерства.

САМАРАЛИ ИЖТИМОЙ ШЕРИКЛИКНИ ТАЪМИНЛАШ ЖИХАТИДАН НОДАВЛАТ НОТИЖОРАТ ТАШКИЛОТЛАРНИНГ ТАБИАТНИ МУҲОФАЗА ҚИЛИШДАГИ РОЛИ, ЎРНИ ВА МАҚОМИ

Мақолада нодавлат нотижорат ташкилотларнинг атроф муҳитни муҳофаза қилиш соҳасидаги роли, ўрни ва мақоми самарали ижтимоий шерикликни таъминлаш нуқтаи назаридан очиқ берилган. Табиатни муҳофаза қилиш соҳасидаги ижтимоий шерикликнинг соҳалари, шакллари ва усуллари аниқланган. Ижтимоий шерикликнинг самарадорлигини таъминлаш бўйича Ўзбекистон Республикаси тажрибаси таҳлил қилинган. Ушбу соҳадаги қонунчиликни янада такомиллаштиришнинг устувор йўналишлари аниқланган.

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Калит сўзлар: нодавлат нотижорат ташкилотлар, экологик қонунчилик, ижтимоий шериклик, фуқаролик жамияти институтлари, маслаҳатлашувлар, келишувлар, жамоатчилик экспертизаси, ижтимоий шерикликни қўллаб-қувватлаш.

Non-governmental non-profit organizations (further – NGO) play an important creative role in the formation of modern civil society, the establishment of democracy, the protection of the rights, freedoms and interests of citizens. Their contribution to the solution of national and regional environmental problems and tasks related to nature protection is also becoming increasingly noticeable. That is why today the most pressing issues are ensuring the further development of NGOs, strengthening their role in ensuring transparency and effectiveness of reforms, creating the necessary legal framework for NGOs participation in implementing social and economic development programs, preserving the environment and protecting public health.

It should also be noted that at the initiative of the First President Islam Karimov in our country, wide opportunities exist for the free activity of non-governmental non-profit organizations. As a result, the participation of NGOs in the social life of the society, in particular, in the protection of the environment and human health, is becoming more active. Particular attention is paid to ensuring the cleanliness of the environment, protecting public health, rational use of natural resources, strengthening public control in the process of solving existing environmental problems.

Thus, in the Republic of Uzbekistan there is a sufficient legal base for the development of public environmental institutions, their rights and interested

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interaction with state bodies are guaranteed [1, 37-p.]. In particular, the laws «On Public Funds», «On Charity», «On Public Associations in the Republic of Uzbekistan», «On Strengthening the Role of Political Parties in Renovation and Further Democratization of Public Administration and Modernization of the Country», «On Mass Media» decrees and resolutions of the President of the Republic of Uzbekistan, resolutions of the Cabinet of Ministry.

An important factor in strengthening and developing independent NGOs and other institutions of civil society was the Law of the Republic of Uzbekistan «On guarantees of the activities of non-governmental non-profit organizations». He established an integral system of legal, economic, organizational and technical measures to support the diverse activities of NGOs, the development of social partnership between them and government authorities.

Such laws as «On Environmental Control» (December 27, 2013), «On Social Partnership» (September 25, 2014), «On the Openness of the Activities of State Authorities and Management» (May 5, 2014), «On Sanitary and Epidemiological Well-Being of the Population» (August 26, 2015) serve to increase the participation of citizens' self-government bodies, other civil society institutions and the general public in the protection of the environment.

In this regard, the adoption of the Law of the Republic of Uzbekistan «On Environmental Control» of December 27, 2013, aimed at further activating public participation, NGOs in the implementation of environmental monitoring, monitoring the situation in the regions of the country in the field of environmental protection and public health plays an important role. In particular, the Law defines: the role and place of NGOs in the implementation of environmental monitoring,

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environmental monitoring and public health; mechanism for coordination of control activities; powers of environmental NGOs, departmental and industrial environmental control services; the procedure for their implementation of their functions in this field, etc. Also for the first time in our country the Institute of Public Environmental Inspectors was introduced.

Among non-governmental non-profit organizations in the field of environmental protection, the creation of the Environmental Movement of Uzbekistan on 2 August 2008 and the adoption of the Law of the Republic of Uzbekistan «On Amendments and Additions to Certain Legislative Acts of the Republic of Uzbekistan in Connection with the Improvement of Election Legislation» of 25.12. 2008. According to the above law, the Ecological Movement of Uzbekistan has 15 seats in the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan, which allows it to have a direct, effective impact on the improvement of legislation in the field of environmental protection and public health, its strict implementation in the center and in the field.

At the same time, we agree that the participation of civil society institutions in the enforcement of environmental legislation will serve as an effective basis for preventing violations in the sphere of ecology, will ensure the increase of the ecological and legal culture of the population through active participation in their activities to ensure environmental protection [3, 877-p.].

The Law «On Social Partnership» of September 25, 2014, which defined clear boundaries and organizational and legal mechanisms of the relationship between non-state non-profit organizations and state structures, is of particular importance in the development of domestic NGOs and the strengthening of their cooperation with government bodies [2, 109-p.]. The law served to establish

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effective links between the interaction of state bodies, environmental agencies, citizens' self-government bodies and environmental NGOs in the protection of the environment. Within the framework of the implementation of the law, public commissions for social partnership are formed under the representative bodies of the regions, the activities of which will serve to develop promising socially and socially significant programs. It is noteworthy that Uzbekistan has created the necessary conditions for effective use of the principle of social partnership in the field of nature protection. Its further strengthening and increasing efficiency continues to be an important task for the state and the entire society.

According to the Law, social partnership is the interaction of state bodies with non-governmental non-profit organizations and other institutions of civil society in the development and implementation of socio-economic development programs of the country, including sectoral and territorial programs, as well as regulations and other decisions affecting rights and legal interests of citizens (art. 3).

The subjects of social partnership are state bodies, non-governmental non-profit organizations and other institutions of civil society. The law defines eight basic principles of social partnership: obedience to the law; equality of rights; openness and transparency; availability; independence; objectivity; mutual respect, consideration of interests and responsibility; voluntary acceptance of obligations (art. 4).

The law also provides for certain areas of social partnership, one of which is the protection of the environment, public health and the establishment of a healthy lifestyle. In addition, the formation of a harmoniously developed and healthy young generation, the development of science and education, the

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enhancement of the legal knowledge, legal awareness and legal culture of the population, the strengthening of the foundations of civil society and a democratic rule of law are envisaged as spheres of social partnership.

There are six main forms of social partnership, such as:

participation of non-governmental non-profit organizations and other civil society institutions in the development and implementation of socio-economic development programs;

participation of non-governmental non-profit organizations and other civil society institutions in the development and implementation of regulatory and legal acts;

participation of representatives of non-governmental non-profit organizations and other civil society institutions in the activities of working groups, commissions and public consultative bodies under state bodies;

holding joint events, consultations and negotiations by the subjects of the social partnership;

the conclusion by social partners of agreements and agreements on social partnership, the development and implementation of joint projects and plans;

mutual support, information exchange between subjects of social partnership.

For the social partnership in the sphere of environmental protection, the participation of non-governmental non-profit organizations and other civil society institutions in the development and implementation of socio-economic development programs and regulations is important. Thus, the law provides that state bodies may, with their consent, involve non-state non-profit organizations and other civil society institutions in the development and implementation of socio-economic development programs and regulations.

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When developing and implementing programs for socio-economic development and regulatory acts, state bodies collect proposals from interested non-state non-profit organizations and other civil society institutions.

The development and implementation of programs for social and economic development and regulations can be carried out by working groups, commissions and public consultative bodies under state bodies with the involvement of non-governmental non-profit organizations and other civil society institutions.

In this regard, non-governmental non-profit organizations and other civil society institutions are entitled:

- participate with initiatives to develop projects for socio-economic development programs and regulations, prepare relevant proposals and projects, and submit them to authorized state bodies for consideration;

- participate in the public examination of draft programs of socio-economic development and regulations, initiate, with the agreement of the developers of their public discussion, develop, collect and summarize project proposals, and also submit them for consideration to authorized state bodies;

- to make proposals to state bodies on joint organization and carrying out of activities, development and implementation of projects aimed at solving the tasks identified in the programs of social and economic development, as well as regulatory legal acts;

- to exercise public control over the implementation of socio-economic development programs and regulatory legal acts, the preparation of proposals on its results and submit them to authorized state bodies.

State bodies are obliged to consider initiatives and proposals of non-governmental non-profit organizations and other institutions of civil society.

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State support for social partnership also plays an important role in this sphere. Thus, Article 12 of the Law establishes three types of state support for social partnership. The first is the property, information, consultative, organizational and educational support of non-governmental non-profit organizations and other institutions of civil society. The second is the provision of material and legal support to legal entities and individuals who provide non-state non-profit organizations and other civil society institutions with tax benefits and other mandatory payments in accordance with the law. The third is the provision of state subsidies, grants and social orders to non-state non-commercial organizations and other civil society institutions, financing of socially significant projects.

It should be noted that in order to promote the further development of democratic reforms in the country and the participation of non-governmental non-commercial organizations and other civil society institutions under the Oliy Majlis of the Republic of Uzbekistan, a Public Fund is being established to support non-governmental non-profit organizations and other civil society institutions.

Also, in order to promote the development of non-state non-profit organizations and other institutions of civil society and their participation in the implementation of democratic transformations and the liberalization of society, a parliamentary commission is created to manage the funds of the Public Fund to support non-state non-profit organizations and other institutions of civil society under the Oliy Majlis of the Republic of Uzbekistan. The Parliamentary Commission is formed from the number of deputies of the Legislative Chamber, members of the Senate of the Oliy Majlis of the Republic of Uzbekistan, representatives of the Ministries of Justice and Finance,

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non-governmental non-profit organizations and other civil society institutions consisting of the chairman, his deputy, the executive secretary and members of the commission.

In addition, public funds can be created to develop initiatives and strengthen the role of non-state non-profit organizations and other institutions of civil society, as well as to encourage their participation in resolving socially and socially significant issues in the localities of Jokargy Kenes of the Republic of Karakalpakstan, the Kengashs of People's Deputies of the regions and the city of Tashkent.

In order to effectively implement social partnership, the law determines the rights of non-governmental non-profit organizations and the obligations of state bodies. Thus, non-governmental non-profit organizations and other institutions of civil society in accordance with their charters have the right:

- represent and protect the rights and legitimate interests of its members and participants in the development and implementation of socio-economic development programs and regulations;

- to initiate initiatives on various issues of social and economic development, protection of rights, freedoms and legitimate interests of citizens, to submit relevant proposals to state bodies;

- participate in the development of decisions of state bodies on issues affecting the rights and legitimate interests of citizens;

- to apply to state bodies with requests for information, as well as to disseminate information about their activities;

- to initiate initiatives to hold consultations and negotiations on social partnership issues, make proposals on concluding agreements and treaties, participate in the preparation and discussion of draft agreements and treaties;

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carry out public control over the implementation of socio-economic development programs and regulations, agreements and treaties, as well as other joint documents, etc. (Article 23).

At the same time, state bodies in the sphere of social partnership are obliged:

identify priority areas of activities that require the support of non-governmental non-profit organizations and other institutions of civil society, including through consultations with non-governmental non-profit organizations and other institutions of civil society;

to create conditions for non-governmental non-profit organizations and other institutions of civil society for their participation in social partnership;

to consider initiatives and proposals of non-governmental non-profit organizations and other institutions of civil society, including the development of draft programs for socio-economic development and regulations;

to organize, if necessary, public discussion of the development and implementation of socio-economic development programs and regulations, as well as to consider the proposals of non-governmental non-profit organizations and other civil society institutions to improve the effectiveness of their implementation;

to provide preliminary consultations and negotiations with non-governmental non-profit organizations and other institutions of civil society;

ensure fulfillment of obligations under agreements and contracts, programs and projects in the field of social partnership (Article 26).

It should also be noted that for the full implementation of this Law, the Joint Resolution of the Kengashes of the Legislative Chamber and Senate of the Oliy Majlis of the Republic of Uzbekistan «On approval of

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the plan for developing the necessary organizational and methodological documents in connection with the adoption of the Law of the Republic of Uzbekistan «On Social Partnership» of November 10, 2014.

The most important stage in the further development of this system was the adoption of the Decree of the President of the Republic of Uzbekistan «On the Strategy for Further Development of the Republic of Uzbekistan» of February 7, 2017, №4947, in which increasing the effectiveness of social partnership is a priority direction in improving the system of public administration. In accordance with the Strategy of Action, in particular, it is planned to introduce amendments and additions to the Law of the Republic of Uzbekistan «On Social Partnership», according to which the order of social order will be established for non-state non-profit organizations.

The concept of «social partnership» in the literature is still defined in different ways. Some researchers consider social partnership quite clearly and narrowly – as a method of regulating conflict social and labor relations [4, 51-p.]. Others interpret it broadly, presenting it as a complex, multifaceted social process [5, 83-p.]. Nevertheless, even with the spread of opinions it is obvious that social partnerships are certain relationships between people. The main goal of the relations of social partnership can be considered accounting and balance of interests of its main subjects [6].

The need for the emergence and development of social partnership in the sphere of nature protection is objectively conditioned. It is connected with the fact that the main subjects - state bodies and non-governmental non-profit organizations can not effectively implement the tasks of successful protection of the natural environment, ensuring environmental safety, etc. without each other, without interaction.

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Neither state bodies nor civil society institutions can: one - to ensure the implementation of the norms of environmental laws, and others - to realize the right to a favorable natural environment, if not unite, interact. In this case, the subjects share a common interest. But simultaneously their roles and functions are different. This leads to significant differences in their situation and personal interests, which can, as shown above, grow to the level of serious contradictions. Here, then, there is an awareness of the need to ensure the best possible balance of interests of subjects, i.e. access to the path of social partnership. Therefore, the main goal of social partnership is to achieve social harmony, and hence peace. Proceeding from this, we can name five basic principles of partnership in the environmental sphere: mutual recognition of the interests of the parties (partner) as important and legitimate; parity at all stages of partnership, including in decision-making; social justice in the regulation of interests and actions; seeking and finding a compromise, achieving social harmony; mutual responsibility of the parties for execution (and non-fulfillment) of agreed decisions, etc.

The main result of social partnership is social harmony and peace in society. Its achievement requires solving a number of complex problems. The first is the identification and clear definition of the subjects of partnerships, as well as those institutions (organizations) that can legally represent them. The second structural part of the partnership is the objects of partnership. In addition to the subject structure, social partnership as a whole, i.e., as a special system, includes a certain structure of objects about which social partnership is achieved. One more, the third element of the system of social partnership at the present stage should be considered the strategy and tactics of its achievement. This means the need to develop a basic long-term focus, that is, a strategy appropriate to the

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overall socio-economic goal, as well as the tactics for achieving it. The fourth structural element of systemic partnership relations represents their mechanism. Finally, the fifth element of the modern system of social partnership should be recognized culture and ethical behavior of partners.

So, depending on the level of negotiation processes, three main models of social partnership can be distinguished. The first model was formed in the north of Europe - in Sweden, Finland, Norway, Belgium. It is characterized by the active intervention of the state in the sphere of nature protection and their regulation. In addition, in this model, the three-level partnership is considered important: the national level, then the sectoral level, and finally the level of specific state bodies.

The second model of social partnership is one-level. It is limited to concluding contracts mainly at the level of the relevant state bodies. This model is typical for Canada and the United States, Japan, a number of Latin American countries.

The third model is typical for Central Europe (Germany, Austria, Holland, Switzerland, etc.). It can be considered as an intermediate between the first and second models. In the third model, the main emphasis in social partnership is put on its sectoral level. At the level of the entire country as a whole, the joint agreements of the three sides are not adopted, the matter is limited to consultations, and it is not entirely binding. The main negotiating process for this model is in the sectors.

In conclusion, I would like to note that the actual task for today is to increase the participation of citizens, primarily through public structures. In the long term, based on social partnership, it is advisable to develop and implement projects aimed at protecting nature, since for

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this purpose necessary conditions have been created in our country.

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