

## ANALYSIS OF ECOLOGICAL PLANNING CRITERIA

Anvar Rasulov

Tashkent State Pedagogical University named after Nizami

Department of geography and its teaching methodology

Tashkent, Uzbekistan

**Annotation.** The implementation of international management takes place on the basis of the norms of international law, of particular importance among which are the special (branch) principles of international environmental law. It is they who determine the international legal basis for management in the field of environmental protection, the prospects for creating its organizational mechanism.

**Key words:** Ecology, ecological region, criteria, analysis, international law, assessment.

### ЭКОЛОГИК РАЙОНЛАШТИРИШ МЕЪЗОНЛАРИ ТАҲЛИЛИ

Анвар Расулов

Тошкент давлат педагогика университети

География ва уни ўқитиш методикаси кафедраси доценти в.б., PhD

Тошкент, Ўзбекистон

**Аннотация.** Мақола экологик районлаштиришнинг назарий жиҳатлари таҳлил қилинган. Шу жумладан, экологик районлаштиришнинг меъзонларини аниқлашда халқаро тажриба таҳлил қилинган.

**Калит сўзлар:** Экология, Экологик район, меъзонлар, таҳлил, халқаро қонунчилик, экологик тадқиқот.

### АНАЛИЗ ЭКОЛОГИЧЕСКИХ КРИТЕРИЙ ПЛАНИРОВОК

Анвар Расулов

Ташкентский государственный педагогический университет

доцент кафедры географии и методики ее преподавания, кандидат географических наук

Ташкент, Узбекистан

**Аннотация.** В статье анализируются теоретические аспекты экологического районирования. В том числе проанализирован зарубежный опыт определения критериев экологического районирования.

**Ключевые слова:** экология, экологический регион, критерии, анализ, международное законодательство, экологические исследования.

Therefore, the study of the legal content of special principles, their significance for the isolation of the industry, determining their place in the system of international law, understanding the limits of their regulatory capabilities are of fundamental



importance. Much attention is paid to these issues in the works of both domestic and foreign legal scholars: L.P. Anufrieva, M.N. Kopylova, M.I. Lazareva, A.P. Movchana, A.C. Timoshenko, E.T. Usenko, F. Sands, V. Lang, L. Guruswami and others.

The study of the problems of international governance is largely carried out by analyzing the activities in the field of environmental protection of states, international conferences and international organizations, which are the subject of the works of K.A. Bekyasheva, R.M. Valeeva, A.Ya. Kapustina, O.S. Kolbasova, M.N. Kopylova, A.S. Timoshenko, A. Boyle, P. Birney, W. Williams, A. Goldin, J. Winters and others. It is with this problem in the science of international law that the search for an answer to the question of the absence of a mechanism for international management in the field of environmental protection in the form of a universal organization of special competence, as well as the prospects for improving the management mechanism in the field of environmental protection, which are considered in the works of O.S. Kolbasova, M.N. Kopylov, F. Biermann, J. Valley D. Easty, F. Runge and others.

The theoretical basis of the study was the work of domestic specialists in the field of management, globalization problems, and the theory of environmental law: A.P. Alekhina, G.V. Atamanchuk, D.N. Bakhrakh, S.A. Bogolyubova, M.M. Brinchuk, A.P. Vavilov, V.I. Danilova-Danilyana, M.G. Delyagina, O.L. Dubovik, N.G. Zhavoronkova, N.T. Kalinina, A.A. Karmolitsky, A.I. Kovler, Yu.M. Kozlova, I.O. Krasnova, G.A. Kuznetsova, H.H. Moiseeva, J.I. Popova, B.V. Russian, A.JI. Samsonova, Yu.N. Starilova, G.S. Khozina, G.Kh. Shakhnazarova, G.P. Shchedrovitsky and others.

In the process of studying international legal problems, the works of domestic international lawyers on the general theory of international law, the law of international organizations, and the problems of international legal protection of the environment were used: T.G. Avdeeva, D.P. Anufrieva, JI.A. Aleksidze, K.A. Bekyasheva, I.P. Blishchenko, P.JI. Bobrova, V.G. Butkevich, P.M. Valeeva, B.C. Vereshchetina, C.B. Vinogradova, A.N. Vylegzhanina, E.E. Vylegzhanina, JI.H. Galenskaya, N.S. Ivanchenko, A.I. Ioyrysh, A.Ya. Kapustina, P.A. Kalamkaryan, V.A. Kartashkina, O.S. Kolbasova, A.JI. Kolodkina, M.N. Kopylova, E.L. Kuzmina, A.B. Kukushkina, I.I. Lukashuka, S.A. Malinina, F.F. Martens, E.S. Molodtsova, S.Yu. Marochkina, A.A. Moiseeva, E.G. Moiseeva, P.A. Flight, A.M. Solntseva, O.I. Tiunova, A.S. Timoshenko, G.I. Tunkina, O.N. Khlestova, S.S. Khramtsova, C.B. Chernichenko, L.N. Shestakova, E.A. Shibaeva, etc.

The studies were studied and used by the works of foreign scientists: K. Amerasingh, M. Anderson, S. Atapattu, F. Biermann, P. Birney, D. Bodansky, A.



Boyle, J. Brownlie, D. Brack, A. Bouvier, J. Valea, K. Vasak, I. Weiss, W. Werner, W. Weston, J. Vieramantry, K. Vrolik, M. Grubb, L. Guruswami, E. David, I. Dekker, M. Doyle, R. Dolzer, D. Zalke, J. Zissimos, D. Easty, J. Calestous, L. Kimball, A. Kiss, T. Kuokannen, V. Lang, E. Luki, D. Magro, N. Myers, F. Mayes, R. Mackenzie, R. Massey, A. Najam, J. Palmer, O. Perez, M. Potochny, D. Rauschning, A. Roberts, F. Runge, J. Salzman, F. Sands, T. Scovazzi, A. Ferdross, S. Flavin, F. Franzioni, D. Freestone, P. Haas, D. Hunter, G. Hoefling, S. Charnowitz, P. Chasek, B. Cheng, M. Shaw, D. Shelton and others.

A wide range of subjects is involved in the process of international management associated with determining the need to develop and ensure the implementation of international agreements in the field of environmental protection. It is the category of international management that makes it possible to direct the international activities of numerous actors of different nature and status in the field of environmental protection into a single channel, introducing them into a single circle of entities acting on the basis of the principles of international environmental law (hereinafter referred to as MEA). The knowledge gained can be extrapolated to other areas of international relations, primarily related to the use of natural resources and the protection of the natural environment.

This work mediates a new direction in legal science, defining a functional approach from the side of international law in relation to management, denoting the subjects of the process of international management, the objective and subjective boundaries of its implementation. The paper analyzes not only direct, but also feedback links between governance and the progressive development of international law.

1. Environmental protection is a global sphere of interests of mankind, in respect of which a powerful multilateral system of international governance is required, since within its framework not only the interests of cooperation between states related to the use and distribution of natural resources are ensured, but also the interests of the physical survival of man. The basis of international management in the field of environmental protection is the development of international legal treaties and agreements and their implementation. International legal regulation is an integral part of the system of international governance.

2. There is a tendency to include in international treaties the definition of the concept of "management", but so far only in relation to individual natural objects, which should be understood as broadly as possible, covering the measures necessary for the greatest long-term benefits derived from the use of natural objects, including their protection and conservation . Under international management in the field of





environmental protection is understood carried out, primarily by states, on the basis of and within the framework of international law, a targeted impact on international relations in order to achieve a favorable quality of the environment to ensure sustainable development and environmental safety. Management activity covers international legal regulation, coordination and organization of international relations in the field of environmental protection. The participants in the process of international governance, along with states, are international intergovernmental organizations, and other actors of the international system may also act.

3. International management in the field of environmental protection should be carried out in the context of the implementation of the concept of sustainable development. These include: sustainable use of natural resources; justice and poverty eradication; common but differentiated responsibilities; taking precautions; public participation, access to information and justice; good governance; integration and interconnection of human rights, social, economic and environmental goals.

An important and most developed function is the regulation function, the core of which is the rule-making process, including the international law-making process. The function of international legal regulation is closely related to the function of international control<sup>15</sup>, the main task of which is to contribute to more effective enforcement of international legal norms on environmental protection, to identify the compliance of the activities of subjects with their international environmental obligations. An important function of international management in the field of environmental protection is forecasting, without which, in principle, it is impossible to manage. The organizational function ensures the viability of the international environmental management system for solving current problems and, if necessary, adjusting the system.

Separate functions have already become the subject of independent research. In particular, the function of international control. See Valeev R.M. Control in modern international law. -2nd ed. Kazan, 2003. S.180-206. environmental protection. This function has a defining character in the system of functions of international management in the field of environmental protection. Its main essential feature is its coordinating nature, when elements of subordination take place only at the will of states.

In the case of creating joint mechanisms for managing a limited number of states, the solution of issues related to its implementation and the possibility of reaching agreements are more obvious. Universal treaty concepts relating to the implementation of international governance in relation to spaces, natural objects and resources that do



not belong to any state, cause the greatest difficulties in terms of creating governance mechanisms. The first concept can be called a value concept - this is the concept of the common heritage of mankind, which is put forward in relation to certain spaces with an international regime (the high seas, outer space, Antarctica). The second concept is operational. This is the concept of the common heritage of mankind, put forward in relation to the International Seabed Area and its resources (the International Seabed Authority is the governing body), as well as the Moon and its natural resources. These concepts have much in common, but the fundamental difference between international governance in this case is related to the solution of the issue of equitable distribution among all participating States of the benefits derived from the development of international resources, taking into account the interests and needs of developing countries, as well as the efforts of those countries that directly or indirectly contributed to their research. Promising concepts include the concept of managing specially protected natural objects, which can be located both on the territory of states and outside national jurisdiction. The international recognition of individual territories\* as sites of the world natural heritage or specially protected areas determines the peculiarities of international management, expressed in the fact that the organization of the provision of financial and technical assistance to the state is required, special protection during periods of armed conflict, in response to which the state must have stricter international obligations for the protection of the object, including issues of admission for international control.

7. The effectiveness of the international management process implies an effective system for resolving international disputes related to the adoption and implementation of management decisions on the use of natural resources and environmental protection. In this sense, effective dispute resolution remains a gap in the global system of international environmental governance. The creation of a mechanism for resolving such disputes should take into account possible contradictions between the environmental protection regime and various other legal regimes, for example, international trade, economic development, human rights. The format of such a mechanism may include several elements: an autonomous system of bodies for resolving environmental disputes, a return to the idea of an environmental chamber of the International Court of Justice, the creation of special mechanisms, using the mechanisms provided for by international environmental conventions as a model.

8. International environmental law, as a system of international legal norms, is of particular value for the implementation of effective international governance, since it is of fundamental importance for ensuring the international legal order in terms of



creating and strengthening conditions for environmentally safe existence and development. The characteristic features of the MPOS are the specificity of its codification and progressive development, which is expressed in a particularly close connection with many branches of international law; the specifics of objects in respect of which international legal regulation is carried out (the work proposes to distinguish three groups of objects); specifics of institutional development in the light of solving international environmental problems.

9. The development of international relations, raising to a new level the degree of awareness of the danger of environmental degradation, should lead to the consolidation of a common international legal obligation to protect the environment. The global nature of environmental problems is a necessary empirical basis for expanding the scope of general international law.

Currently, the development of the principle of environmental protection continues towards its recognition as the main universally recognized principle of international law.: 1) carrying out activities that do not cause damage to the environment outside of national jurisdiction; 2) ensuring international environmental security; 3) rational and sustainable use of natural resources; 4) ensuring environmental protection in peacetime and protection during armed conflicts; 5) taking into account the interests of both present and future generations when making environmental decisions, ensuring the realization of the human right to a healthy environment; 6) harmonization of needs in various areas of international life with the interests of environmental protection.

10. The special principles of MEA also form the international legal basis for environmental management. Special principles are norms of international law that reflect the main content of the industry, to which its other norms must comply. To fulfill their system-forming function, the principles must have a higher legal force. Even more difficult to understand the status of special principles is the fact that environmental regulations are contained in other industries and must also comply with the special principles of the MEA.

International environmental management, which is carried out on the basis of the special principles of the MEA, requires that these principles be codified. Therefore, it is necessary to conclude an international convention that would consolidate the rights and obligations of states in the field of environmental protection, including the system of principles and the mechanism of international management created and functioning on their basis. The paper presents recommendations on the content of such a convention.





11. The main tools and mechanisms of international environmental governance consist of a variety of intergovernmental, non-state and public-private processes and initiatives that vary in format, structure and representation. The most important link in the global system of international governance is the UN. The leading role of the UN in determining the strategy of global environmental policy and organizing international management in the field of environmental protection is explained by the fact that: firstly, environmental protection is of common interest, which is represented at the universal level by the UN; Secondly, the problem of environmental protection is very specific. This specificity is manifested in the fact that an increasing number of bodies and organizations of the UN system, including those whose mandate did not originally intend to consider these problems, are dealing with issues related to the environment; thirdly, the UN is the universal and most representative intergovernmental organization that plays a central role in managing global economic and social development, coordinating the efforts made for this by the international community; Fourthly, serious violations of fundamental obligations to protect the environment can pose a threat to international peace and security, which is guarded by the UN, represented by the Security Council.

A regional system of international governance for achieving global environmental goals (eg regional initiatives for water management and sustainable forest management) has great potential. The activities of regional organizations can contribute to global environmental management (for example, through the implementation of measures to manage straddling fish stocks and highly migratory fish stocks). Development trends at the regional level once again confirm that the process of international environmental management includes actions of different scale and different actors. An active process of governance at the regional level initiates a discussion on how to decentralize international environmental governance in relation to specific areas (eg chemicals management). At the same time, no matter how effective regional governance is, it is not able to solve interregional problems and universal problems.

The existing system of international management in the field of environmental protection cannot fully effectively ensure the protection of the environment as a common concern of all mankind. This system needs to be reformed, which involves fundamental changes in the organizational mechanism of international governance on a global scale. The creation of an international organization with special competence in the field of environmental protection will not lead to the fact that the international bodies and organizations currently operating will cease to deal with these issues. The



coordination that will be carried out by the World Organization in solving global environmental problems does not imply either centralization or usurpation of the powers of both existing international institutions and the competence of governments.

For the creation of a World Organization in the field of environmental protection, in comparison with the problems of organizational design, the political will of states regarding the amount of authority and resources that they decide to endow such an international organization is much more important.

Environmental protection is important for the life of civilization, is urgent and global in nature, which requires not only the implementation of existing principles, but also the development of new principles of international law, as well as more effective mechanisms for making and executing decisions, and therefore more effective international management.

In order to improve the effectiveness of international environmental management, it is necessary to strengthen coordination between various organizations in relation to environmental issues; continue to strengthen previously established environmental protection regimes; to ensure the conclusion of treaties in relation to new objects and new threats, including more specific rules on liability; improve the harmonization of environmental regulations and agreements and ensure that disputes that arise are resolved; strengthen the role and participation of civil society, especially environmental non-governmental organizations.

At present, it is generally recognized that a branch of international environmental law is a part of the system of international law, the necessary criterion of which are special principles that determine the international legal foundations of management.

Respect for the right to a favorable environment and the designation of the protection of the biosphere as a common goal established in international environmental treaties is the legal quintessence of the anthropocentric approach in international environmental law.

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