



## LEGAL PROTECTION OF GREEN AREAS IN EUROPEAN COUNTRIES

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**ANNOTATION:** The article describes the legal characteristics, legal status and scientific and theoretical concepts of specially protected natural areas. As a foreign experience, the categories of natural areas of European countries are analyzed. Using this experience, proposals were made in the direction of the administrative, legislative system and scientific research in the Republic of Uzbekistan.

**KEY WORDS:** natural area, national parks, Nature 2030, legal regime, IUCN, reserve, green zone.

### INTRODUCTION

In the last 5 years, concepts such as "green space", "green economy", "green border", "green city" have been used in mass media, research works and normative legal documents. All this is expressed in terms of an area with a clear border and destination, in a word, a natural territory .

When interpreting the concept of a natural area in a general way, it is possible to understand an area without anthropogenic influence, where natural objects are located and which has a certain boundary. However, in the theory of environmental law (including legislation), the natural area is defined as a concept of "protected natural area" with a unique ecological status. Scientists define this concept based on the natural complexes that are part of it. In fact, what is the need for legal analysis and research of these concepts?

For information, it can be said that in 2022 the area of specially protected natural areas in Uzbekistan increased to 8.3% of the total area of the country, while in 2017 this figure was 5.2%. [1]

In addition, the organizational and legal bases for improving the system of protected natural areas and bringing their area to the level of international requirements were developed, and financial sources were determined. About 10 decrees and decisions of the President of the Republic of Uzbekistan regulating the field and special programs of the Government were adopted, and with their implementation, 5 new protected natural areas were established .

Therefore, there is a need to protect the analyzed natural complex and it is necessary to determine its legal regime. In this regard, it is important to analyze scientific and theoretical ideas and to study the organizational and legal system of foreign countries related to the field.

### METHODS

In the preparation of this scientific article, logical and scientific methods of scientific knowledge were used, in particular, logical analysis, historical, comparative-legal methods were used. In addition, empirical materials, in particular statistical data, legislation and practice of foreign countries were analyzed.

### RESULTS



According to legal scholars M.B. Usmonov and O.Kh. Narzullaev, natural objects and complexes of special ecological, aesthetic, scientific, medicinal value, completely or partially, temporarily or permanently withdrawn from economic circulation, are the territory (water areas) containing. [2]

It is emphasized that the following characteristics of protected natural areas should be taken into account when forming the definition interpreted in the legal literature :

firstly , the existence of a general, main goal specific to each category of protected natural areas ;

secondly, preservation of natural objects, natural complexes, biological diversity and the environment in general;

thirdly, different tasks depending on the different categories of protected natural areas, the goals set for them; prohibition or restriction of economic activities in protected natural areas depending on their categories;

fourthly, to establish a separate legal regime based on the goals and tasks to be solved for the categories of protected natural areas . [3]

From this point of view, natural areas protected by the environmental legislation of the Republic of Uzbekistan include state reserves, complex (landscape) order reserves, nature parks, state nature monuments, preservation of some natural objects and complexes, repetition the areas intended for reproduction and restoration, protected landscapes, and areas intended for the management of certain natural resources are described. In addition, the legislation may provide for the establishment of state biosphere reserves, national parks, interstate protected natural areas and other protected natural areas.

The categories described above are protected natural areas are divided according to the purpose and regime. This trend of division is reflected in the legislation of most CIS countries. It is important to note that these categories are numerically different from the categories defined in the rules of Western European countries due to the fact that the status is determined according to the minor aspects and regimes.

In European countries with a dense population and a high level of economic development, the legal regime of natural areas is expressed in its own way. Their approach to natural areas is characterized by their alignment with certain ideas of naturalistic or non-interference with nature concepts. [4] This determines the level of legal status, which is also reflected in legal norms.

This trend is especially true in the countries of Western and Central Europe , where only "islands" of wildlife remain among the predominantly agricultural lands and anthropogenically modified landscapes. As a rule, these places are strictly protected in nature reserves or in the main zones of national parks.

In Eastern Europe, mainly in the Carpathians and the Balkans, more desert areas remain. Ancient forests have been preserved in the Romanian Carpathians on a total area of more than 200,000 hectares. Currently, at least 18 percent of Europe can be considered wild, untouched by anthropogenic influence.

Thus, there is still wildlife in Europe, and despite the high population density, development of the area and strong fragmentation of natural landscapes, developed transport infrastructure and urbanization processes, the European Wildlife Society ( EWS ) has identified more than 500 potential wilderness areas.



In Europe, great attention is paid to the preservation of the remaining corners of wildlife, the totality of landscapes and ecosystems, the protection of individual species and habitats, and the preservation of biodiversity in general. 1/5 of the territory of Europe (excluding the CIS countries) is protected by protected natural areas of various categories.

According to the IUCN (The International Union for Conservation of Nature) classification, these range from strictly protected landscapes (IUCN category) to areas with sustainable nature management (IUCN categories V and VI, respectively).

The characteristics of protected areas in Europe are unique. Because the system of protected areas is very complex and there are many differences between different types of protected areas at different levels. In the EU countries, there is a network of protected natural areas "Natura 2030", the purpose of which is, first of all, to ensure the conservation of vulnerable species and habitats in accordance with the European Environmental Directive. The "Natura 2030" network protects the most valuable areas of the European Union, which are the unique natural heritage of Europe. [5]

"Natura 2030" network the main aspect for this is the preservation of species, especially rare and vulnerable biodiversity. Therefore, a part of the areas covered by the "Natura 2030" network is strictly protected, which makes up 70% of the total area of national protected areas of the European Union.

For example, there are nature reserves of the III category - natural monuments. A large number of Class IV reserves in Europe have a status higher than a nature reserve, but lower than a strict reserve. In them, hunting and economic activities may be prohibited, but interference with natural processes is allowed. Such reserves can be included as a natural nucleus in the main zones of national and natural parks, as well as strict reserves without interference.

In Europe, along with many nature reserves, national and natural parks are the main form of regional nature protection. These are, as a rule, large protected areas from several thousand to several tens of thousands of hectares.

It should be noted that "national park" and "natural park" are completely different categories of specially protected natural areas in terms of the protection regime and the tasks assigned to them.

The national park belongs to strictly protected natural areas. According to the IUCN classification, the national park is the second category of protected natural areas, after the nature reserves, it is the area with the strictest regime (category I). According to the IUCN criteria, a classic national park should contain at least 75% of the total area - this is a strict (full) protection zone, where any economic activity, including infrastructure and road construction, hunting and fishing, any logging and forestry, regulatory and biotechnical measures are excluded.[6]

In European national parks, the non-intervention zone is called the "core zone" (main or central zone). In Germany and Austria, it is called "Naturezona" (natural zone, natural core) - a zone of natural dynamics, in Italy or Slovakia - zone "A" (with the highest level of protection).

It should be noted that the non-interference zone is not an absolutely protected area in terms of the absence of tourists. It is a zone of complete protection of natural ecosystems and natural processes from any economic activity and human intervention, while allowing visitors to move along existing touristic and educational routes. The main rule is not to go astray, not to touch anything and not to take anything with you.



The main idea of the national park is to protect nature and its natural processes, while promoting ecotourism and education, as well as sustainable development of local communities (in buffer zones).

Western and Central European countries have much more natural parks than national parks and cover significant areas, especially in countries such as Germany and France. For example, Germany has 103 natural parks with a total area of 9.9 million hectares or 27.8% of the country's territory. Large areas of natural parks are defined by cultural landscape. At the same time, there are 16 national parks in Germany, which occupy 0.6% of the German territory. [7] In 2014, France had 49 regional natural parks with a total area of 7 million hectares, or 15% of the country's territory. Their goal is environmental protection, sustainable use of resources and sustainable economic development of regions. [8]

There are 151 national parks in Spain, 47 national parks in Austria, 105 regional parks and 24 national parks in Italy, 16 natural parks and 1 national park in Switzerland.

Natural parks in densely populated parts of Europe bear the burden of promoting recreation and promoting sustainable development of local communities.

It should be noted that for a long time natural parks were the most developed form of protected areas in Europe. However, recently, even with a dense population, there has been an understanding that this form of nature protection is not enough and that there is a need to actively create more strictly protected areas, the main criterion of which is the absence of human intervention.

According to international IUCN standards The territory of any national park must be at least 75% strictly protected zone without human intervention and economic use (natural core). [9]

The Czech Republic has become the next European country (after Germany and Austria) to adopt international standards for its national parks and enshrine them in legislation. On April 4, 2017, the Czech Parliament overrode the veto of the President of the Czech Republic and approved a new law confirming the importance of wildlife and its conservation, as well as the priority of " soft " tourism in protected areas.

Traditionally, the national parks of Sweden and Finland, as well as the only national parks in Switzerland, have high standards. In these countries, all national parks (with the exception of a few) are fully protected in their territory. There are no separate protected areas in Sweden's national parks, but economic activities are excluded in the parks as a whole. Sweden's national parks have the strictest rules: hunting and fishing are prohibited (Fishing, as an exception, is allowed only in some water bodies . Only collecting berries and mushrooms for personal consumption is allowed) . [10]

The main idea of the Swiss national park is to exclude any economic activity. In the park, it is allowed to observe nature along the routes, without leaving the roads.

There are 9 national parks in Slovakia, but only one of them is zoned, where the protected area occupies half of the park .

Speaking of European national parks, it should be noted that hunting is prohibited for IUCN category II in almost all EU countries.[11]

Thus, in order to protect natural processes and biological diversity in Europe, great importance is attached to the concept of preserving the animal world without human intervention and creating new protected areas, increasing strictly protected areas in national parks.

In the last 10-15 years, the concept of non-interference with natural processes and its preservation in protected areas has been developed and widely recognized. Therefore, in Europe, protected areas in national parks are expanding, strict reserves are being created, and decisions are being made at the national level to increase the percentage of strictly protected areas throughout the country.

Especially the idea of "wild nature" and from the point of view of accepting the concept of non-interference, expanding the protected areas of national parks, creating strict reserves, and increasing the total percentage of strictly protected areas require high economic potential.

### CONCLUSION

We can see from the European experience that special attention is paid to national and nature parks, unlike the 7 categories specified in the legislation of the Republic of Uzbekistan. Importantly, "green zones" located in urban settlements can also belong to the category of the above status. This, in turn, prohibits people from entering the territory with a strict legal regime or using natural objects in this territory.

In the Republic of Uzbekistan, these relations are regulated by the Law "On Protected Natural Areas" along with other environmental legislation. For example, the laws "On Nature Protection", "On the Forest", "On Protection and Use of Flora" are among them. However, today's damage to flora, including illegal logging, continues to increase despite the moratorium. This, in turn, shows the need to revise the legal order, to give the concept of green area not only the categories stipulated in the Law "On Protected Natural Areas", but also to green areas in cities. We can see the need for this reform through the analysis of the above-mentioned foreign experience. Therefore, the chapter "Methods to solve ecological problems" provided for in the "Concept of environmental protection of the Republic of Uzbekistan until 2030" adopted in 2019 some additions are important.

These additions appear in:

1. In the administrative-management direction:

protection to be done organization of natural areas, determining that state management in the field of protection and their use shall be carried out only by specially authorized state bodies ; protection canceling all powers of local state authorities and limiting any of their influence in relation to protected natural areas , green zones, flora and fauna;

protection revising and optimizing the list of state management bodies in the field of organization, protection and use of natural areas and expanding the authority of the State Committee for Ecology and Environmental Protection ;

protection introduction of electronic digitization and online GPS tracking system to the management of planned natural areas and proposed green areas.

2. Legislation improvement in the direction of:

Revision of the Laws "On Protected Natural Areas" and "On Forests" based on foreign experience and adoption as a single law;

in cities, regardless of its infrastructure, as in the countries of Germany, Austria, and Italy, such as "nuclear zone", "natural zone", "zone A" have a legal status to be defined by law and ensure that these areas are under the control of the government and community councils;

to ensure that the procedure for using the flora and fauna and the norms of authorization are determined only by law, to cancel the legal documents that are subjective in some environmental relations and contradict the principle of equal rights of users.



3. In the field of scientific research:

firstly, scientific and theoretical views come from the real natural environment and existing problems, the transition to ideas that include modern trends, in contrast to the environmental and legal doctrines of 20 years ago;

study the environmental legislation of developed countries with similar natural climate and natural resources and introduce a procedure that can be implemented;

ensure that any environmental legal theory is predictable and effective in reform.

The ultimate goal of the implementation of the proposals is to preserve the green areas, which are changing negatively day by day, and the human threat is increasing, and to hand over nature to the next generation naturally.

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