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Legal Regulation Of Environmental Zoning Of Territories In The Context Of Climate Change

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ABSTRACT
The article examines the environmental and legal nature of ecological zoning of territories under climate change, its relationship with spatial planning and urban development, and the regulation of these relations under the legislation of the Republic of Uzbekistan. It substantiates the need to move from a uniform regime of territorial use towards a differentiated legal approach based on climate risks, including droughts, water scarcity, land degradation and extreme hydrometeorological events.

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Annotatsiya. Mazkur maqolada iqlim o‘zgarishi sharoitida hududlarni ekologik zonalashtirishning ekologik-huquqiy mohiyati, uning hududiy rejalashtirish va shaharsozlik faoliyati bilan o‘zaro bog‘liqligi hamda O‘zbekiston Respublikasining amaldagi qonunchiligida ushbu munosabatlarning tartibga solinishi tahlil qilinadi. Iqlim o‘zgarishi natijasida qurg‘oqchilik, suv resurslari taqchilligi, yerlarning degradatsiyasi, ekstremal gidrometeorologik hodisalar va ekologik xavflarning hududlar bo‘yicha turlicha namoyon bo‘lishi hududlardan foydalanishning yagona huquqiy rejimidan differensial yondashuvga o‘tishni talab etishi asoslanadi.
Kalit so‘zlar: iqlim o‘zgarishi, ekologik zonalashtirish, hududiy rejalashtirish, ekologik xavf, iqlimiy xavf, shaharsozlik, ekologik cheklov, yer tuzish, barqaror rivojlanish, iqlimga moslashuv.
Аннотация. В статье анализируются эколого-правовая сущность экологического зонирования территорий в условиях изменения климата, его взаимосвязь с территориальным планированием и градостроительной деятельностью, а также вопросы регулирования данных отношений в законодательстве Республики Узбекистан. Обосновывается необходимость перехода от унифицированного режима использования территорий к дифференцированному подходу с учетом различий в климатических рисках, включая засухи, дефицит водных ресурсов, деградацию земель и экстремальные гидрометеорологические явления.
Ключевые слова: изменение климата, экологическое зонирование, территориальное планирование, экологический риск, климатический риск, градостроительство, экологические ограничения, землеустройство, устойчивое развитие, адаптация к изменению климата.

Introduction

Climate change is creating a need for modern environmental law to reconsider the existing legal mechanisms governing the use and management of territories. The impacts of climate change do not manifest themselves uniformly across the territory of the country. While water scarcity and the risk of drought may prevail in certain areas, in other areas mudflows, floods, land degradation, desertification, or extreme temperatures may become the main environmental risk factors. Therefore, it is necessary to differentiate the legal regimes governing the use of territories according to their ecological and climatic characteristics.

Particular attention is also being paid to adaptation issues within Uzbekistan's climate policy. Within the framework of Uzbekistan's updated Nationally Determined Contribution (NDC), measures for adaptation to climate change have been established in water management, agriculture, ecosystems, strategic infrastructure, and other sectors. In particular, such areas as improving the efficiency of water resource use, preventing land degradation and salinization, and strengthening the resilience of ecosystems are directly linked to territorial planning.

Under these circumstances, environmental zoning should be regarded not merely as a means of functionally dividing a territory, but as a legal mechanism for the advance assessment of climate risks, the restriction of economic activities in environmentally vulnerable areas, and the territorial implementation of climate change adaptation measures.

Research Methodology

The study employed formal-legal, systemic, comparative-legal, logical-legal, and environmental-legal methods of analysis. The Urban Planning Code of the Republic of Uzbekistan, legislation concerning ecology and the use of natural resources, strategic documents on climate policy, and norms of international climate law constituted the main legal sources of the research.

The purpose of the study is to analyze the legal mechanisms of environmental zoning of territories in the context of climate change, identify problems in the existing legislation, and develop scientific and practical proposals aimed at improving the system of environmental zoning that takes climate risks into account.

The Legal Nature of Environmental Zoning of Territories

Zoning is one of the important legal instruments of modern territorial governance. The Urban Planning Code of the Republic of Uzbekistan defines zoning as the division of a territory according to its functional purpose in the process of urban planning for territorial development, with the establishment of types of use and restrictions on such use. Article 62 of the Code links the purpose of territorial zoning with ensuring a favorable living environment, protection against natural and man-made emergencies, prevention of environmental pollution, and protection of protected natural areas, agricultural lands, and forests.

This provision demonstrates the existence of legal foundations for environmental zoning. However, from the perspective of the contemporary characteristics of climate change, this approach requires further development.

First, the existing zoning system is primarily aimed at taking into account current environmental and urban planning conditions. Climate change, however, requires future environmental risks to also be incorporated into legal planning.

Second, climate risk should be regarded as an independent criterion when assessing the suitability of a territory for a particular type of activity. For example, in areas with high levels of water scarcity, additional legal restrictions may be imposed on the location of water-intensive production facilities.

Third, zoning should not be a one-time legal decision, but rather a system that is regularly improved on the basis of environmental and climate monitoring data.

The Interrelationship Between Climate Change and Environmental Zoning

Climate change affects territorial development in three main areas.

The first area is the territorial differentiation of environmental risks. Drought, water scarcity, desertification, mudflows, and floods manifest themselves to varying degrees across different territories. Therefore, applying the same environmental and legal regime to all territories may, in some cases, fail to sufficiently reduce environmental risks.

The second area is the change in the regime of land and water resource use. Climate change increases pressure on water resources and raises the risk of degradation and salinization of agricultural lands.

Uzbekistan's NDC documents also identify improving water-use efficiency and preventing land degradation as important areas of adaptation.

The third area is the climate safety of infrastructure and settlements. If future climate risks are not taken into account when locating new residential areas, industrial facilities, transport, and engineering infrastructure, an urban planning decision that is lawful today may increase environmental and social risks in the future.

From this perspective, the new model of environmental zoning should shift from "taking into account the existing situation" to "taking into account existing and projected environmental and climate risks."

Existing Problems in the Legislation of Uzbekistan

Article 62 of the Urban Planning Code of the Republic of Uzbekistan provides for restrictions on the use of urban planning activities in zones exposed to natural and man-made emergencies, zones of environmental emergency and ecological disaster, as well as zones with special or extreme natural and climatic conditions.

This provision constitutes an important legal basis for incorporating climate factors into territorial planning. However, there are a number of issues in the regulatory framework.

The first problem is the absence of a clearly defined legal status for the concept of a "climate risk zone." A unified legal mechanism for assessing risks associated with climate change and classifying territories according to the level of such risks has not been established.

The second problem is that the integration of climate data into urban planning documents is not defined with sufficient clarity. It would be appropriate to separately establish the mandatory use of climate risk maps, water scarcity forecasts, heat stress data, desertification data, and information on other risks when developing territorial development plans and master plans.

The third problem is that the climate-related criteria for reviewing zoning documents are unclear. As climate indicators and environmental risks change, the previously designated functional zone of a territory may also lose its relevance.

The fourth problem is the lack of unified climate-related criteria among environmental zoning, land management, and urban planning documents. As a result, different approaches to environmental risks may be applied to the same territory in different documents.

Proposed Model of Climate-Environmental Zoning

Based on the results of the study, it is proposed to define "climate-environmental zoning" as a legal mechanism aimed at establishing the functional purposes and restrictions on the use of territories, taking into account existing and projected environmental risks associated with climate change, the vulnerability of natural resources, and the adaptation capacity of the territory.

Within this model, it is appropriate to assess territories on the basis of at least three criteria:

1. **level of climate risk**;
2. **level of vulnerability of ecosystems and natural resources**;
3. **the territory's capacity to adapt to climate change**.

Accordingly, territories may be classified into the following regimes:

Level 1 — Relatively Stable Territories. In such territories, ordinary urban planning and economic activities are permitted, while general environmental requirements remain applicable.

Level 2 — Territories with High Climate Risk. In these territories, additional requirements are established for activities that require large amounts of water resources, generate high emissions, or exert significant pressure on ecosystems.

Level 3 — Environmentally and Climatically Vulnerable Territories. In such territories, special restrictions on new construction or certain economic activities, environmental compensation measures, and mandatory adaptation measures may be applied.

Level 4 — Territories under Special Protection and Adaptation Regimes. In territories where ecological disaster, water scarcity, desertification, extreme natural and climatic conditions, or other risks have reached a critical level, certain types of economic activities should be prohibited or strictly restricted.

Such a system would establish a "risk-proportionate legal regime" instead of a "uniform legal regime" for the use of territories.

Legal Proposals

Based on the results of the study, the following proposals may be put forward for improving the legislation of the Republic of Uzbekistan.

First proposal. To establish the concept of "climate-environmental zoning" in urban planning legislation.

It may be defined as follows:

"Climate-environmental zoning is a system for the differentiated establishment of the functional purposes of territories and environmental-legal restrictions on their use, based on an assessment of climate change-related risks, environmental vulnerability, the condition of natural resources, and the adaptation capacity of the territory."

Second proposal. To establish climate risk assessment as a mandatory requirement when developing territorial development planning schemes, master plans, and other relevant urban planning documents.

Third proposal. To introduce a mechanism for assessing climate-environmental risks prior to the location of new construction, production, and infrastructure facilities in territories with high climate risk.

Fourth proposal. To closely integrate the results of climate-environmental zoning with environmental monitoring and hydrometeorological data. To establish a legal mechanism for reviewing the relevant territorial zoning documents when significant changes in climate indicators occur.

Fifth proposal. To strengthen public participation in territories with high environmental and climate risks. Ensuring the openness of zoning projects and related environmental information would enhance the legitimacy and transparency of territorial decisions.

International Legal Aspect

Climate change adaptation is one of the important areas of international climate policy. Uzbekistan's Nationally Determined Contributions also provide for linking adaptation measures with water management, agriculture, ecosystems, and strategic infrastructure.

In this respect, territorial zoning may become a territorial-legal instrument for implementing climate policy. In other words, the general objectives established in climate strategies are implemented through specific legal restrictions and land-use regimes in territorial development documents.

Uzbekistan's NDC 3.0 document links climate adaptation with increasing the adaptation capacity of the most vulnerable sectors and territories, including strengthening measures in agriculture, water management, ecosystems, and strategic infrastructure. This demonstrates the existence of an international legal and policy basis for developing environmental zoning as one of the practical legal instruments of climate policy.

Conclusion

In the context of climate change, environmental zoning of territories is a relatively new area of environmental law, but one that needs to develop rapidly. Its main task should not merely be the functional division of territories, but rather the establishment of differentiated legal regimes for the use of territories, taking into account climate and environmental risks.

The current Urban Planning Code of the Republic of Uzbekistan establishes the environmental and safety aspects of territorial zoning at a sufficiently significant level. In particular, it provides for the possibility of imposing restrictions on the use of territories affected by natural and man-made emergencies, ecological disasters, and extreme natural and climatic conditions. However, it is necessary to establish a separate comprehensive mechanism for climate-environmental zoning that takes into account the long-term and projected impacts of climate change.

As a result of the study, the following scientific conclusion was reached: **climate-environmental zoning should be established as a comprehensive legal institution that adapts the norms of environmental, land, water, and urban planning law to climate change.**

In this regard, it is appropriate to establish the level of climate risk of a territory as a mandatory element of urban planning and land management documents and to introduce environmental restrictions proportionate to the level of risk. Such an approach would strengthen legal safeguards for preventing environmental risks, ensuring the rational use of natural resources, protecting public safety, and achieving sustainable territorial development.

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