

Involvement of Civil Society Institutions in Achieving Sustainable Development Goals

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Abstract

The article reveals the existing need to increase the openness and objectivity of monitoring the implementation of programs for the socio-economic development of regions by involving state and economic management bodies, representatives of civil society institutions, business circles and the media in its implementation. It also analyzes the level of development of the relevant procedural rules that determine the mechanisms for the implementation of non-governmental non-profit organizations and other civil society institutions of the rights and powers granted to them by law, including their weak involvement in the processes of developing national development plans, the lack of active and effective participation of non-governmental organizations in monitoring the fulfilment of state commitments on achieving sustainable development goals.

Keywords: Concept, civil society, civil society institutions, legislation, three-sector model, development strategy, non-governmental non-profit organizations, social partnership, public control.

Introduction

Measures to deepen democratic reforms in Uzbekistan are characterized by gradual progress towards the formation of civil society, the development of the state-legal and political system of the country, and the creation of conditions for the free functioning of civil society institutions. With all the diversity of national characteristics of the formation of civil society in different countries of the world, it is customary to highlight several key conceptual and theoretical approaches to defining the goals, objectives and place of civil society institutions in a democratic legal state and the principles of interaction between the state and civil society.

Methodology

These include:

– The concept of the inseparable unity of the state and civil society, the essence of which lies in defining these two concepts as interconnected and interdependent forms of a single social life, having common (identical) goals and acting as partners in achieving these goals through the

interaction of the relevant state and public institutions. One of the variants of this concept is the "three-sector model" implemented in a number of countries, for example, in Japan, which considers the development of civil society as a process of interaction motivated by common interests of all three sectors – the state, civil society and business [7, p. 88-98].

- The concept of the opposition of the state and civil society due to the presence of genetic differences between them. Within the framework of this concept, the widespread opinion is that civil society does not manifest itself in any way as long as the state strictly observes human rights. In the event of a violation of human rights, civil society puts pressure on the state in order to protect these rights and freedoms in various forms - peaceful assemblies, marches, petitions, pickets, strikes, etc., up to the "peaceful violations of the constitutional order" allowed by certain supporters of this concept (the OSCE Office for Democratic Institutions and Human Rights) [8, p. 7]. The extreme manifestation of this concept is the concept of "individual sovereignty", which recognizes the birthright of every person to have no obligations to society. From the point of view of this concept, civil society is "a powerless society in which there is no hierarchy and coercion".
- The concept of the causality of the emergence of civil society, replacing the state, when state institutions cease to be the optimal regulator of social relations (a well-known programmatic slogan in the former Soviet Union - "from socialist statehood to communist public self-government").

Uzbekistan has been elected as a member of a number of authoritative UN structures and actively participates in their activities. As a member of the UN Human Rights Council, Uzbekistan has put forward over 30 initiatives on a global, regional and national scale to ensure human rights and freedoms. The adoption of 7 resolutions of the UN General Assembly on the initiative of the President of Uzbekistan Shavkat Mirziyoyev received special recognition from the international community.

Results and Discussion

In this context, the main event of the international conference was the discussion of the latest initiative of the head of state, including the draft resolution of the UN General Assembly "On expanding participation and strengthening the role of civil society in the implementation of the Sustainable Development Goals."

According to the general opinion of the participants of the international conference, advanced international experience shows that it is precisely close cooperation between governmental and non-governmental organizations that is the key to success in achieving the 2030 Agenda.

In this context, the proposed draft resolution of the UN General Assembly covers two of the most important patterns of today's global development:

- on the one hand, ensuring sustainable development based on ensuring human rights and freedoms, creating conditions for increasing and realizing its potential, as well as economic, social and environmental progress on this basis;
- on the other hand, the involvement of citizens and civil society in achieving the Sustainable Development Goals defined by the 2030 Agenda and implementing their objectives. The community of non-governmental organizations represents a global network that should be involved in the work to achieve common goals in the field of sustainable development, given the appropriate powers, and strengthened. The Decree of the President of the Republic of Uzbekistan

“On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country” notes the low level of involvement of non-governmental non-profit organizations in the development and implementation of programs for the socio-economic development of the country [1].

This is largely due to the insufficient level of development of the relevant procedural rules that determine the mechanisms for the implementation by non-governmental non-profit organizations and other civil society institutions of the rights and powers granted to them by law.

For example, the Resolution of the President of the Republic of Uzbekistan dated August 8, 2017 No. PP-3182 defined the following as the main areas of the new Concept for summing up the country's socio-economic development: "increasing the openness and objectivity of monitoring the implementation of programs for the socio-economic development of regions by involving state and economic management bodies, representatives of civil society institutions, business circles and the media in its implementation" [2, p. 9, p. 2, p 2].

The Law “On Public Control” also establishes the right of public control entities to participate in open collegial meetings of state bodies [3, a. 8, p.1]. A similar right in relation to users of information is established by the Law “On the openness of the activities of state authorities and administration bodies” [4, a. 11, p. 5]. Both legislative acts indicate that this participation is carried out in the manner established by law. However, no legislative act has defined this procedure to date.

In reviewing the draft resolution of the UN General Assembly, experts note that its developers took into account many problems that exist in different countries in the area of forming civil society and supporting its institutions. Attention is drawn to the fact that in many countries there is a lack of constructive dialogue between the government and civil society organizations on issues of achieving the SDGs, their weak involvement in the processes of developing national development plans, insufficient funding for their activities, as well as the lack of active and effective participation of non-governmental organizations in monitoring the implementation of state commitments in this area.

In this regard, it is important that the draft resolution of the UN General Assembly emphasizes the importance of social partnership and public control institutions for achieving the goals and objectives of the 2030 Agenda, and further strengthening the global partnership for sustainable development. It emphasizes the importance of supporting existing mechanisms of international, regional and bilateral cooperation between government bodies and non-governmental organizations, as well as the valuable contribution that civil society institutions make to promoting sustainable development thanks to their many years of diverse experience, specialized knowledge and potential, especially in the area of analysis, exchange of information and knowledge, development of dialogue and support for sustainable development processes.

There is a need to ensure full mutual compliance between the various levels of legal regulation of the activities of civil institutions.

The key legal norms on non-profit organizations that form the institutional basis of civil society are defined by the Civil Code of the Republic of Uzbekistan (Chapter 4 “Legal Entities”, § 3 “Non-profit Organizations”).

The specified norms of the Civil Code were further developed in the Laws of the Republic of Uzbekistan "On Non-Governmental Non-Commercial Organizations", "On Public Funds", "On Citizens' Self-Government Bodies".

At the same time, apart from the norms of the Civil Code, separate laws do not regulate the issues of formation and activities of consumer cooperatives and associations of legal entities. To a certain extent, private homeowners' associations can be classified as non-governmental non-profit organizations, but they are not classified as NGOs either in the Civil Code or in the Law "On Non-governmental Non-profit Organizations". The organizational and legal status of non-governmental educational institutions, which in practice in some cases are classified as NGOs, also requires a clear legislative definition.

The Law "On Non-Governmental Non-Commercial Organizations" provides only a definition of such an organizational and legal form [5, Art. 13] as an institution, and in a wording that significantly narrows the corresponding provisions of Art. 76 of the Civil Code of the Republic of Uzbekistan. At the same time, the reference provision of the Civil Code (Art. 74, Part 4) that the specifics of the legal status of certain types of state and other institutions are determined by legislation, with the exception of state institutions, finds practically no further development in other legislative acts.

In parallel with the Law "On Non-Governmental Non-Commercial Organizations", the Law "On Public Associations in the Republic of Uzbekistan", adopted in 1990, continues to operate. In accordance with this Law, "political parties, mass movements, trade unions, women's, youth and children's organizations, veterans' and disabled people's organizations, scientific, technical, cultural and educational, physical education and sports and other voluntary societies, creative unions, regional associations, associations and other associations of citizens are recognized as public associations" [6, p. 1].

As can be seen from this definition, it significantly goes beyond the definition of public associations in the Civil Code (Article 74) and in the Law "On Non-Governmental Non-Commercial Organizations" (Article 11). At the same time, a certain contradiction arises in terms of classifying voluntary societies (many of which, in their organizational and legal form, are rather institutions) and associations (in Article 77, Part 2 of the Civil Code, associations are considered as one of the forms of association of legal entities) as public associations.

A comparison of the Law "On Public Associations in the Republic of Uzbekistan" with the Laws "On Non-Governmental Non-Commercial Organizations", "On Political Parties" along with the noted discrepancies indicates the presence of a large number of duplicating and parallel legal norms, which determines the advisability of considering the issue of transferring the remaining relevant norms of the Law on Public Associations to the Law on NNOs with the simultaneous recognition of the Law "On Public Associations in the Republic of Uzbekistan" as having lost force.

Social partnership in accordance with the current legislation is defined as interaction on relevant issues of the state and civil society institutions. In this regard, it is necessary to note that the main goal of the Action Strategy is to ensure the prosperity of the country and the growth of the well-being of society. Including social partnership is aimed at solving precisely these tasks.

National and international experts of the international forum "Enhancing the Participation of Civil Society Institutions and Persons with Disabilities in Achieving the SDGs" held in November 2023

in Tashkent emphasized that from the point of view of civil society, the following recommendations and proposals contained in the draft resolution of the UN General Assembly "On Enhancing the Participation and Strengthening the Role of Civil Society in the Implementation of the Sustainable Development Goals" are of interest:

Firstly, further expansion of the participation of civil society institutions, as well as improvement of dialogue with NGOs in the implementation of the 2030 Agenda, including in the area of legislative development;

Secondly, stimulating and encouraging partnerships between government bodies, non-governmental organizations and the private sector. This promotes the involvement and use of the potential and resources of the entire society and the state to achieve the SDGs;

Third, supporting civil society institutions and facilitating their engagement in SDG follow-up and review processes, particularly in the preparation of voluntary national reviews, which provide valuable lessons and help countries monitor progress and mainstream the SDGs into national plans and policies;

Fourthly, the adoption of the necessary organizational and legal measures that would ensure the real participation of non-governmental organizations at all levels of decision-making and implementation. It should be especially emphasized that the European Union has defined two strategic directions for the development of civil society - the creation of a favorable environment and conditions for civil society, as well as increasing the potential and improving their activities. This is the key to effectively addressing the SDGs;

Fifthly, support and further development of international cooperation in the area of involving and ensuring the participation of NGOs in achieving the SDGs, increasing the role and place of civil society in this area;

Sixth, develop special financing mechanisms, including SDG-oriented budgeting, to support the activities and expand the capacity of NGOs that contribute to the implementation of SDG objectives.

It should be noted that the report of the UN Secretary-General of 18 September 2023 is particularly relevant on the global agenda, including his remark that the Sustainable Development Goals require a global rescue plan, a transition of countries to an SDG-oriented budget, so that the achievement of the goals set by states is supported by financial and other necessary resources;

Seventh, promoting the leading role of civil society institutions in accelerating the achievement of all 17 Sustainable Development Goals in a balanced and integrated manner, reaffirming the commitment to achieving sustainable development in its three dimensions - economic, social and environmental.

At the international forum, more than ten other proposals in this area contained in the draft resolution of the UN General Assembly were positively assessed, and separate recommendations were made to the draft document.

It should be noted that the main driving force of the economic reforms carried out in Uzbekistan within the framework of the Strategy is entrepreneurship. Moreover, it is in this environment that the middle class is formed, which in all theoretical concepts of civil society is considered as its system-forming basis, as a factor in ensuring the stability of social development.

In this regard, it appears that a significant gap is that neither legally nor practically are business entities considered as a third party to social partnership.

At the same time, the experience of other countries, in particular Japan, the Republic of Korea, a number of EU and CIS countries, shows that in these countries preference is given to the so-called "three-sector" model of civil society development. Within the framework of this model, not only does the state support promising projects of civil institutions with its grants, but business entities take an equally active part in financing social projects and supporting civil society institutions.

The Decree of the President of the Republic of Uzbekistan dated May 4, 2018 No. UP-5430 draws attention to the norms of legislation governing the procedures for registering non-governmental non-profit organizations, the procedure for their activities, provide for unnecessary bureaucratic requirements and obstacles, are outdated and do not meet modern requirements [1].

A comparison with foreign experience shows that, if in Uzbekistan the main normative legal acts governing the registration of civil society institutions are by-laws, then in other countries (for example, Germany, the Russian Federation, etc.) registration is carried out, as a rule, strictly on the basis of relevant laws, which are laws of direct effect.

The relevant laws of Uzbekistan practically lack norms regulating the activities of international and foreign NGOs on the territory of Uzbekistan. In the Law "On Non-Governmental Non-Commercial Organizations", for example, the current norms (paragraphs 2-3) mainly define the basic requirements for the registration of such organizations, without disclosing their status, rights and powers.

Based on the above, it seems appropriate to consider the issue of adopting the necessary regulatory documents to improve the legislation governing the development of civil society and the activities of its institutions, providing in the said documents:

- elimination of duplicate norms and parallelism, including by combining into a single Law the current norms of the Laws "On Non-Governmental Non-Commercial Organizations", "On Guarantees of the Activities of Non-Governmental Non-Commercial Organizations" and "On Public Associations in the Republic of Uzbekistan" with the simultaneous termination of the Law on Public Associations.
 - development of legal frameworks for the implementation of human rights activities, covering not only the activities of the Human Rights Commissioner under the Oliy Majlis and the Commissioner under the President of the Republic of Uzbekistan for the protection of the rights and legitimate interests of business entities, but also the activities of self-initiative human rights organizations;
 - improving the legal regulation of social partnership, including;
 - the feasibility of moving from a two-sector (state – civil society) to a three-sector (state – civil society – business entities) model of social partnership;
 - legal regulation of social partnership between the civil society institutions themselves (for example, between political parties and NGOs expressing the social interests of the parties' permanent electorate);
 - introduction of a notification procedure for existing social orders, similar to the notification procedure for holding tenders (competitions) for the purchase of equipment and the performance of work for government agencies.
- разработку норм, регулирующих диалог государства с народом.

It is advisable that the relevant legal norms stimulate people to engage in dialogue with the state by making constructive proposals for solving certain urgent problems, and also determine the

status, rights and powers in this dialogue of civil society institutions representing the interests of the relevant social groups, work collectives, neighboring communities, etc.;

- conducting a revision of reference rules in the current legislation regulating the development of civil society, including identifying and terminating "empty" references;

- transition to regulating issues of registration of various civil society institutions and the coordination (notification) of their activities based on the relevant Laws, by turning them into laws of direct action. Current by-laws should be reduced to regulating issues of internal office work of registration authorities, mandatory only for their employees.

Conclusion

The adoption of the draft resolution "On enhancing participation and strengthening the role of civil society in the implementation of the Sustainable Development Goals" will contribute to raising the processes of sustainable national, regional and global development to a qualitatively new level, and to providing adequate support and assistance to civil society organizations on the ground. Civil society, thanks to its experience, expertise and potential, will continue to play an important role and make a worthy contribution to the achievement of the SDGs. Only through common aspirations and joint efforts can we achieve lasting peace and prosperity.

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