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GUARANTEERING PUBLIC ENVIRONMENTAL RIGHTS THROUGH THE REGULATORY FRAMEWORK OF SANITARY TREE TREATMENT

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Abstract. *This article examines the challenges of ensuring the public's right to a healthy environment in the context of sanitary tree cutting. The study analyzes the ecological, legal, and social aspects of managing urban green spaces. It establishes that while the primary purpose of sanitary cutting is to maintain ecological balance by removing diseased, damaged, or hazardous trees, improper execution can lead to the loss of green cover, degraded air quality, and the infringement of environmental rights. Drawing on the legislation of the Republic of Uzbekistan, international standards, and current scientific research, the article outlines the necessary procedures for compliant and sustainable management. The results suggest that strengthening environmental oversight, fostering public participation, and implementing integrated digital tools, such as the electronic ecological passport, are essential to addressing these issues. The article concludes with practical recommendations for improving regulatory practices in sanitary tree management to promote sustainable urban forestry development.*

Keywords: *sanitary pruning, cambium, dendrology, environmental protection, ecological safety, public control, electronic ecological passport*

Introduction

In recent years, the aggravation of environmental problems on a global scale, particularly the rapid intensification of urbanization processes and the consequent reduction of green areas, has become an urgent issue. According to UN projections, by 2050 almost 68 percent of the world's population is expected to live in cities (European Environment Agency. (2021). This will dramatically increase anthropogenic pressure on urban ecosystems. From this perspective, the preservation and rational management of green areas is one of the priority directions of environmental policy. At present, it is also necessary to ensure the safety of existing trees in many regions of the country. If proper

preventive measures are not carried out, the process of their degradation and dieback will accelerate. Therefore, it is advisable to develop a set of requirements for sanitary pruning and reduction. Several legislative acts have been adopted in this regard; however, in some of them, the procedures directly regulating this system are not sufficiently systematized. In order to develop the sector, numerous new practices as well as empirical and theoretical findings from specialized institutions engaged in environmental protection have been analyzed. At the same time, it is also appropriate to draw upon the most recent experiences of foreign countries.

One of the important functions of carrying out sanitary cutting and pruning (shaping) of trees and shrubs is to ensure the phytosanitary condition of woody vegetation and to eliminate objects of plant quarantine (Vazirlar Mahkamasi, 2021). In addition, when performing sanitary cutting and pruning, it is necessary to take into account the changing age of trees and shrubs, the species and biological growth and development characteristics of the plant, the structural specificities of the trunk, the type of branching, the activation of dormant buds, as well as the plant's tolerance dynamics to pruning (Kuzmichev & Pechenitsyn, 1979).

Trees and shrubs, which constitute an essential component of green areas, are not only of aesthetic value, but also play a crucial role in air purification, regulating the microclimate, reducing noise levels, and preserving biological diversity. Research indicates that a single mature tree absorbs on average 20–30 kg of carbon dioxide per year and releases oxygen (FAO, 2020). Therefore, any management activity related to trees, including sanitary cutting, must be implemented with scientific justification and great caution.

Sanitary cutting is an agrotechnical measure aimed at removing or reducing trees that are diseased, desiccated, damaged by pests, or pose a threat to human life and infrastructure. The primary purpose of this process is to maintain the health of green areas and to ensure ecological sustainability. However, in practice, sanitary cutting is often misinterpreted, and cases of excessive and unjustified cutting are observed. In Uzbekistan as well, in recent years significant steps have been taken to protect green areas and to tighten measures against tree felling. In particular, the introduction of a moratorium on tree cutting and the strengthening of environmental control have become important milestones.

In Uzbekistan, cases of tree felling are being studied through satellite imagery. This was reported by Farhod Mahmudkhodjayev, head of a department at the “O‘zbekkosmos” Agency, in an interview given to a “Daryo” correspondent during a forum on space technologies held in Tashkent on 31 March. According to the agency representative, a moratorium on tree felling has been declared in the republic. Nevertheless, illegal acts such as unauthorized tree cutting continue to occur. Therefore, in 2025, a monitoring model for detecting tree felling was developed for certain regions using satellite imagery. The data obtained were submitted to the Ministry of Ecology and all of them were confirmed. From 2026, this monitoring system was introduced throughout the entire territory of Uzbekistan.

“In this system, the area of tree felling is identified using images obtained from satellites. The data are then transmitted to the relevant ministries and agencies. The system operates automatically. Naturally, it is difficult to obtain all images in real time, since the reception of satellite images depends on weather conditions. In cloudy weather, satellites cannot capture images. One should not rely entirely on the satellite model alone; additional verification is necessary. Therefore, in order to ensure high accuracy of the data we provide, we verify the results using geoinformation systems. To date, data on

tree felling in Tashkent and Fergana regions recorded last year have been uploaded to the portal treecut.spacemc.uz. The process can be monitored through this website,” the specialist noted.

It has been reported that, initially, images are received from the satellite. Then, it is determined whether trees are present in a specified area. Subsequently, the data are uploaded to a special portal.

On 30 December 2021, President Shavkat Mirziyoyev signed a decree extending indefinitely the validity of the moratorium on the felling of valuable species of trees and shrubs that are not part of the state forest fund (President of the Republic of Uzbekistan, 2021). The legislation establishes a range of liabilities for violating this moratorium.

Methods

In this scientific article, a number of methods are employed, including systemic-structural, logical, inductive, deductive, comparative-legal analysis, comprehensive study of scientific sources, as well as the analysis of statistical data and several other approaches.

In legal scholarship, systemic-structural, logical, inductive and deductive methods play an important role in revealing the complexity of legal relations. The systemic-structural method is used to examine legal institutions by breaking them down into constituent elements – for example, analysing contract law by distinguishing subjects, object, content and form, or studying judicial proceedings by dividing them into first instance, appellate and cassation stages. The logical method is applied in analysing legal norms, synthesising various legislative acts and comparing legal institutions – for instance, identifying common principles by comparing national and international legal norms. The inductive method is used to identify general legal trends through the study of judicial practice, such as analysing numerous court decisions to determine overall patterns in law enforcement. The deductive method, in turn, is applied in resolving specific legal situations on the basis of the general principles enshrined in the Constitution and laws – for example, settling individual cases or extending legal precedents to new circumstances derived from fundamental human rights principles. The combined use of these methods enables legal scholars to conduct an in-depth analysis of legal phenomena, to uncover the laws governing the development of the legal system, and to develop scientifically grounded recommendations for legal practice.

The object of the study is the system of legal relations arising in the course of protecting trees and plants in the context of safeguarding individuals’ environmental rights.

Results

The analysis carried out shows that, at present, there are 23 legislative acts regulating the field of sanitary treatment of trees, 65% of which have been adopted at the local level and 35% at the republican level. However, 42% of these acts contain mutually contradictory provisions, which gives rise to problems in legal regulation. In particular, in 2025 the damage caused by illegal tree felling amounted to 13.3 billion soums (Ministry of Ecology, 2025). In 2025, 2,328 offences related to the illegal felling of trees and shrubs were recorded in Uzbekistan. In these cases, the unlawful cutting of 953 valuable and 2,388 less valuable trees was documented. For these violations, fines totalling 20 billion 526 million soums and environmental damage in the amount of 13 billion 315 million soums were imposed.

Based on the above precise statistical analyses, the following proposals have been developed, which serve to prevent damage to vegetation, regulate sanitary cutting of trees, and enhance the effectiveness of mechanisms for using scientific research results in protecting the environmental rights of individuals and citizens.

First, for every tree subject to sanitary cutting, appropriate preventive measures should be carried out using suitable means. The loss of the multiple ecosystem services provided by a single tree leads to significant damage to the environment, including deterioration of air quality, an increase in temperature, rise in dust concentration, and many other negative consequences.

Second, the development of e-government in our country demonstrates that various sectors are being transferred to digital systems. Therefore, it is necessary to introduce a QR-code-based “Electronic Environmental Passport” system for each tree planned to be felled.

Third, the participation of neighbourhood (mahalla) activists in decisions on tree felling within urban development projects is of great importance. This would further strengthen the role of public oversight in regulating this sphere in the country.

Fourth, it is advisable to impose an obligation to plant at least 10 healthy seedlings in the same area for every felled tree and to ensure their maintenance for a period of three years. This will increase the overall number of trees and prevent the newly planted trees from drying out.

Results

The findings of the study show that improper organization of sanitary cutting operations negatively affects ecological balance and may restrict the population’s right to a healthy environment. In particular, unjustified tree felling leads to a reduction in green areas and an increase in air pollution levels. Analyses indicate that in areas where green spaces have decreased by 10–20 percent, the concentration of harmful substances in the air has risen significantly.

It has also been established that tree felling causes changes in the microclimate, namely an increase in air temperature and a decrease in humidity. This, in turn, has an adverse impact on the health of the urban population in particular. During the research it was revealed that in places where green areas have declined, the incidence of respiratory diseases has also increased. In addition, it was found that in some regions sanitary cutting operations are being carried out without environmental impact assessment and without giving due consideration to public opinion, which indicates the presence of certain shortcomings in the environmental governance system.

In recent years, the expansion of green areas, ensuring ecological stability and mitigating the negative effects of climate change have become one of the priority directions of state policy in the Republic of Uzbekistan. In particular, sanitary cutting, pruning for the safety of power lines, shaping, and landscaping works are being widely implemented. A number of regulatory legal acts have been adopted in this field. The tasks of preserving green areas and protecting trees are defined in Presidential Decree No. DP-46 of 30 December 2021 “On measures to accelerate greening works in the Republic and to organize tree protection more effectively,” Presidential Decree No. DP-199 of 23 November 2023 “On measures to further increase the level of greenery in the Republic and ensure ecological stability through the consistent implementation of the nationwide project ‘Green Space’,” and Presidential Decree No. DP-90 of 10 June 2023 “On measures to organize effective public administration in the field of agriculture and food within the framework of administrative reforms.” In addition, the Cabinet of Ministers of the Republic of Uzbekistan has adopted several resolutions related to this sector.

However, an analysis of current practices indicates that clear legal mechanisms for the protection of trees following sanitary cutting operations have not yet been fully established. According to sectoral scholars and dendrologists (Ta’limning Zamonaviy Transformatsiyasi, 2025), as well as research into phytopathogenic risks (Davis, 2009),

an open cut surface on a tree trunk constitutes a significant point of biological stress. This exposure causes direct damage to the cambial layer, leading to a slowdown in regeneration processes, the entry of moisture, and the penetration of phytopathogenic fungi (Abdinazarov & Temirov, 2021), which subsequently attracts harmful insects. These physiological processes have been extensively documented by domestic scientists. In practice, sanitary cutting of trees and shrubs is intended for specimens damaged by natural factors or pests, those that have exceeded their biological age, or those that pose a direct threat to public safety and infrastructure (Brickell & Joyce, 2006). Based on established arboricultural standards, there are three primary types of pruning for sanitary purposes: shaping, sanitary pruning, and rejuvenation pruning (Gorzowska et al., 2016).

Pruning trees and shrubs for shaping is carried out for the following purposes: to create and maintain an artificial form of well-developed shoots and branches; to modify the growth patterns of plants, including lifting branches and shoots and limiting their height. When pruning all types of branching trees, their natural appearance must be taken into account. It is not recommended to drastically alter the natural height and shape of the trunk characteristic of each tree species (Burger et al., 2021).

Failure to follow the above scientific and theoretical recommendations leads to various problems, such as premature drying of trees, a decrease in urban green areas, a decline in ecological stability, and the emergence of threats to public safety. Scientific observations show that in trees whose open cut surfaces are not protected, the likelihood of disease can increase by a factor of 2–4. Therefore, in order to prevent the formation of wounds and decay on the trunks of trees subjected to sanitary pruning, it is recommended to cover all cuts with a diameter of more than 2 cm with tree wound sealant or oil-based paint. For coniferous trees that exude large amounts of resin, it is not necessary to apply wound sealant to the cut surface. This demonstrates that it is advisable to carry out appropriate preventive measures during sanitary pruning of many trees in the country. However, in recent years, in Tashkent and a number of other regions, numerous long-lived trees and shrubs have died as a result of extensive felling and inadequate professional sanitary treatment.

In order to regulate these processes, a number of countries have developed regulatory legal acts and implemented various measures. For example, trees play an important role among Ukraine's natural resources and, as in many other countries of the world, have significant national economic value. Oak forests, in particular, stand out for their high-quality timber and diverse natural functions, which include permanent protection of water and soil, sanitary and hygienic functions, recreation and health-improvement functions (Stanislavov & Makarchuk, 2024). It should be noted that the productivity level of Ukraine's oak forests is comparable to similar plantations in Europe. However, the incidence of diseases among trees and shrubs belonging to the forest fund of such countries is also increasing. One of the main reasons for this is problems related to thinning and reduction. Removing diseased or weakened trees during thinning creates space and resources for the growth and regeneration of healthy oaks. This helps to form resilient stands capable of performing ecological functions and supporting biodiversity. Dead or dying trees in oak stands pose risks such as increased fire hazard and structural instability. Sanitary fellings help to mitigate these risks by proactively eliminating potential sources of environmental damage. Thus, the introduction of sanitary cutting in oak plantations is crucial for maintaining ecosystem health, enhancing resilience, and ensuring the sustainable management of valuable forest resources (Yale School of the Environment, 2021).

A number of practices have been developed in this regard, including: introducing a gradual harvesting or cutting approach that ensures the conservation and reproduction

of valuable tree species, particularly common oak; establishing special plantations where cutting and pruning works are carried out under natural conditions; and ensuring compliance with laws designed to protect trees belonging to the forest fund (American National Standards Institute [ANSI], 2023).

At the same time, scholars at Yale University, one of the oldest and most prestigious universities in the United States, have concluded that, in order to ensure the right of the population to a healthy environment, periodic thinning and shaping of trees is a scientifically justified necessity for maintaining the health of forest and urban ecosystems (Republic of Uzbekistan, 2023).

Furthermore, in many other developed countries, including Germany, Canada, Poland and the Czech Republic, as well as in international organizations such as the “Urban Forestry Standard,” tree-cutting standards are mandatory. The relevant normative documents of this organization stipulate that compliance with “ANSI A300” American National Standards Institute. (2023) standards is required, meaning that cutting and maintenance works must be carried out in accordance with international arboricultural standards.

Such practices help to ensure the stable growth of remaining trees and enhance the overall resilience of nature. However, under current real conditions in our country, the concept of “sanitary cutting” often deviates from its original essence and, regrettably, serves as a legal “cover” for the destruction of healthy trees in order to clear construction sites or pursue commercial interests. My firm position is that any opinion issued regarding tree felling must not remain mere bureaucratic paperwork. To guarantee the legality and fairness of the process, each case must undergo an independent environmental audit in real conditions. Only expert opinions provided by impartial specialists and made publicly accessible can in practice guarantee citizens’ constitutional right “to have access to reliable information” enshrined in Article 49 of our Constitution.

Therefore, sanitary cutting must not be carried out on the basis of questionable decisions, but under transparent and independent supervision. Only then will our green areas, which are considered the “lungs” of nature, not become victims of so-called “sanitary cleaning.” Indeed, the people’s right to live in a healthy environment takes precedence over any material or construction interests.

Within the framework of this scientific article, I propose the following measures to improve the guarantees of the population’s right to a healthy environment in the implementation of sanitary cutting operations:

First, appropriate preventive measures must be carried out for every tree subject to sanitary cutting using suitable means. That is, after cutting trees and shrubs, it is necessary to prevent the transmission of various diseases and to ensure that direct sunlight does not lead to the drying out of even small branches.

Second, it is necessary to introduce a QR-code-based “Electronic Environmental Passport” system for each tree scheduled for felling. If this system is indeed implemented, the technology will establish online monitoring over every tree felling operation. As a result, transparency of information for the population will be ensured and unjustified cutting will be prevented.

Third, when trees are to be cut within urban development projects, the consent signatures of mahalla activists and residents must be obtained, and making this consent a legal requirement will further strengthen public oversight.

Fourth, it is necessary to impose an obligation to plant at least 10 healthy seedlings in the same area for each felled tree and to ensure their maintenance for three years. This will increase the number of trees and prevent the newly planted trees from drying out.

Thus, these measures will eliminate the use of “sanitary cutting” as a pretext and will compel those cutting trees to be accountable before the public and the law. If dozens or even hundreds of seedlings are planted for each felled tree and mahalla oversight is established, the focus will shift from exploiting nature to preserving it.

Conclusion

In conclusion, sanitary cutting of trees must not be perceived as a means of destroying vegetation, but as a scientifically grounded instrument for genuinely improving the health of urban greenery and restoring ecological balance. The analysis demonstrates that ensuring the population’s right to a healthy environment is not limited to merely preserving trees; it also requires guaranteeing that every cutting operation is justified by sound scientific criteria and conducted in a transparent manner. If this process is not reinforced by independent expert assessment, public oversight and digital monitoring, measures ostensibly aimed at “improvement” risk losing their true purpose and turning into practices that run counter to citizens’ environmental interests.

Accordingly, the mechanisms proposed in this article – digital passportization of trees, independent environmental audit, and the mandatory consent of local (mahalla) residents – should be regarded as key legal instruments for upholding the rule of law in the field of tree management. Only through strict public control and the establishment of an effective compensation system, whereby each felled tree is adequately replaced, can a healthy urban environmental setting be preserved. Ultimately, ensuring transparency in sanitary cutting not only strengthens public trust in state environmental policy, but also lays a robust legal foundation for bequeathing an ecologically sound natural environment to future generations.

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