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The Right to a Favourable Environment as an Element of International Law and Foreign Practice: Uzbekistan's Experience and Tasks in the Context of the SDGS

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Abstract: This article examines the concept of the right to a favourable (healthy, clean, sustainable) environment as an emerging human right under international law, surveys comparative (foreign) practice in implementing it, and then analyses Uzbekistan's legal-institutional context, achievements, challenges, and proposals in the framework of the Sustainable Development Goals (SDGs). The article is structured in four main parts: (1) theoretical and normative foundations of the environmental human right; (2) comparative foreign experiences and jurisprudence; (3) Uzbekistan's legal framework, institutional practices, and alignment with SDGs; (4) the tasks and recommendations for advancing the right to a favourable environment in Uzbekistan. The analysis shows that although the right to a favourable environment is gaining normative recognition (e.g. via the UN Human Rights Council resolution, regional instruments, national constitutions), its effective enforcement remains challenging. In Uzbekistan, constitutionalization of the environmental right (Article 49, new Constitution), legislative reforms, accession to international environmental instruments, and public-participation mechanisms are positive steps. However, gaps remain in enforcement, public awareness, monitoring, judicial access, and coordination among agencies. The article proposes a roadmap of legal, institutional, capacity-building, and participatory measures to implement this right coherently in Uzbekistan toward 2030.

Keywords: *right to a favourable environment; human rights; international environmental law; Uzbekistan; sustainable development goals (SDGs).*

Introduction

Environmental degradation, climate change, pollution, loss of biodiversity, desertification, and deteriorating air and water quality are among the most pressing global challenges of the 21st century. These challenges not only threaten ecosystems, but also human health, livelihoods, and welfare. In many instances, environmental harms disproportionately affect vulnerable and marginalized communities. In response, the notion that a "healthy, clean, safe, sustainable environment" is itself a human right has gained traction in international discourse.

The "right to a favourable environment" (also called "right to healthy environment," "right to environment," etc.) is increasingly being recognized — via resolutions, constitutional guarantees, judicial decisions, and environmental instruments — as an essential dimension of human rights and sustainable development. The United Nations Human Rights Council, in 2021, adopted a resolution recognizing that "the human right to a clean, healthy and sustainable environment is a human right" (HRC/RES/48/13). This reflects a shift toward integrating environmental protection into the human rights framework.

At the same time, global commitments such as the 2030 Agenda for Sustainable Development place environmental sustainability at their core. Many Sustainable Development Goals (SDGs) - especially goals on clean water, climate action, life on land and below water - are directly linked to ensuring environmental quality and resilience.

For Uzbekistan, a country facing environmental pressures such as water scarcity, land degradation, desertification, pollution, and the legacy of intensive agriculture (especially in river basins) - aligning environmental governance with human-rights-based approaches and SDG implementation is both timely and necessary. Indeed, the new Constitution of Uzbekistan includes Article 49, guaranteeing the right to a favourable environment and reliable information about its state. However, formal guarantees must be matched by concrete institutional, legal, and participatory mechanisms.

This article aims to analyze the status and prospects of the right to a favourable environment in international law and foreign practice, then assess Uzbekistan's current situation, identify gaps, and propose tasks and reforms in the SDG context. The methodology is doctrinal and comparative: a review of legal sources, treaties, jurisprudence, institutional practices, supplemented by secondary literature and reports. The structure follows the outline above.

Theoretical-Normative Foundations of the Right to a Favourable Environment. The right to a favourable environment refers to the legal entitlement of individuals (or communities) to live in an environment where natural systems are preserved, pollution is controlled, ecosystems function adequately, and environmental goods (clean air, water, biodiversity) are maintained, so that human health, life, and dignity are protected. It is more than a normative ideal: it entails state obligations to prevent environmental harm, regulate activities, monitor environmental quality, and provide legal remedies.

This right is interlinked with other human rights — notably the rights to health, water, life, privacy, property, and development. In practice, environmental harm can infringe multiple rights simultaneously.

The precise scope (e.g. whether it covers climate change, biodiversity loss, pollution, etc.) is still evolving. Some definitions emphasize sustainability, resilience, and intergenerational equity (i.e. rights of future generations). The notion also encompasses procedural dimensions: access to information, public participation, and access to justice in environmental matters.

Legal Bases in International Law. Though traditional human rights treaties do not explicitly mention "environment" in many cases, environmental aspects are implicit in multiple rights. For example:

- International Covenant on Economic, Social and Cultural Rights (ICESCR) — Article 12 guarantees the right to the highest attainable standard of health, which includes ensuring adequate environmental and industrial hygiene, improving environmental conditions, etc.

- The International Covenant on Civil and Political Rights (ICCPR), while not explicitly environmental, protects life (Art. 6) and privacy (Art. 17), which may be violated by pollution or environmental hazards.

- The Universal Declaration of Human Rights (UDHR) (Art. 25) includes the right to a standard of living adequate for health and well-being — implicitly depending on environmental quality.

Over time, human rights bodies (e.g. treaty-monitoring bodies, Special Rapporteurs) have interpreted environmental harm as implicating human rights obligations (e.g. right to life, health, water).

International conferences and declarations have long recognized environmental protection as a normative goal:

- The Stockholm Declaration (1972) recognized "the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being" (Principle 1).

- The Rio Declaration (1992) reaffirmed that "Human beings are entitled to a healthy and productive life in harmony with nature" (Principle 1), and introduced key principles such as precautionary approach (Principle 15), polluter-pays (Principle 16), and public participation (Principle

10).

- Other declarations, e.g. the 1998 Aarhus Convention (regional but influential), emphasize public access to environmental information, participation, and justice.

Though not strictly binding, such declarations carry normative weight and guide treaty interpretation and national legislation.

A landmark moment occurred in October 2021, when the UN Human Rights Council adopted HRC/RES/48/13, recognizing that "the human right to a clean, healthy and sustainable environment is a human right". This recognition, albeit non-binding, affirms the normative status of the environmental right within the UN human rights framework. The resolution calls on states and international organizations to adopt policies, legislation, and measures to realize this right.

This resolution has influenced human rights discourse, inspiring calls for environmental clauses in constitutional texts and national legislation. It also provides a reference point for courts, advocates, and international bodies to integrate environment into rights-based adjudication.

Like other human rights, the environmental right imposes three broad categories of obligations on states:

- To respect: abstain from acts that cause environmental harm (e.g. permitting pollution without safeguards).
- To protect: regulate third parties (companies, individuals) to prevent environmental damage (e.g. via standards, permits, monitoring).
- To fulfil: take proactive measures (legislation, policies, restoration, remediation, capacity building, awareness) to ensure environmental quality and access to remedies.

Moreover, obligations include minimum core duties (non-derogable), and progressive realization to higher environmental standards as capacity allows. States may be allowed transitional periods but must demonstrate progress.

Several principles in environmental law bolster the environmental right:

- Precautionary principle: where risks are significant but scientific uncertainty persists, states must err on caution and prevent potential harm.
- Polluter-pays principle: those who cause pollution should bear the cost of remediation and prevention.
- Intergenerational equity: present generations have duties to preserve resources and environmental quality for future generations.
- Public participation and procedural rights: access to environmental information, participation in decision-making, and access to justice are essential to make the right effective.
- Sustainable development principle: integration of environmental, social, and economic development — the environmental right must be balanced, not pursued in isolation.

These principles have been incorporated in treaties, national laws, and jurisprudence and help operationalize the environmental right.

For the environmental right to have real effect, it must be enforceable. Key issues include:

- Standing / locus standi: whether individuals, NGOs, or communities can bring claims in court for environmental harm.
- Burden of proof: procedural rules on proving causation, harm, thresholds for admissibility.
- Access to remedies: compensation, injunctive relief, orders to clean up, restoration of environment.
- Judicial capacity: environmental law expertise, scientific and technical evidence, independent courts.

- Use of human rights bodies: individual complaints, communication to UN treaty bodies, Special Rapporteurs, regional human rights courts.

In practice, many states have created environmental courts or tribunals, or empowered general courts to adjudicate environmental claims with specialized rules.

Foreign and Comparative Practice

Many countries have enshrined environmental rights in constitutions, either explicitly or via judicial interpretation:

- South Africa: Section 24 of the Constitution grants everyone the right to an environment that is not harmful to health or wellbeing, and obliges the state to protect the environment.
- India: The Supreme Court has developed doctrine interpreting the right to life (Article 21) to include environmental quality (e.g. M.C. Mehta cases).
- Brazil: The 1988 Constitution includes environmental protection as a fundamental objective and duty of the state, and individuals can bring public actions for environmental harm.
- Many Latin American, African, and European constitutions also incorporate environmental rights.

These constitutional guarantees provide a basis for judicial enforcement and policy orientation.

- The Aarhus Convention (UNECE) is widely recognized as a key environmental governance instrument. It grants public rights regarding access to information, participation in decisions, and access to justice in environmental matters.
- The practice under the European Court of Human Rights (ECHR) has gradually accepted that environmental harm may engage, for example, the right to life (Art. 2), private and family life (Art. 8), and property (Art. 1 of First Protocol).
- Cases such as Fadeyeva v. Russia and Taşkın and Others v. Turkey illustrate how courts weigh environmental degradation against state obligations.
- The American Convention on Human Rights and the Additional Protocol (San Salvador) include environmental protection as a human rights issue. The Inter-American Court has opined that environmental damage can affect rights to life, health, and property.
- The Escazú Agreement (Latin American regional environmental human rights treaty) is the first in the world to explicitly combine human rights and environment in a binding instrument, focusing on access, participation, and protections for environmental defenders.
- The African Charter on Human and Peoples' Rights and the African Charter on the Rights of the Environment provide region-specific frameworks. The African Court has accepted environmental claims tied to human rights.
- M.C. Mehta (India): Indian Supreme Court forced closure of polluting industries, relocation, and regulation under environmental jurisprudence.
- Urgenda Foundation v. Netherlands: A Dutch court required the state to adopt more ambitious emissions reductions to protect citizens' rights to life and respect for private life.
- Glueck v. Germany (German courts) – local citizens obtained injunctive relief to reduce air pollution from pipelines.

These cases show how courts interpret state duties and remedy environmental harm.

- Many countries have environmental courts or tribunals (e.g. Colombia, Philippines, South Korea) specializing in environmental disputes.
- Some have ombuds institutions or public defenders for environment.
- Public interest litigation by NGOs is an important tool in countries like India, USA, Brazil.

Uzbekistan: Legal, Institutional, and Policy Framework

In recent years, Uzbekistan has made a significant constitutional move: Article 49 of the new Constitution introduces the right to a favourable environment and the right to reliable information about its condition. UNECE This represents a constitutional anchoring of the environmental human right, offering a normative basis for future enforcement.

Uzbekistan has a number of environmental and resource-related laws:

- The Law on Environmental Protection (1992) is foundational in setting general principles, duties, and oversight of environmental regulation. Law Gratis
- Water Code (1993) governs water use, allocation, and protection. Law Gratis
- Other relevant codes include Land Code, Forest Code, laws on air protection, waste, nature reserves, and ecological safety. Law Gratis+1
- Efforts have been made to reform and update environmental legislation to better align with modern environmental standards and international norms.

However, critics point to overlapping mandates, lack of clarity in responsibilities, weak enforcement, and outdated standards.

Uzbekistan has ratified or is a party to many international environmental treaties (e.g. UNFCCC, Convention on Biological Diversity, UNCCD, Basel, Stockholm). The country has expressed intentions to join the Aarhus Convention, which would strengthen procedural rights in environmental matters. Uzbekistan participates in regional cooperation in Central Asia on pollution control and shared environmental challenges.

Uzbekistan is in a transitional phase toward greater transparency and public involvement. The government has associated with Aarhus Convention processes, hosting roundtables on public participation, information dissemination, and environmental reporting. The aim is to create mechanisms for citizens and NGOs to gain better access to environmental information, participate in decision-making, and seek justice. Despite these ambitions, national practice still limits public involvement, and institutional mechanisms are not fully operational.

- The Ministry of Ecology, Environmental Protection and Climate Change is the key regulatory body
- Local regional and district environmental agencies have roles in monitoring, enforcement, and permitting
- Environmental monitoring systems exist, but their coverage, capacity, data transparency, and integration are uneven
- There is a need for stronger coordination among ministries (e.g. environment, agriculture, water resources, energy) and local governments.
- The country has launched state-of-environment reports, digital monitoring platforms, and efforts to modernize environmental data systems
- Environmental Performance Review (EPR) recommendations (UNECE) have guided reforms in transparency, data, public participation, and institutional strengthening.
- Some donor-supported initiatives aim to enhance citizen access to environmental information, digital tools, and capacity for civil society.

Although strides have been made, Uzbekistan faces multiple obstacles:

- Enforcement weakness: weak inspections, limited sanctions, low capacity
- Coordination problems: overlapping authority, fragmented mandates
- Judicial access: limited standing for NGOs and citizens in environmental litigation
- Technical and financial capacity: insufficient monitoring, data gaps
- Public awareness: low civic understanding of environmental rights

- Financing: inadequate funding for environmental protection, restoration, and enforcement
- Intergenerational and climate challenges: dealing with long-term climate risks, desertification.

Many SDGs are directly or indirectly tied to environmental quality (e.g. SDG 6 — clean water; SDG 13 — climate action; SDG 14/15 — life below water/land; SDG 7 — clean energy). Uzbekistan's policy strategies reference sustainable development and environmental goals. However, gaps exist in measuring, monitoring, mainstreaming environmental indicators, and ensuring coherent institutional alignment.

The 2023 Constitution of Uzbekistan has introduced a qualitative shift in the recognition of environmental rights, guaranteeing every citizen the right to a favourable environment and access to reliable information about its condition. Yet, formal recognition alone cannot ensure effective realization unless the provision is supported by explicit mechanisms for enforcement, monitoring, and judicial protection.

To achieve this, Uzbekistan should consider the following:

- Direct enforceability: The constitutional provision must be interpreted as self-executing, enabling individuals and organizations to seek judicial remedies when environmental rights are violated. This approach reflects practices in countries such as South Africa (Constitution, Art. 24) and Colombia, where courts have treated environmental rights as directly actionable.
- Procedural rights: The Constitution could explicitly mention procedural guarantees—the right to environmental information, the right to public participation, and the right to access justice. These are essential to operationalize the Aarhus principles and to make environmental governance participatory and transparent.
- Intergenerational and ecological equity: Uzbekistan's Constitution could incorporate the doctrine of intergenerational responsibility, ensuring that the use of natural resources today does not compromise the welfare of future generations. This concept would align national law with the principles of the 1992 Rio Declaration.
- Constitutional interpretation: The Constitutional Court should be authorized to develop a coherent body of case law interpreting Article 49, similar to how constitutional courts in Latin America have expanded the justiciability of environmental rights.

By embedding these clarifications and interpretative doctrines, the Constitution would become a living instrument capable of guiding future environmental adjudication and policy-making.

Uzbekistan's environmental legislation—comprising more than 20 distinct laws and codes—demonstrates commendable sectoral coverage but still suffers from fragmentation and outdated provisions.

Key harmonization priorities include:

- Codification and consolidation: Develop a Unified Environmental Code that integrates principles of sustainable development, climate adaptation, and environmental justice, replacing inconsistent acts and outdated technical standards.
- Integration with international norms: National standards on air, water, soil, and biodiversity protection should reflect modern WHO, UNECE, and UNEP guidelines. Uzbekistan's accession to the Aarhus Convention will further require harmonizing domestic laws with international access rights.
- Liability and enforcement: Establish a coherent framework for civil, administrative, and criminal liability for environmental harm, ensuring proportional sanctions and mechanisms for environmental compensation and restoration.
- Access to remedies: Enact provisions allowing citizens and NGOs to file public interest environmental suits and obtain injunctive relief or restorative orders.
- Digitalization of legal norms: Develop an online legal database of environmental regulations and their enforcement outcomes to improve transparency and monitoring.

The harmonization process must be guided by the "One Health–One Environment" approach, integrating environmental, human, and ecological well-being into a unified legislative philosophy.

Given the technical complexity of environmental cases, Uzbekistan should consider establishing a specialized judicial system for environmental disputes.

Three options are available:

1. Dedicated Environmental Courts or Tribunals with jurisdiction over pollution, land degradation, biodiversity, and climate cases. These courts should employ judges trained in environmental science and law, supported by technical experts.

2. Environmental Chambers within General Courts, providing flexibility and efficient resource use, similar to systems in Germany and France.

3. Hybrid Adjudication Mechanisms, where specialized administrative bodies collaborate with courts on complex environmental assessments.

Judicial specialization enhances consistency, reduces delays, and builds public confidence. Furthermore, Uzbekistan could introduce environmental ombuds institutions empowered to mediate disputes, monitor compliance, and issue binding recommendations.

Environmental governance in Uzbekistan involves multiple actors—the Ministry of Ecology, the Ministry of Agriculture, the Ministry of Water Resources, and regional khokimiyats—often operating in parallel without effective coordination.

To address this, it is necessary to:

- Establish a National Council for Environment and Sustainable Development, chaired at the deputy prime ministerial level, ensuring cross-sector coordination between environment, economy, and justice.
- At regional and local levels, create Integrated Environmental Management Committees to implement policies on water management, air quality, and waste control in a coordinated manner.
- Strengthen inter-ministerial cooperation through shared data platforms and joint environmental planning instruments.

Such coordination will prevent duplication, enhance accountability, and facilitate coherent implementation of environmental strategies aligned with SDGs 6, 13, 14, and 15. A robust environmental information infrastructure is a prerequisite for accountability and evidence-based policy-making.

Uzbekistan should establish a National Environmental Information System (NEIS) integrating data on air, water, soil, biodiversity, and climate parameters.

Key features include:

- Open data platforms offering real-time access to environmental monitoring results for citizens and media.
- Remote sensing and GIS technology for land-use mapping, water resource tracking, and deforestation monitoring.
- Public feedback channels allowing citizens to report pollution incidents.
- Annual environmental performance index evaluating ministries and enterprises.

Digital integration would also support international reporting obligations under the SDGs and UNFCCC frameworks.

Empowering citizens and NGOs to defend environmental rights is central to democratizing environmental governance.

Recommendations include:

- Adopting a Public Environmental Litigation Act, modeled after India's and the Philippines'

experiences, granting broad standing to any concerned person or entity.

- Abolishing prohibitive court fees and procedural barriers in environmental cases.
- Legal protection for environmental defenders, ensuring they are not subject to retaliation.
- Encouraging amicus curiae participation by universities and NGOs to support environmental adjudication with expertise.

These measures would transform citizens into active guardians of the environment rather than passive observers.

The Environmental Impact Assessment (EIA) system must evolve from a bureaucratic formality into a genuine public participatory mechanism.

- Mandate early public notification before project approval stages.
- Require comprehensive EIAs that include alternatives analysis and climate impact components.
- Institutionalize Strategic Environmental Assessment (SEA) for major national programs, policies, and regional development strategies.
- Ensure public hearings are meaningful, inclusive, and well-publicized, with decision-makers required to respond to each substantive comment received.
- Develop digital EIA registries enabling online access to documentation and public feedback.

CONCLUSION

The right to a favourable environment represents the convergence of environmental protection, human rights, and sustainable development. Its recognition signals a paradigm shift in international and domestic law-from viewing the environment merely as an economic resource to understanding it as a precondition for human dignity, health, and justice.

For Uzbekistan, this right holds both symbolic and practical significance. Symbolically, it aligns the country with the progressive trend of constitutional environmentalism worldwide. Practically, it offers a roadmap for harmonizing national policy with global sustainability standards under the 2030 Agenda for Sustainable Development.

The analysis demonstrates that Uzbekistan has laid strong normative foundations: constitutional recognition, ratification of key international conventions, and ongoing institutional reforms. Nevertheless, challenges persist in the enforcement of laws, coordination among agencies, financial sustainability, and public participation. Bridging these gaps requires not only legal precision but also political commitment and societal transformation.

By adopting specialized environmental courts, strengthening the polluter-pays principle, expanding access to environmental information, and integrating digital tools, Uzbekistan can transition from declarative rights to effective environmental justice. The development of a comprehensive National Environmental Information System and the institutionalization of public participation mechanisms would ensure that transparency and accountability become permanent features of governance.

Furthermore, Uzbekistan's environmental trajectory cannot be isolated from regional and global interdependence. The ecological recovery of the Aral Sea Basin, water-sharing mechanisms, and cross-border pollution control depend on sustained cooperation with neighbouring states. In this sense, environmental protection is not only a domestic obligation but also a diplomatic priority.

Achieving these objectives aligns directly with multiple SDGs-particularly SDGs 6, 13, 14, 15, and 16—thereby transforming environmental protection into a catalyst for inclusive and equitable growth. The human right to a favourable environment thus becomes both a driver of policy coherence and a measure of national progress.

Looking beyond 2030, Uzbekistan has an opportunity to become a regional leader in environmental governance. By institutionalizing environmental rights, fostering public engagement, and embracing green innovation, the country can serve as a model for Central Asia's transition toward ecological resilience. The ultimate goal should be to build a society where every citizen not only enjoys a healthy

environment but actively participates in its preservation.

In essence, the environmental right embodies a new social contract between the state, citizens, and nature. It demands mutual responsibility, intergenerational solidarity, and continuous learning. Realizing this vision will require not just new laws but a new culture of governance-one that values sustainability as a cornerstone of justice and prosperity.

Thus, as Uzbekistan moves toward 2030 and beyond, the right to a favourable environment must stand at the heart of its constitutional order, development strategy, and moral philosophy—ensuring that the prosperity of the present does not come at the expense of the future. Through this commitment, Uzbekistan can contribute meaningfully to global environmental justice and reaffirm its role as a responsible member of the international community dedicated to achieving the Sustainable Development Goals.

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