



THE AARHUS CONVENTION AND THE RIGHT TO A FAVOURABLE ENVIRONMENT: INTERNATIONAL LEGAL FRAMEWORK AND IMPLEMENTATION IN THE NATIONAL ENVIRONMENT LEGISLATION OF UZBEKISTAN

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Abstract

The article analyzes the international legal foundations of the human right to a favorable (healthy, safe and sustainable) environment and reveals the importance of the 1998 Aarhus Convention as a key tool of "environmental democracy". It is emphasized that its novelty lies not in the declaration of the abstract right to a "good environment", but in the consolidation of mandatory procedures - access to environmental information, public participation in making environmentally significant decisions and access to justice, ensuring transparency and accountability of state decisions. The implementation of the Aarhus Standards in the legal system of Uzbekistan after accession to the Convention in 2025 is considered, including the constitutional guarantees of Article 49 and the provisions of Law No ZRU-1036 "On Environmental Expertise, Environmental Impact Assessment and Strategic Environmental Assessment". It is substantiated that effective implementation requires not only normative consolidation, but also institutional, digital and procedural mechanisms to prevent formal participation. [2]

Keywords: right to a favourable environment, Aarhus Convention, environmental information, public participation, access to justice,



implementation, environmental democracy, procedural environmental rights, public control, environmental assessment.

Аннотация

Мақолада инсоннинг қулай (соғлом, хавфсиз ва барқарор) атроф-муҳитга бўлган ҳуқуқининг халқаро-ҳуқуқий асослари ва 1998 йилги Орхус конвенциясининг “экологик демократия”даги ўрни таҳлил қилинади. Конвенциянинг янгилиги “яхши атроф-муҳит”га бўлган абстракт ҳуқуқни эълон қилиш эмас, балки экологик ахборотдан фойдаланиш, жамоатчилик иштирокини таъминлаш ва судга мурожаат қилиш каби мажбурий процедураларни белгилаш орқали давлат қарорларини шаффоф ва ҳисобдор қилишда намоён бўлиши асосланади. Шунингдек, Ўзбекистоннинг 2025 йилда Конвенцияга қўшилиши муносабати билан Орхус стандартларининг миллий ҳуқуқ тизимига имплементацияси, хусусан Конституция 49-моддаси ва № ЗРУ-1036 Қонун асосидаги ислохотлар кўриб чиқилади. Хулоса қилинадик, тўлиқ имплементация институционал, рақамли ва процессуал механизмларни мустаҳкамлашни талаб этади.

Калит сўзлар: қулай атроф-муҳитга бўлган ҳуқуқ, Орхус конвенцияси, экологик ахборот, жамоатчилик иштироки, одил судловга мурожаат қилиш, имплементация, экологик демократия, процессуал экологик ҳуқуқлар, жамоатчилик назорати, экологик баҳолаш.

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Introduction

The environmental risks of the 21st century – the degradation of ecosystems, toxic pollution, the growth of "accumulated" damage, as well as the interconnection of environmental problems with security and health – lead to the



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fact that environmental protection is increasingly understood as part of the human rights system. The scientific literature emphasizes that the development of environmental issues in the human rights dimension takes place along two complementary trajectories: through the recognition of the "substantive" right to a healthy environment, and through the strengthening of "procedural" rights that ensure transparency, participation and redress (Boyle, 2012). [3]

In international law, the Aarhus Convention has become one of the most developed models of procedural protection: it links environmental protection with the mechanisms of state accountability to society and makes access rights a central element of environmental management. The foreword to the second edition of the Guidelines for the Implementation of the Convention (2014) emphasizes that the Aarhus Convention, since its entry into force on 30 October 2001, has become "the most ambitious undertaking" in the field of environmental democracy under the auspices of the United Nations[4], as well as a unique legally binding instrument that provides the public with "broad and specific" rights to information, participation and justice in environmental matters (UNECE, 2014). [5]

For Uzbekistan[1] This topic is of practical importance for at least two reasons. First, the constitutional reform, which came into force on May 1, 2023, strengthened the constitutional status of environmental rights, enshrining the right of everyone to a favorable environment and reliable information about its condition, as well as the obligation of the state to create conditions for public control in the urban planning sector and hold a public discussion of draft urban planning documents (Republic of Uzbekistan, 2023, art. 49). [6] Secondly, in 2025, Uzbekistan joined the Aarhus Convention, which gave the national reforms an external contractual framework and increased the requirements for procedural openness and accessibility of legal protection (Gov.uz, 2025). [7]

The purpose of the article is to systematize the international legal foundations of the right to a favorable environment based on the analysis of international sources, the provisions of the Aarhus Convention and the national legislation of Uzbekistan, to reveal the "three pillars" of the Aarhus model and to assess the key areas of implementation in national law, highlighting regulatory achievements and areas for further development. The methodological



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framework includes a formal legal analysis of treaty and national norms, a comparison of Aarhus standards with existing institutions (information regime, public hearings, environmental assessment, complaint mechanisms), as well as reliance on international guidelines on the implementation of the Aarhus Requirements and human rights instruments on the right to a healthy environment. [8]

International Legal Basis of the Right to a Favourable Environment

Wednesday

Formation Rights on favorable surrounding Wednesday in Historically, international law began with "soft law" instruments that set principles and standards for the conduct of States. One of the fundamental starting points is usually referred to as the Stockholm Declaration of 1972, which linked human dignity and well-being to the quality of the environment and articulated the idea of a duty to protect nature for present and future generations (United Nations, 1972). [9]

The next key step is the Rio Declaration[10] on Environment and Development, 1992 (Rio Declaration). Its principle 10 formulates a "matrix" of procedural environmental rights: environmental issues are "best resolved" with the participation of all concerned citizens; At the national level, everyone should be provided with adequate participation, access to information from public authorities and effective access to judicial and administrative remedies (United Nations, 1992, princ. 10). [11] It was principle 10 that became the normative basis for the Aarhus Convention and subsequent regional regimes of "accessible rights". [12]

The current stage of evolution of the right to a favorable (clean, healthy and sustainable) environment is characterized by its recognition at the level of universal human rights bodies. Information note prepared jointly by the United Nations Development Programme[13], the United Nations Environment Programme[14] and the Office of the United Nations High Commissioner for Human Rights[15], explicitly states that the recognition of the right to a clean, healthy and sustainable environment in 2021-2022 was a "landmark achievement" and strengthened the capacity of society to hold states and major polluters accountable (UNDP/UNEP/OHCHR, 2023). [16]



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Although the resolutions themselves are often interpreted as politically relevant, but do not automatically create new treaty obligations, they reinforce the "normative density" of the right to a healthy environment and enshrine its link to existing rights (life, health, water, food, housing) and to procedural guarantees (information, participation, an effective remedy). [17] In particular, the resolution

General Assembly 76/300 (adopted on 28 July 2022) recognizes the right to a clean, healthy and sustainable environment as a human right and emphasizes the role of access to information, participation and an effective remedy in the protection of such an environment (UNGA, 2022). [18]

In an important law enforcement dimension, this evolution is reflected in the "Framework Principles on Human Rights and the Environment" submitted by Special Rapporteur John Knox[19] (A/HRC/37/59). These principles are explicitly positioned as "reflecting the application of existing human rights obligations in an environmental context" rather than as the creation of new responsibilities (Knox, 2018; UNEP, 2018). [20] Significantly, these instruments consider procedural rights as central tools for preventing environmental harm and ensuring accountability. [21]

Thus, the international legal foundations of the right to a healthy environment are currently forming a multi-layered system: (1) fundamental declarations (Stockholm, Rio), (2) universal human rights documents that strengthen the status of the right to a healthy environment, and (3) specialized treaties that "translate" the principles into legally binding procedures. The most elaborate treaty expression of the third layer is the Aarhus Convention, which offers an instrumental model for the implementation of environmental rights through three "pillars" of procedures. [22]

The Aarhus Convention: content, principles and compliance mechanisms The Aarhus Convention (1998) was adopted within the framework of the Economic Commission

UN for Europe[23] and aims to ensure the three interrelated rights of the public: access to environmental information, participation in decision-making and access K Justice by environmental issues.

The backbone idea of the Convention is that effective environmental protection



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is impossible without transparency, government and public participation, Since Exactly The public often is a "carrier of interest" and a source of information on risks and actual impacts. [24]

Access to environmental information as a legal obligation of the State

The first "pillar" is formulated in Article 4 (and additionally in Article 5 on the collection and dissemination of information). The treaty text expressly establishes that state bodies are obliged to provide

environmental information on request "without the need for the applicant to prove interest" and usually in the form requested (UNECE, 1998, art. 4(1)). [25] Procedural deadlines are also crucial: information must be provided "as soon as possible" and no later than one month, and if lengthy/complex, extensions of up to two months are possible upon notification of the applicant (UNECE, 1998, art. 4(2)). [26]

The Convention allows for refusal only on limited grounds and also provides for the principle of "separability": if some information is disclosed and some is not, the public authority must separate the disclosure from the non-public (UNECE, 1998, art. 4). [26] This architecture is important because it makes access to environmental information not a "service of the state", but a legally guaranteed right, supported by the possibility of challenging a refusal. [27]

Public participation: early, informed, taking into account the result The second pillar is governed by Articles 6 to 8 and includes participation in the decisions on specific activities, participation in plans/programmes/policies, and participation in the development of regulations. The central standard is "early participation": the Convention requires participation when "all options are still open" and participation can be effective (UNECE, 1998, art. 6(4)). [28]

The Convention details how the procedure should be structured:

The "public concerned" should be informed at an early stage and in an "adequate, timely and effective" manner of the proposed activity, the proposed solutions, the competent authority and the procedure; it should be provided with access to relevant information, including a description of the site, significant impacts, harm prevention/reduction measures, a non-technical summary, alternatives and key conclusions/advice (UNECE, 1998, art. 6(2), 6(6)). [28] The Convention also stipulates that the public should be able to submit comments, including



through public hearings, and that the outcome of participation should be "taken into account as far as possible" (UNECE, 1998, art. 6; the accounting formula is also repeated for rule-making). [29]

Access to justice: verifiability of decisions and reduction of barriers The third pillar is enshrined in Article 9 and is the key to "coercive realization" of the first two pillars. The Convention requires that review procedures (administrative and/or judicial) be provided in three (1) challenging violations of the right to information, (2) challenging violations of participation procedures (including reviewing the "substantive and procedural legality" of decisions, acts and omissions), and (3) accessing procedures to challenge violations of national environmental law more broadly (UNECE, 1998, art. 9). [27]

The issue of procedural legitimation (standing) is of particular importance. The Convention establishes a focus on "broad access" to justice and states that the interest of environmental NGOs that meet the criteria of national law should be considered "sufficient" for the purposes of access to review (UNECE, 1998, art. 9(2)). [30] In addition, the Convention includes provisions to reduce financial and other barriers: States must provide the public with information on review procedures and

"consider" the establishment of assistance mechanisms to reduce financial and other barriers to access to justice (UNECE, 1998, art. 9(5); see also the cost-effectiveness requirements). [31]

General safeguards and compliance mechanism

Along with the "three pillars", the Convention contains general principles that enhance the practical feasibility of the rights available. In particular, States undertake to support associations and groups promoting environmental protection and to ensure that the national legal system is consistent with this responsibility (UNECE, 1998, art. 3(4)).

[25] It also prohibits prosecution for exercising rights under the Convention: individuals should not be punished, prosecuted or harassed for participating (UNECE, 1998, art. 3(8)). [25]

The Convention is also unique in the presence of a special compliance mechanism. Its legal basis is article 15, which provides for the establishment of



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"non-confrontational, non-judicial and consultative" procedures that allow for "appropriate public participation" and the possibility of considering communications from members of the public (UNECE, 1998, art. 15). [32] The training materials used in the region emphasize that the mechanism includes a Compliance Committee and a Meeting of the Parties; The committee consists of 9 members and examines, among other things, appeals from the public (OSCE, 2013). [33]

From the point of view of legal doctrine, it is important that the Aarhus Convention is seen as a real legal "operationalization" of the Rio 10 principle and as an example of the fact that procedural rights have become the most significant

the contribution of environmental issues to contemporary international human rights law (Boyle, 2012). [34]

Implementation of the standards of the Aarhus Convention in the legislation of Uzbekistan

Uzbekistan's accession to the Aarhus Convention has become formal

"inclusion" of the country in the system of international obligations on available rights. According to official information on the government portal, the law on accession was signed on March 11, 2025 under No 1045, and the internal chronology of parliamentary consideration is also provided (adoption in the lower house on December 11, 2024 and approval by the Senate on February 22, 2025). [7] The materials of the relevant state resource also indicate that on March 28, 2025, Uzbekistan became the 48th party to the Convention, which is important for understanding the moment of the beginning of full-scale obligations under the international treaty. [35]

Constitutional Implementation: The Right to an Environment and to Reliable Information

The key constitutional basis for implementation is the Constitution of the Republic of Uzbekistan[36] (new version, effective from May 1, 2023). Article 49 directly states that "everyone has the right to a favorable environment" and "reliable information about its condition." In addition, the Constitution imposes on the state the obligation to create conditions for public control in the field of urban planning "in order to ensure the environmental rights of citizens and



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prevent harmful environmental impact", and draft urban planning documents are subject to public discussion in the manner prescribed by law (Republic of Uzbekistan, 2023, art. 49). [37]

Article 55 of the Constitution, which guarantees judicial protection of rights and freedoms and the right to appeal to the court against illegal decisions, actions or inaction of state bodies and other organizations and their officials, is also essential for the third "pillar" of Aarhus (Republic of Uzbekistan, 2023, art. 55). [38] Although Article 55 is a general guarantee, in combination with Article 49 it forms a constitutional link

"Environmental law + judicial protection" necessary for the effective implementation of article 9 of the Aarhus Convention. [39]

Sectoral foundation before joining Aarhus: environmental and information law
The implementation of the Aarhus standards in Uzbekistan is based on pre-existing sectoral structures. In particular, the Law "On Nature Protection" No 754-XII[40] (December 9, 1992) directly establishes the goal of guaranteeing "the rights of citizens to a favorable environment" and contains norms on the right of citizens to request and receive information about the state of the environment and measures for its protection (Republic of Uzbekistan, 1992, art. 12). [41] The law also includes the institution of public environmental expertise, which can be initiated by public associations, and its conclusions are advisory in nature (Republic of Uzbekistan, 1992, art. 27). [42] In addition, the law establishes the principle of openness of environmental information, including the obligation to regularly publish the main parameters of the state of the environment and to immediately inform the public about emergencies and cases of excessive pollution (Republic of Uzbekistan, 1992, art. 30). [42]

In the information sphere, the Law "On Principles and Guarantees of Freedom of Information" No 439-II plays an important role [43] (12 December 2002). It establishes that the main principles of freedom of information are openness and publicity, public accessibility and reliability. [44] The law explicitly states that information must be "open and public", except for confidential, which is a basic prerequisite for the implementation of Aarhus access to environmental information (Republic of Uzbekistan, 2002, art. 6). [45] It is also indicative that a request for information can be submitted orally, in writing and electronically,



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and a response must usually be provided no later than 15 days (Republic of Uzbekistan, 2002, art. 9). [46] In the context of Aarhus, this means having a potentially shorter response time than the minimum contractual standard of 1 month, provided that there is consistent practice and there are no wrongful refusals. [47]

Institutionalization of participation: public control

In terms of public participation and control, the Law is of fundamental importance

"On Public Control" No ZRU-474[48] (April 12, 2018). It defines the range of subjects of public control: citizens, citizens' self-government bodies, registered non-governmental non-profit organizations and the media (Republic of Uzbekistan, 2018, art. 3). [49] From Aarhus's point of view, such a construction is important as a legal infrastructure for participation: it legitimizes the participation of NGOs and the media in monitoring the activities of authorities, and thus supports the requirements for "appropriate recognition and support" of organizations promoting environmental protection (UNECE, 1998, art. 3(4)). [50]

Environmental Assessment Reform as a "Core" of Procedural Implementation
A key step towards the systemic implementation of the Aarhus Implementation Agreements

standards was Law No ZRU-1036 on environmental assessment[51] "On Environmental Expertise, Environmental Impact Assessment and Strategic Environmental Assessment" (February 24, 2025; entry into force on August 25, 2025). [52] It is normatively important that the law establishes the priority of an international treaty: if an international treaty of the Republic of Uzbekistan establishes other rules, the rules of the international treaty apply. [53] This is a direct implementation mechanism that ensures that the Aarhus standards are "embedded" in the national system. [54]

Law No ZRU-1036 enshrines the principles of environmental assessment, which directly correspond to the Aarhus logic: "free access to information and its reliability", "public participation", "openness and transparency" (Republic of Uzbekistan, 2025, art. 5). [55] This is important because the principles in



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"assessment" legislation sets the framework for by-laws – in fact, how EIA/EIA and SEA/SEA will be organized. [56]

Specific Norms participation include:

(1) public participation in strategic environmental assessment is the obligation of the authorized body to announce hearings on the official website, in social networks and in the media, and participants have the right to freely express their opinions and make proposals (Republic of Uzbekistan, 2025, art. 33); [57]

(2) public hearings within the framework of environmental impact assessment – hearings are organized to discuss the possible impact of activities on the environment and are held before the state environmental review; the results and final documents are subject to publication on the official websites of the authorized body and the authority of the territory where the hearings were held (Republic of Uzbekistan, 2025, art. 39–41). [58]

The institute of public environmental expertise is separately enshrined: it can be carried out independently of state expertise; the conclusion is advisory in nature; Financing is carried out at the expense of the NGO's own funds and other non-prohibited sources (Republic of Uzbekistan, 2025, art. 38). [59] In comparison with the Aarhus Convention, such a structure is "compatible" in form, but its effectiveness will depend on the extent to which the results of participation and public expertise are actually taken into account, as well as on the availability of complaint procedures in case of violations of participation (UNECE, 1998, art. 6, art. 9). [29]

Organizational and digital environment: environmental management and monitoring

The implementation of Aarhus in practice requires not only laws, but also the institutional capacity of the authorities to provide information and participation. In Uzbekistan, institutional reforms in the field of environmental management have been carried out in recent years: in particular, legal acts regulate the activities of the Ministry of Ecology, Environmental Protection and Climate Change and the development of a system of state monitoring, including the creation of a situation centre for environmental monitoring and introduction of modern information and satellite technologies for the collection and



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dissemination of hydrometeorological information (Republic of Uzbekistan, 2023a). [60] These elements have a direct connection with the first

Aarhus Pillar, as the quality of access to environmental information is determined by the availability of monitoring data, standards for their publication and digital dissemination channels. [61]

An additional practical dimension is reflected in the official materials on the work with the Aarhus Centres in Central Asia. Aarhus centres in the region are seen as platforms for dialogue between NGOs, the public and the state, providing access to information and legal advice (OSCE, 2005). [62] Uzbek official reviews emphasize that the topic of establishing Aarhus Centres in the country is being discussed and considered as part of the further implementation of the Convention, although at the time of publication it was reported that Aarhus Centres in Uzbekistan had not yet been officially established. [63]

Taken together, the implementation of the Aarhus Convention in Uzbekistan manifested itself in at least three layers: constitutional (Article 49 and related guarantees), legislative (information, public control, environmental assessment) and institutional and organizational (monitoring, digitalization, interaction with regional practices). From fullness It depends on whether the Aarhus model will become a "living practice" and not just a set of declarative norms. [64]

Practical challenges and areas for improvement

The experience of implementing accessible rights in different legal orders shows that the main risk is "formal implementation": when the norms are adopted, but the actual procedures remain closed, the data are fragmentary, and participation is symbolic. In Aarhus's logic, it is procedural guarantees that should turn environmental rights into enforceable ones, and therefore the quality of national implementation should be assessed by how effectively the three chains work: "data → access", "discussion → influence", "violation → an effective remedy". [65]

Access to information: from the right to "on request" to active disclosure The Aarhus Treaty Standard sets out a minimum obligation to:

provide information upon request within a certain time frame and without the requirement to prove interest. [26] Uzbekistan's national regulations contain important prerequisites, including the principle of openness of information



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(other than confidential) and the possibility of electronic requests with a specific response time. [66] In practical terms, however, the quality of access will depend on: (1) the completeness of monitoring data and their quality, (2) the maturity of public registers/databases, (3) the ability of the authorities to provide "understandable" and comparable information, including non-technical summaries for complex projects, as expressly provided for in the Aarhus requirements for "information for participation" (UNECE, 1998, art. 6(6)). [67] From a legal and technical point of view, the priority is usually to establish standards of "proactive disclosure" (regular publication of air, water, etc. quality indicators, emissions/discharge data, results of inspections and expert opinions), since it is these data that allow society to participate meaningfully and reduce the number of individual requests. This logic is consistent with both the requirements of the Convention on the creation of a transparent implementation framework and with national provisions on the openness of environmental information and the regular publication of the main parameters of the state of the environment (Republic of Uzbekistan, 1992). [61]

Public participation: preventing formality and ensuring "Early"

From Aarhus's point of view, the "earlyness" of participation is not a technical detail, but a criterion of effectiveness. The Convention explicitly requires participation when all options are open. [28] The national norm of Law No ZRU-1036 that public hearings are organized before the state environmental impact assessment is generally consistent with this standard. [58] However, the risk of formality is preserved, if: (a) the scope of the "affected public" is defined too narrowly or the notification is made in such a way that the public does not actually have time to prepare;

b) there are no clear requirements for the volume of disclosures (including non-technical summaries), as provided for by Aarhus; c) the results of the discussions do not have a real impact on the final decision, despite the requirement to "take into account the result of participation as much as possible". [68]

Systemic improvement of participation usually requires detailed by-laws: a standard of notification (channels, minimum deadlines, language), a standard of a package of materials (including a list of mandatory documents and forms of



non-technical summaries), a standard of recording and public response to comments (a matrix of "reprimand → reaction"). The fact that the law enshrines the obligation to publish the results of public hearings creates a legal basis for such an approach. [69]

Access to Justice: Procedural Barriers and the Role of NGOs

The most difficult part of implementation is access to justice in environmental disputes. Aarhus requires review procedures for denials of information, violations of participation and violations of environmental legislation, and directs states to reduce financial barriers. [70] The constitutional guarantee of the right to appeal against illegal decisions, actions and inaction of state bodies creates a basis, but practical implementation depends on procedural codes, judicial practice and institutions to support applicants (Republic of Uzbekistan, 2023, art. 55). [38]

From Aarhus's perspective, key "risk points" for access to justice Usually Related From:

- (1) standing (admission to court) of NGOs and citizens;
- (2) the cost of trials and the distribution of legal costs;
- (3) the need for and access to expert evidence;
- (4) the duration of the review, especially when the damage to the environment is irreversible. [71] Contractual provision on presumption

"sufficient interest" of environmental NGOs (subject to internal criteria) sets the international benchmark for national procedures for admission to court. [28]

Safeguards against persecution and the role of the Aarhus Centres

An integral part of procedural protection is the safe exercise of rights. Aarhus requires that persons exercising the rights under the Convention should not be persecuted or harassed. [25] This provision corresponds to modern international stories about the protection of environmental activists and human rights defenders, and is also emphasized in documents on the right to a healthy environment as a tool for accountability. [72]

The institutional mechanism for supporting "accessible rights" in the region is the Aarhus Centres, which, as described by the Organization for Security and Co-operation in Europe [73], serve as a meeting place for NGOs, the public and the state, provide access to information, raise awareness and provide legal advice



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(OSCE, 2005). [62] National materials on cooperation in Central Asia indicate interest in the development of this format and emphasize that in countries where there are no centers, the provisions of the Convention are implemented through digitalization and electronic platforms for participation in impact assessment procedures. [63] For Uzbekistan, this means that there are two complementary trajectories: (a) the development of digital tools for environmental data publication and e-participation; (b) institutionalization of platforms for interaction between the state and society, which reduce information and procedural barriers. [74]

Conclusion. The right to a favorable (clean, healthy and sustainable) environment in modern international law is developing as an integral right that combines environmental goals with human rights. Its international legal foundations have evolved from declaratory principles (Stockholm 1972, Rio 1992) to more institutionalized UN documents and to specialized treaties that provide practical implementation mechanisms. [75]

The Aarhus Convention is central to such treaties because it provides the procedural architecture of environmental democracy: access to information, participation and access to justice. Its legal structure is complemented by a unique compliance mechanism that allows for public participation and enhances state accountability. [76]

For Uzbekistan [1] accession to the Aarhus Convention in 2025 and the parallel development of national legislation (primarily constitutional Article 49, information and control legislation, Law No ZRU-1036 on environmental assessment) have created a regulatory framework for a more systematic implementation of available rights. [77] At the same time, the completeness of implementation is determined not only by the presence of norms, but also by their practical

"efficiency": disclosure of data, effective consideration of public comments, access to effective judicial remedies and reduction of procedural barriers. In this sense, further development should be aimed at institutional and digital strengthening of the "three pillars" in order to ensure the actual feasibility of the right to a favorable environment as a constitutional and international legal standard. [78]



References

1. Boyle, A. (2012) ‘Human Rights and the Environment: Where Next?’, *European Journal of International Law*, 23(3), pp. 613–642. Available at: <https://www.ejil.org/pdfs/23/3/2296.pdf>
2. Gov.uz (2025) Uzbekistan has ratified the Aarhus Convention (11 March 2025). Available at: <https://gov.uz/en/eco/news/view/39666>
3. Knox, J.H. (2018) Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment: Framework Principles on Human Rights and the Environment (A/HRC/37/59). Geneva: OHCHR. Available at: https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/A_HRC_37_59_EN.pdf
4. OSCE (2005) The Aarhus Centre: A model for environmental co-operation. Available at: <https://www.osce.org/yerevan/57440>
5. OSCE (2013) Compliance Mechanism under the Aarhus Convention (Training presentation). Available at: <https://www.osce.org/sites/default/files/f/documents/b/8/103604.pdf>
6. Republic of Uzbekistan (1992) Law No. 754-XII “On Nature Protection”. Available at: <https://faolex.fao.org/docs/pdf/uzb34566E.pdf>
7. Republic of Uzbekistan (2002) Law No. 439-II “On the Principles and Guarantees of Freedom of Information”. Available at: <https://lex.uz/docs/52709>
8. Republic of Uzbekistan (2018) Law No. ZRU-474 “On Public Control”. Available at: <https://lex.uz/docs/6822027>
9. Republic of Uzbekistan (2023) Constitution of the Republic of Uzbekistan (new edition, in force from 1 May 2023). Available at: <https://www.lex.uz/en/docs/6451070> Republic of Uzbekistan (2023a) Presidential Resolution No. PP-171 (31 May 2023) on the Ministry of Ecology, Environmental Protection and Climate Change. Available at: <https://lex.uz/en/docs/6479136>
10. Republic of Uzbekistan (2025) Law No. ZRU-1036 “On Environmental Expertise, Environmental Impact Assessment and Strategic Environmental Assessment”. Available at: <https://lex.uz/en/docs/7397289>



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11. UNDP, UNEP and OHCHR (2023) What is the Right to a Healthy Environment? Information Note. Available at:
<https://www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-What-is-the-Right-to-a-Healthy-Environment.pdf>
12. UNECE (1998) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).
Available at:
https://treaties.un.org/doc/treaties/1998/06/19980625%2008-35%20am/ch_xxvii_13p.pdf
13. UNECE (2014) The Aarhus Convention: An Implementation Guide. 2nd edn. Geneva: United Nations. Available at: https://www.uncclean.org/wp-content/uploads/library/aarhus_implementation_guide_interactive_eng.pdf
14. UNGA (2022) Resolution 76/300: The human right to a clean, healthy and sustainable environment(28 July 2022). Available at:
https://www.miteco.gob.es/content/dam/miteco/es/ceneam/grupos-de-trabajo-y-seminars/environmental-documentation-centers-and-natural-spaces-Protected/tafalla-resolucion-a-76-300_tcm30-559607.pdf
15. United Nations (1972) Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration).
Available at:
<https://lpr.adb.org/resource/declaration-united-nations-conference-human-environment-report-united-nations-conference>
16. United Nations (1992) Rio Declaration on Environment and Development (A/CONF.151/26/Vol.I). Available at:
https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf
17. Republic of Uzbekistan (1992) Law No. 754-XII “On Nature Protection” (9 December 1992). Available at: <https://lex.uz/docs/6822027>
18. Republic of Uzbekistan (2002) Law No. 439-II “On the Principles and Guarantees of Freedom of Information” (12 December 2002). Available at: <https://lex.uz/docs/52709>



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Economics, and Entrepreneurship***

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19. Republic of Uzbekistan (2018) Law No. ZRU-474 “On Public Control” (12 April 2018). Available at: <https://lex.uz/docs/6822027>
 20. Republic of Uzbekistan (2023) Constitution of the Republic of Uzbekistan (new edition, in force from 1 May 2023). Available at: <https://lex.uz/en/docs/6451070>
 21. Republic of Uzbekistan (2023a) Presidential Resolution No. PP-171 “On measures to improve the activities of the Ministry of Ecology, Environmental Protection and Climate Change” (31 May 2023). Available at: <https://lex.uz/en/docs/6479136>
 22. Republic of Uzbekistan (2025) Law No. ZRU-1036 “On Environmental Expertise, Environmental Impact Assessment and Strategic Environmental Assessment” (2025). Available at: <https://lex.uz/en/docs/7397289>