

UZBEKISTAN'S ACCESSION TO THE AARHUS CONVENTION: LEGAL, ENVIRONMENTAL, AND DEMOCRATIC IMPLICATIONS

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Annotatsiya: This thesis analyzes Uzbekistan's potential accession to the Aarhus Convention. It outlines the Convention's main principles and evaluates Uzbekistan's environmental legal framework. The study highlights expected benefits such as transparency, public participation, access to justice, and stronger international reputation, while also addressing possible challenges. The conclusion is that joining the Aarhus Convention would be a timely and correct decision, reinforcing democracy and sustainable development in Uzbekistan.

Keywords: Aarhus Convention, Uzbekistan, environmental democracy, public participation, access to justice, transparency, sustainable development.

Annotatsiya: Mazkur tezis O'zbekistonning Orxus konvensiyasiga qo'shilish masalasini tahlil qiladi. Konvensiyaning asosiy prinsiplari, O'zbekistonning ekologik-huquqiy bazasi hamda qo'shilishning afzallik va qiyinchiliklari ko'rib chiqiladi. Xulosa sifatida, Orxus konvensiyasiga qo'shilish O'zbekiston uchun to'g'ri va o'z vaqtida qabul qilingan qaror bo'lib, demokratiya va barqaror rivojlanishni kuchaytiradi.

Kalit so'zlar: Orxus konvensiyasi, O'zbekiston, ekologik demokratiya, jamoatchilik ishtiroki, sud adolati, shaffoflik, barqaror rivojlanish.

The right to live in a safe and healthy environment today is increasingly regarded as a cornerstone of both human rights and sustainable development. This principle is not only a legal norm but also a moral imperative, because no society can prosper if its natural resources are degraded and its people live under environmental threats. For Uzbekistan, a country still dealing with the severe consequences of the Aral Sea disaster and broader ecological challenges such as water scarcity, desertification, and air pollution, ensuring environmental protection is not simply an option but a matter of survival. In this regard, the Aarhus Convention, adopted in 1998 under the United Nations Economic Commission for Europe, offers one of the most progressive frameworks by linking environmental protection with principles of democracy and human rights [1].

The Convention rests on three interrelated pillars: access to environmental information, public participation in decision-making, and access to justice in environmental matters. These pillars together constitute what many scholars

call “environmental democracy” [2]. The philosophy is simple yet powerful: when citizens are informed, involved, and given legal remedies, environmental governance becomes more effective and more legitimate. This is particularly relevant for states in transition like Uzbekistan, where building public trust and accountability is essential for reforms. In fact, my personal view is that without citizen involvement and transparency, even the best-designed environmental programs risk becoming ineffective or symbolic. Laws and strategies exist on paper, but they only make a difference when they are owned by the people and enforced in practice.

Uzbekistan already has a constitutional and legal foundation in this area. The 2023 Constitution guarantees every person the right to a favorable environment and obliges the state to ensure the protection of nature and rational use of resources [3]. Several laws, including the Law on Nature Protection (1992) and the Law on Environmental Expertise (2000), form part of the environmental legal framework [4]. In addition, Uzbekistan is party to major international agreements such as the Paris Agreement on climate change [5]. However, the reality often falls short of these commitments. Access to reliable environmental information is sometimes restricted, decision-making is dominated by state bodies without sufficient citizen engagement, and courts are not yet fully prepared to handle complex environmental cases. From my perspective, this gap between law and implementation is one of the most pressing reasons why joining the Aarhus Convention would be beneficial. It would serve as an external anchor, reinforcing reforms already declared in domestic law and giving them binding international weight.

The benefits of accession are numerous. First, transparency would increase. Public authorities would be obliged to provide environmental data openly, reducing secrecy and arbitrary decision-making. In practice, this would mean that citizens could access pollution statistics, industrial emission data, and environmental impact assessments. International experience shows that such transparency reduces corruption and creates more responsible governance [6]. Second, public participation would be institutionalized. Under Aarhus, citizens and NGOs would have the right to influence real decisions on infrastructure, industry, and natural resource management. This would reduce social tensions and increase the legitimacy of government projects. Personally, I believe this could be particularly valuable in regions like Karakalpakstan, where local communities suffer directly from ecological degradation and must have a stronger voice in shaping solutions.



Third, access to justice would be improved. Currently, environmental litigation in Uzbekistan is rare, partly due to limited awareness and partly due to procedural barriers. Aarhus would require that individuals and groups have the ability to challenge environmentally harmful decisions in court or administrative procedures. This could foster the emergence of a specialized field of environmental law practice. For me, this is not only a legal matter but also an issue of fairness: citizens should not feel powerless when facing pollution or environmental harm caused by powerful actors. They should know that the law is on their side and that justice is accessible.

Fourth, accession would strengthen Uzbekistan's international reputation and open doors for new partnerships. The European Union and international organizations strongly support Aarhus principles. By joining, Uzbekistan would demonstrate its commitment to democracy, transparency, and sustainable development. This would not only improve the country's image but also attract more green investment and technical assistance [7]. Investors increasingly evaluate environmental, social, and governance standards, and countries that show strong commitments in these areas are more attractive. From a practical standpoint, joining Aarhus would align with Uzbekistan's declared "Green Development Strategy 2030" and ongoing efforts to diversify its economy.

There are, of course, challenges. Implementation requires resources: new information systems, training for officials and judges, and efforts to ensure that participation processes are meaningful rather than symbolic. Some state agencies may resist greater openness, fearing criticism or pressure from NGOs. Courts would need capacity-building to handle complex cases. There is also the possibility of misuse, where interest groups exploit procedures to delay important infrastructure projects. But in my judgment, these are manageable issues. Other post-Soviet countries faced similar difficulties but overcame them. Kazakhstan, which joined in 2001, has gradually developed public environmental councils and stronger NGO involvement [8]. Georgia and Armenia, too, show that even with limited resources, accession can serve as a catalyst for broader reforms[9].

For Uzbekistan, the stakes are particularly high because of its unique ecological situation. The tragedy of the Aral Sea is often described as one of the worst man-made environmental disasters in the world. Restoring the Aral Sea region and preventing further degradation requires not only government programs but also the trust and participation of affected communities. In my



view, without mechanisms like Aarhus, there is a risk that these efforts will remain top-down and fail to fully engage those who are directly affected.

When weighing the pros and cons, the conclusion is clear. The benefits—greater transparency, citizen empowerment, stronger rule of law, improved international reputation, and alignment with sustainable development goals—clearly outweigh the potential difficulties. The challenges, such as bureaucratic resistance or resource needs, are transitional and can be addressed through phased reforms and international assistance. More importantly, accession would not impose obligations that contradict Uzbekistan's interests. Instead, it would strengthen what is already written in its Constitution and national strategies. My personal conviction is that joining Aarhus would be not only a legal step but also a moral commitment: a declaration that Uzbekistan is serious about protecting both its environment and the rights of its people.

In conclusion, the Aarhus Convention is more than an environmental treaty; it is a democratic instrument that combines ecological sustainability with human rights and participatory governance [10]. For Uzbekistan, joining the convention would be a wise and timely decision. It would close the gap between law and practice, empower citizens, strengthen environmental governance, and improve the country's standing on the international stage. The environmental challenges facing Uzbekistan are too urgent to be addressed by the state alone. Citizens must become partners in the process, and Aarhus provides the legal and institutional framework to make that partnership real. Therefore, Uzbekistan's accession to the Aarhus Convention should be regarded as not only beneficial but necessary. It would be a correct and forward-looking decision that would contribute to the country's sustainable future.

References:

- [1] UNECE (1998). Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters. Aarhus: UNECE.
- [2] Bratspies, R. (2020). 'Environmental Democracy and the Aarhus Convention', *Journal of Environmental Law*, 32(3), pp. 365–389.
- [3] Constitution of the Republic of Uzbekistan (2023), Art. 49.
- [4] Law of the Republic of Uzbekistan "On Nature Protection" (1992).
- [5] Paris Agreement, UN Treaty Series, Vol. 3156, No. 54113.
- [6] OECD (2020). Environmental Performance Review: Kazakhstan. Paris: OECD Publishing.
- [7] United Nations (2015). Transforming Our World: The 2030 Agenda for Sustainable Development. New York: UN.



[8] OECD (2020), *ibid.*

[9] UNECE (2025). Status of the Aarhus Convention. Available at:
<https://unece.org>.

[10] Dupuy, P.-M. & Viñuales, J. (2018). *International Environmental Law*.
Cambridge: CUP..

