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CONSTITUTIONAL AND LEGAL GUARANTEES OF THE RIGHT TO A HEALTHY ENVIRONMENT AND SAFE DRINKING WATER

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Abstract: This article comprehensively examines the constitutional and legal guarantees of the right to a healthy environment and safe drinking water in the Republic of Uzbekistan within the framework of international standards and national reforms. The study provides a legal assessment of the impact of global climate change, the Aral Sea crisis, and the depletion of transboundary water resources on environmental human rights. Furthermore, it proposes scientific and practical recommendations aimed at strengthening environmental guarantees, improving environmental governance, and ensuring the effective implementation of international legal standards into the national legal system.

Keywords: healthy environment, clean drinking water, constitutional guarantees, environmental rights, environmental security, human rights, Sustainable Development Goals, Aarhus Convention, transboundary water resources, constitutional environmentalism.

Аннотация. В данной статье всесторонне анализируются конституционно-правовые гарантии права на благоприятную окружающую среду и безопасную питьевую воду в Республике Узбекистан в контексте международных стандартов и национальных реформ. В исследовании с правовой точки зрения оценивается влияние глобального изменения климата, кризиса Аральского моря и сокращения трансграничных водных ресурсов на экологические права человека. Кроме того, предлагаются научно-практические рекомендации, направленные на укрепление экологических гарантий, совершенствование системы экологического управления и эффективную имплементацию международных норм в национальную правовую систему.

Ключевые слова: благоприятная окружающая среда, право на питьевую воду, экологические права, конституционные гарантии, экологическая безопасность, права человека, устойчивое развитие, Орхусская конвенция, трансграничные водные ресурсы, экологическая справедливость.

Annotatsiya. Mazkur maqolada sog‘lom atrof-muhit va toza ichimlik suviga bo‘lgan huquqning O‘zbekistondagi konstitutsiyaviy-huquqiy kafolatlari xalqaro standartlar hamda milliy islohotlar doirasida har tomonlama tahlil qilinadi. Tadqiqotda global iqlim o‘zgarishi, Orol dengizi inqirozi va transchegaraviy suv resurslari kamayishining inson ekologik huquqlariga ta’siri huquqiy jihatdan baholangan. Shuningdek, ekologik kafolatlarni kuchaytirish, boshqaruvni takomillashtirish va xalqaro normalarni milliy huquq tizimiga samarali joriy etishga qaratilgan ilmiy-amaliy takliflar ilgari surilgan.
Kalit so‘zlar: sog‘lom atrof-muhit, toza ichimlik suvi, ekologik huquqlar, konstitutsiyaviy kafolatlar, ekologik xavfsizlik, inson huquqlari, Barqaror rivojlanish maqsadlari, Orxus konvensiyasi, transchegaraviy suvlar, ekologik adolat.

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Introduction

The contemporary stage in the evolution of human rights demonstrates that the protection of an individual's life, health, and adequate standard of living can no longer be confined solely to the recognition of civil and political rights or traditional socio-economic guarantees. The escalating global environmental crisis, rapid climate change, loss of biodiversity, and severe pollution of atmospheric air and vital water resources caused by anthropogenic factors have become direct impediments to the effective realization of fundamental human rights and freedoms. Consequently, over the past decades, international legal theory and constitutional doctrine have increasingly recognized the right to a healthy environment and access to safe drinking water as an inherent and universal component of human dignity, while the effective protection of these rights has come to be regarded as one of the primary constitutional obligations of the state [1, 2].

The evolution of scholarly approaches to the legal and doctrinal nature of environmental rights has led to their recognition as an independent legal institution within the system of inherent and inalienable human rights. Initially, environmental protection was primarily viewed through the prism of rational natural resource management and environmental security. Today, however, it is increasingly understood as a prerequisite for the realization of fundamental rights, including the right to life, the right to health, food security, sanitation, adequate housing, and an adequate standard of living. From this perspective, the right to a healthy environment and safe drinking water constitutes not only an autonomous constitutional and legal institution but also serves as the material, ecological, and fundamental basis for the effective implementation of all personal, civil, and socio-economic rights.

The development of the international legal framework has further reinforced this conceptual approach. In particular, the United Nations General Assembly, through Resolution 64/292 adopted in 2010, recognized access to safe and clean drinking water and sanitation as a fundamental human right, while Resolution 76/300 adopted in 2022 proclaimed the right to a clean, healthy, and sustainable environment as a universal human right [3, 4]. These international legal instruments have elevated environmental rights beyond the sphere of declaratory soft law norms, transforming them into legal institutions that impose concrete obligations upon states. As a consequence, modern constitutional doctrine increasingly emphasizes such concepts as the state's positive environmental obligations, the principle of non-regression in environmental protection, and environmental justice as fundamental elements of contemporary constitutional governance [5].

These transformative developments are particularly significant for regions and countries facing the increasingly severe consequences of climate change and transboundary environmental risks. International assessments on climate change indicate that rising global temperatures have accelerated the expansion of arid regions, intensified glacier retreat, reduced freshwater resources, and increased the frequency of extreme hydrometeorological events. Accordingly, environmental challenges can no longer be regarded merely as issues of natural resource management or utilitarian economic policy; rather, they must be understood as complex constitutional and legal issues that directly affect the practical realization of fundamental human rights. In this regard, the right to a healthy environment and safe drinking water is intrinsically linked to the right to life, the right to health, and the right to an adequate standard of living.

Central Asia represents one of the regions where these global trends are most visibly manifested. The region's substantial dependence on transboundary water resources, the accelerated retreat of glaciers, rapid population growth, and the increasing demand for freshwater have transformed water security into one of the highest priorities of state policy. In particular, the Aral Sea disaster has become a globally recognized example demonstrating how environmental degradation adversely

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affects public health, living conditions, food security, and the realization of the right to safe drinking water. Millions of tons of salt and dust particles originating from the dried seabed continue to threaten not only Uzbekistan but also the environmental sustainability of the entire Central Asian region. Under these circumstances, the effective protection of environmental rights should be viewed not merely as an element of environmental policy but as an integral component of the constitutional governance system.

These international and regional developments have also found clear reflection in Uzbekistan's ongoing constitutional reform process. For the first time, the Constitution explicitly guarantees every individual's right to a favorable environment and to receive reliable information regarding its condition as directly applicable constitutional rights possessing the highest legal force. Furthermore, the Constitution imposes explicit obligations upon the state to improve and protect the environment, maintain ecological balance, ensure the sustainable use of natural resources, and guarantee environmental security. These constitutional amendments represent a historic legal transformation by elevating environmental rights beyond the framework of ordinary sectoral legislation and recognizing them as supreme constitutional values and fundamental priorities of public policy.

Methods

This study aims to provide a comprehensive analysis of the constitutional and legal guarantees of the right to a healthy environment and safe drinking water through the dialectical interaction between contemporary international environmental law standards and the architecture of constitutional reforms implemented in the Republic of Uzbekistan. The methodological framework of the research is based on an integrated combination of modern doctrinal legal approaches, comparative constitutional analysis, and systematic-structural interpretation of international legal norms widely applied in legal scholarship.

The doctrinal legal analysis method constitutes the fundamental methodological foundation of this research. Through this methodological instrument, the provisions of the Constitution of the Republic of Uzbekistan, particularly the substantive and normative components of Article 49, the constitutional and legal status of environmental rights, and the state's obligations to ensure a healthy environment were systematically examined in light of the current legal framework and the principles of contemporary constitutional and environmental legal doctrine.

Within the scope of the study, the comparative legal method was extensively employed to assess the consistency of national constitutional provisions with international environmental law standards. This approach enabled a comparative evaluation of Uzbekistan's recent constitutional reforms against universally recognized environmental and human rights principles, thereby identifying the extent to which the national constitutional framework reflects contemporary international legal standards governing environmental protection and the right to safe drinking water.

In addition, the method of systematic interpretation of legal norms played a significant role in revealing the substantive content of the research. Through this approach, the constitutional provisions concerning environmental rights were interpreted in their functional and interdependent relationship with other fundamental human rights, including the right to life, the right to health, the right to access information, and the right to an adequate standard of living. Such an integrated interpretation made it possible to examine environmental rights not as isolated legal guarantees but as essential constitutional prerequisites for the effective realization of a broad spectrum of fundamental human rights.

Results

The findings of the study demonstrate that the constitutional reforms implemented in the Republic of Uzbekistan have initiated a qualitatively new stage in the constitutional protection of environmental rights. In particular, the explicit constitutional recognition of provisions concerning

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environmental protection and ecological security in the 2023 Constitution has elevated environmental rights from the level of ordinary sectoral legislation to the status of constitutional values. This approach corresponds to the contemporary international trend toward the constitutionalization of environmental rights and establishes a direct constitutional foundation for the formulation and implementation of state environmental policy.

The analysis further reveals that Article 49 of the Constitution establishes three interrelated constitutional guarantees in the field of environmental rights. First, every individual is guaranteed the right to a favorable environment as an independent constitutional right. Second, individuals are constitutionally guaranteed the right to receive reliable information concerning the state of the environment. Third, the Constitution imposes direct obligations upon the state to improve and restore the environment, preserve ecological balance, and ensure the sustainable and rational use of natural resources. Collectively, these three constitutional components form an integrated constitutional mechanism for the effective realization and protection of environmental rights.

The research findings further indicate that Article 49 should not be regarded merely as a declaratory or programmatic constitutional provision. Rather, it functions as a directly applicable constitutional standard guiding legislative activity, executive governance, and judicial interpretation. Comparative legal analysis demonstrates that Uzbekistan's renewed constitutional model is substantially aligned with contemporary international standards for the protection of environmental rights. In particular, the constitutional recognition of environmental rights reflects the principles embodied in United Nations General Assembly Resolution 64/292, which recognizes the human right to safe drinking water and sanitation, and Resolution 76/300, which recognizes the right to a clean, healthy, and sustainable environment as a universal human right. Furthermore, the constitutional guarantee of access to environmental information illustrates the gradual incorporation of the principles of transparency, public participation in environmental decision-making, and access to environmental justice established by the Aarhus Convention into Uzbekistan's national legal system.

One of the principal findings of this study is that the right to a healthy environment also constitutes the constitutional foundation for guaranteeing the right to safe drinking water. Owing to the intrinsic interrelationship between environmental quality and drinking water safety, the protection of water resources, the prevention of water pollution, the sustainable utilization of transboundary watercourses, and the modernization of water infrastructure should not be regarded as separate elements of environmental policy. Rather, they should be understood as integral components of the state's constitutional obligations. Such an approach not only contributes to ensuring environmental security but also facilitates the effective realization of the fundamental rights to life, health, and an adequate standard of living.

Furthermore, the analysis demonstrates that the environmental policy of the Republic of Uzbekistan is substantively aligned with the United Nations Sustainable Development Goals, particularly Goal 6 (Clean Water and Sanitation) and Goal 13 (Climate Action). The constitutional entrenchment of provisions concerning environmental sustainability and the protection of natural resources has established a comprehensive national legal framework for the implementation of these global objectives. At the same time, the study reveals that the effectiveness of environmental rights protection depends not only on the constitutional recognition of such rights but also on the proper functioning of institutional implementation mechanisms, transparent environmental information systems, environmental monitoring, effective public participation and oversight, as well as accessible and efficient judicial protection. Collectively, these institutional guarantees constitute the essential prerequisites for ensuring the practical realization of constitutional environmental rights and achieving sustainable environmental governance.

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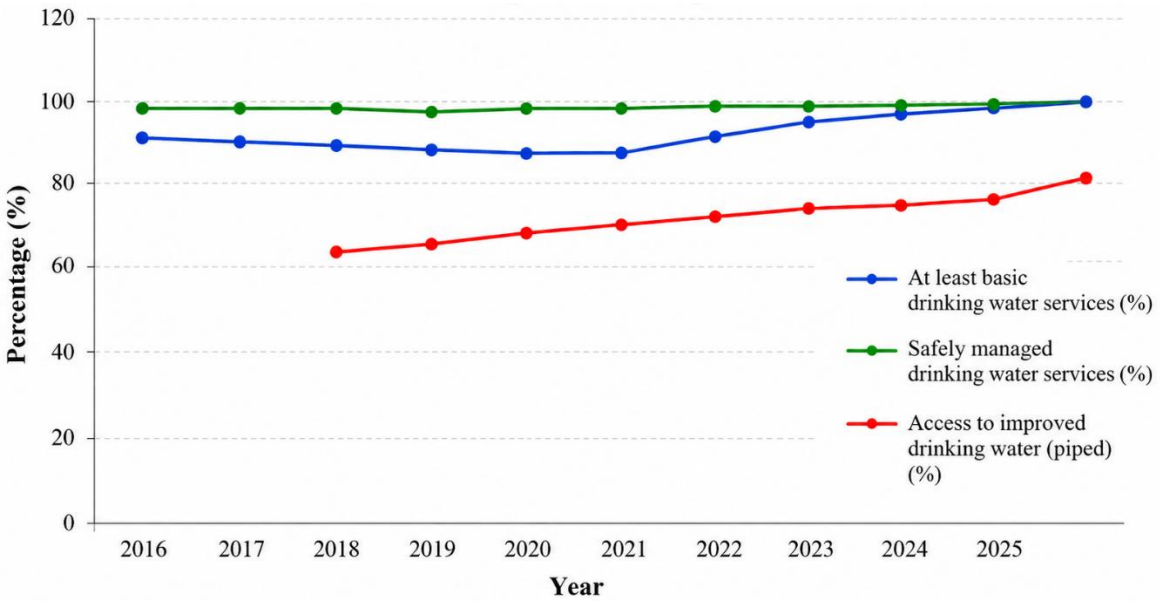


Figure 1. *Drinking Water Supply Coverage in Uzbekistan (2016–2025)*

The findings further demonstrate that the constitutional guarantees of environmental rights should not be regarded as a static legal institution but rather as a dynamic constitutional mechanism requiring the continuous improvement of the state's environmental governance system. From this perspective, Article 49 of the Constitution goes beyond merely recognizing environmental rights; it also imposes ongoing legal and institutional obligations on the legislative, executive, and judicial branches to ensure environmental security, promote the sustainable use of natural resources, and safeguard the environmental interests of future generations. This constitutional framework provides a solid legal foundation for recognizing environmental rights as one of the fundamental values of Uzbekistan's constitutional order.

Discussion

The findings and legal analysis demonstrate that the Constitution of the Republic of Uzbekistan has initiated a qualitatively new constitutional paradigm by elevating environmental rights to the highest legal level within the national legal system. In particular, Article 49 of the Constitution explicitly guarantees every individual's right to a favorable environment, the right to obtain reliable and verified information concerning its condition, and establishes the state's obligations to maintain ecological balance, ensure the rational use of natural resources, and protect ecosystems through directly applicable constitutional provisions possessing the highest legal authority [1]. This constitutional innovation removes environmental rights from the fragmented framework of ordinary sectoral legislation and recognizes them as an indispensable and system-forming component of the fundamental rights that safeguard human dignity within the hierarchy of constitutional values.

This conceptual approach fully corresponds to the fundamental conclusions reached by Gabriel Ajabu Mastaki and Anaclet Nzohabonayo regarding the constitutionalization of environmental rights. According to these scholars, granting constitutional status to environmental rights imposes not only a negative obligation upon the state to refrain from causing environmental harm but also positive obligations requiring proactive measures to ensure environmental protection and ecological security. Furthermore, they emphasize that once environmental rights have been constitutionally recognized,

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the level of protection already achieved must not be diminished, thereby establishing the principles of stability and non-regression as core elements of modern environmental constitutionalism [7]. When compared with the substantive content of Article 49 of the Constitution of Uzbekistan, these advanced doctrinal concepts demonstrate that the architecture of Uzbekistan's constitutional reforms is developing in close conformity with contemporary trends in international environmental constitutional law.

Nevertheless, the constitutional recognition of environmental rights alone does not automatically guarantee their full and effective realization in legal and social practice. Comparative international experience demonstrates that the practical protection of environmental rights depends upon effective institutional mechanisms, transparent environmental governance, independent judicial oversight, and the inclusive participation of civil society. In this regard, the Aarhus Convention establishes three fundamental pillars for the practical implementation of environmental rights: unrestricted access to environmental information, public participation in environmental decision-making processes, and access to justice in environmental matters [4]. The constitutional guarantee of access to reliable environmental information under Article 49 of the Constitution therefore represents a significant step toward the effective implementation of these universally recognized international standards within Uzbekistan's national legal system.

The research findings also correspond closely with the principles embodied in the Convention on the Protection and Use of Transboundary Watercourses and International Lakes. This Convention identifies the rational and sustainable use of water resources, the prevention of transboundary environmental pollution, and interstate cooperation as essential prerequisites for global water security [5]. Given Central Asia's significant dependence on shared transboundary water resources and its complex hydropolitical environment, these principles possess exceptional strategic and practical importance for the Republic of Uzbekistan.

These systemic issues are likewise closely connected with the United Nations 2030 Agenda for Sustainable Development. In particular, Sustainable Development Goal 6 seeks to ensure universal and equitable access to safe and affordable drinking water, whereas Goal 13 establishes a comprehensive framework for mitigating the adverse impacts of climate change on water resources and the hydrological system [6]. Although the Constitution of the Republic of Uzbekistan provides the fundamental legal platform necessary for fulfilling these international commitments, their effective implementation requires the digitalization of environmental governance, strengthening state environmental monitoring systems, modernizing water infrastructure, and further institutionalizing environmental justice mechanisms.

Overall, the comparative legal and doctrinal analyses demonstrate that the constitutional guarantees of the right to a healthy environment and safe drinking water in the Republic of Uzbekistan are developing in close harmony with the fundamental principles of contemporary international environmental law. However, the actual effectiveness of environmental rights should be assessed not merely by their constitutional recognition but by the extent to which the state fulfills its constitutional obligations in practice, consistently implements international legal standards, and strengthens the institutional effectiveness of environmental governance. These interconnected factors transform constitutional guarantees of environmental rights from declaratory legal provisions into effective, enforceable, and judicially protected constitutional institutions.

Conclusion

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This comprehensive study has examined the constitutional and legal nature of the right to a healthy environment and safe drinking water through the interconnected perspectives of international environmental law and the constitutional reform process in the Republic of Uzbekistan. The findings demonstrate that environmental rights extend beyond the protection of individual interests and constitute a fundamental prerequisite for the realization of the rights to life, health, and an adequate standard of living. Consequently, Article 49 of the Constitution elevates environmental rights to the level of supreme constitutional norms, while conceptually aligning national legislation with international principles concerning state obligations and the principle of non-regression in environmental protection.

The comparative legal analysis further reveals that Uzbekistan's constitutional reforms are substantially consistent with the principles embodied in the United Nations resolutions, the Aarhus Convention, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, and the Sustainable Development Goals, particularly Goals 6 and 13. Nevertheless, the effective implementation of these international standards within the national legal system depends not only on their constitutional recognition but also on transparent environmental governance, digital environmental monitoring, meaningful public participation, and the institutional strengthening of environmental justice. In the context of accelerating climate change and the continuing ecological consequences of the Aral Sea crisis, the right to safe drinking water should be recognized as an integral component of environmental security and systematically integrated into national constitutional policy and environmental governance.

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