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Problems of Implementing International Environmental Law Norms into National Law



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ABSTRACT

This article provides a detailed account of the rapidly deteriorating environment and one of the most pressing problems in all countries today. It also provides a thorough analysis of the process of implementing international environmental law into the national legislative system in the Republic of Uzbekistan. During the study, problems such as gaps in national legislation in this area, weak institutional coordination, ineffective economic mechanisms, gaps in the mechanisms for implementing international conventions, and insufficient environmental personnel capacity were studied. In addition, the article provides theoretical recommendations for strengthening the implementation process based on foreign experience.

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I. Introduction

In recent decades, global environmental problems have acquired profound social, economic, and political significance. Phenomena such as climate change, the loss of biological diversity, and water and air pollution are compelling not only the international community but also individual states to ensure environmental sustainability. For this reason, international environmental law has developed as a solid mechanism for coordinating actions between states and international organizations and for protecting the environment. In the 21st century, one of the most serious challenges facing humanity is environmental degradation, global warming, and the inefficient use of natural resources. Goals 13, 14, and 15 of the Sustainable Development Goals (SDGs), approved by the United Nations General Assembly in 2015, are specifically aimed at addressing environmental issues through legal regulation. From this perspective, the issue of implementing international environmental law norms into the national legal system is particularly relevant to Uzbekistan, as environmental security is recognized as an integral component of national security.

International environmental law now plays a far larger role in influencing national legal systems due to the growing scope of environmental issues worldwide. Sustainable development and environmental protection are the goals of internationally accepted concepts and standards established by international environmental accords. However, the correct application of these standards at the national level is crucial to their efficacy. The accomplishment of environmental policy goals is frequently hampered by the legal, institutional, and practical challenges that many governments have when attempting to translate international environmental commitments into domestic legislation. As an active member of the world community, Uzbekistan has taken on significant international responsibilities in the area of environmental preservation and has ratified a number of multilateral environmental accords. The nation has started extensive institutional and legislative changes in recent years with the goal of enhancing environmental governance and bringing domestic laws into compliance with international norms.

However, incorporating international environmental law standards into domestic legislation is still a difficult and uneven process. Challenges arise from gaps in legislation, inconsistencies between international commitments and domestic legal mechanisms, and limitations in administrative and enforcement capacities. Studying the issues surrounding the integration of international environmental law standards into Uzbekistan's domestic legal system is especially pertinent in this regard. A more accurate evaluation of the efficacy of present implementation methods is made possible by identifying institutional and legal impediments. Additionally, by analyzing these problems, useful suggestions for improving the incorporation of international environmental norms into domestic legislation are developed. In addition to contributing to the larger conversation on the domestic application of international environmental legislation, this study aims to give a thorough analysis of the major obstacles Uzbekistan faces in this process.

One of the most complicated facets of environmental governance, according to legal academics, is the incorporation of international environmental law into national legal systems. International academics like Philippe Sands and Alan Boyle stress that the existence of explicit domestic procedures guaranteeing legal enforcement and institutional responsibility is just as important to the efficacy of international environmental law as treaty ratification. They contend that in emerging and transitional economies, where environmental standards frequently stay declarative rather than practical, the discrepancy between international pledges and national practice is more noticeable. Similar issues are also brought up by Uzbek legal academics who study environmental law. Scholars like A. Kh. Saidov and B. A. Ismailov emphasize that in order to incorporate international environmental standards into national law, traditional legal concepts such as state sovereignty over natural resources and public participation in environmental decision-making must be doctrinally reinterpreted in addition to legislative alignment. The practical effect of international environmental law inside national legal discourse is limited, according to Uzbek environmental law specialists, by the inadequate integration of international ideas like the precautionary principle, sustainable development, and access to environmental justice.

Additionally, scholarly research by local experts in environmental law emphasizes the significance of administrative and judicial interpretation in the process of implementation. These studies show that Uzbek courts and regulatory agencies seldom expressly cite international environmental standards, undermining their normative power and impeding the growth of uniform legal practice. Additionally, academics point out that scattered implementation techniques come from a lack of comprehensive scientific study connecting national enforcement mechanisms with international environmental duties. From a doctrinal standpoint, Uzbek scholars contend that rather than being a one-time legislative act, the application of international environmental law standards should be seen as a dynamic legal process. This process necessitates ongoing scientific assistance, methodological direction, and the creation of legal doctrine tailored to the socioeconomic circumstances of the country. In order to overcome current implementation issues and guarantee the successful integration of international environmental standards into Uzbekistan's national legal system, the scholarly discourse highlights the importance of enhancing the role of environmental law science and expert analysis.

Today, the Republic of Uzbekistan has entered into numerous agreements with foreign states in various fields. In particular, it has acceded to the Paris Climate Agreement (2015), the United Nations Convention on Biological Diversity (1992), and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992). These international treaties serve as essential sources for establishing environmental standards, monitoring systems, and liability mechanisms in national legislation. At the same time, in some instances, institutional and practical challenges persist in the full implementation of international norms into the national system. Examples include insufficient coordination

among environmental control bodies, weak enforcement mechanisms of environmental legislation, and incomplete integration of global standards.

The relevance of the topic lies in its analysis of the theoretical and practical foundations for modernizing the environmental legislation system of the Republic of Uzbekistan in line with international norms and in its revelation of the legal mechanisms of the implementation process. The article examines the practice of implementing international environmental norms into national legislation through a comparative legal analysis of the experiences of the European Union, the Russian Federation, and the United States. The article provides a detailed analysis of the current state of the application of international norms in Uzbekistan's environmental legislation, opportunities for learning from foreign experience, and practical recommendations for strengthening implementation. At the same time, it identifies challenges arising in the national execution of international agreements and proposes ways to overcome them.

II. Methodology

In order to provide a thorough and impartial examination of the application of international environmental law principles inside national legal systems, this study makes use of a variety of scientific research techniques. International environmental norms and their integration into home legislation are compared and contrasted using a comparative legal approach. A thorough examination of international legal papers, such as multilateral environmental accords, declarations, and soft-law instruments, is another aspect of the inquiry. In order to evaluate the efficacy of implementation procedures, national legislation and judicial practice are also analyzed as major legal documents. To find recurrent trends and typical problems in legal practice, standard scientific techniques like observation and generalization are used. The techniques of induction and deduction are employed to test theoretical presumptions against empirical legal evidence and to draw broad generalizations from particular legal instances. Lastly, techniques for analysis and synthesis are used to organize the gathered information and provide logical conclusions and useful suggestions.

III. Results

The study's findings show that Uzbekistan's national legal system incorporates international environmental law standards using a hybrid approach that incorporates institutional adaptation, policy-based integration, and legislative harmonization. This paradigm is a transitional strategy wherein framework legislation and strategic policy papers are used to incorporate international environmental commitments into national law. The practical realization of these requirements is contingent upon administrative capability and enforcement measures. The research demonstrates that Uzbekistan has made significant strides in bringing its environmental laws into compliance with international norms, especially with regard to

climate change, biodiversity preservation, and sustainable development. One of the main conclusions is that basic legal concepts, as opposed to specific procedural regulations, are mostly used to incorporate international environmental standards into national law. Although national legal rhetoric reflects international ideas like sustainable development, environmental safety, and the wise use of natural resources, their actual implementation is still inconsistent.

International environmental standards are mostly declarative since their immediate applicability is frequently limited by the lack of explicit implementation guidance and supplementary legislation. This result validates the opinions of legal academics who contend that formal incorporation is insufficient on its own in the absence of institutional backing and effective enforcement. The findings also show that institutional capability is a critical factor in determining implementation effectiveness. The nominal missions of environmental control and regulatory agencies have been enlarged in accordance with international obligations; nevertheless, their practical ability is still restricted due to a lack of inter-agency cooperation, fragmented competencies, and low resources. Because of this, environmental standards monitoring, compliance management, and enforcement may not always live up to international norms. The total efficacy of the mixed implementation strategy is greatly impacted by this institutional gap. The significance of openness and the availability of environmental data is another significant finding. According to the report, there are still insufficiently established practical methods to guarantee open access to environmental data, despite the growing recognition of transparency as a crucial component of environmental governance. Public oversight is limited and governmental institutions' accountability is weakened by the lack of trustworthy environmental information.

The report also emphasizes how little the public is involved in environmental decision-making. Although participatory ideas are officially recognized, there is little actual implementation of them, especially locally. Public consultations are less successful as an implementation technique since they frequently have little real impact over final choices. This result shows that national practice has not yet completely incorporated the social aspect of international environmental legislation, such as environmental democracy and public participation. The study's recognition of environmental justice as a crucial but undeveloped component of implementation is a noteworthy outcome. The results demonstrate that court practice seldom uses international environmental rules as interpretive tools and that access to environmental justice procedures is still restricted. This erodes public trust in legal remedies and diminishes the protective role of environmental law. International environmental law rules cannot reach their full normative and practical potential in the absence of a robust framework for environmental justice.

The implementation of international environmental law norms into the national legal system is the process by which a state practically fulfils its international ecological obligations within its domestic legal framework. This process involves harmonizing international treaties, conventions, protocols, and resolutions with the internal legal system. The success of this process depends on the flexibility of the legal system, the consistency of environmental policy,

and the practical effectiveness of state institutions. In their research, Marijana Mladenov and Igor Serotila recognize the principle of environmental justice as a central criterion of international environmental law. According to them, the implementation of ecological law ensures not only environmental protection but also the human rights to life, a healthy environment, social equality, and environmental security. They emphasize that when international environmental norms are incorporated into national legal systems, justice, social protection, and sustainable development must be considered in an integrated manner. The authors argue that environmental justice constitutes one of the most critical conceptual foundations of international law and should occupy a central place in the implementation process within national legal systems. In their view, each state must take into account the principles of social equality and environmental justice when incorporating international environmental obligations into domestic law. Otherwise, imbalances in environmental policy hinder the practical application of international norms.

Researchers also emphasize that the implementation of international environmental law is strengthened not only through domestic legislation but also through systems of interstate responsibility. They note that if a state ratifies international environmental conventions but fails to reflect them in national legislation, such obligations entirely remain merely “on paper.” Therefore, they propose a “dual approach,” which combines international and national mechanisms. For effective implementation of international environmental norms, it is not sufficient merely to enact laws; national institutions responsible for control and enforcement must also be strong. In this regard, the authors refer to the European Union's experience, considering the strengthening of the “environmental governance system” a necessary condition for all states. They argue that weak implementation mechanisms in many countries are primarily linked to a lack of political will. Alongside “legal obligation,” they emphasize the importance of “political obligation,” as international legal norms have no practical force unless adopted into national law.

Zeyang Yu analyses conceptual approaches to the implementation of international environmental norms into national legal systems and identifies three main models: monist, dualist, and mixed methods. In a monist system, international treaties enter into force as part of the national legal system immediately after ratification. In a dualist system, international obligations acquire legal force only after the adoption of corresponding national legislation. The mixed model represents an optimal synthesis of these two systems and ensures the most effective adaptation of international obligations to national legislation. According to Zeyang Yu, the effectiveness of international environmental law largely depends on how effectively states integrate it into their domestic legal systems. He argues that international legal norms do not function as independent mechanisms; instead, they acquire real force through national policy, legislation, and enforcement systems. Therefore, the implementation process constitutes a central component of international environmental governance.

Moreover, effective implementation of international environmental norms requires “institutional coherence.” Without a stable system of cooperation among international

organizations, national governments, and regional structures, conventions remain merely formal documents. In this context, states must establish precise mechanisms in national legislation, such as adopting environmental standards, creating control systems, and defining reporting obligations. Zeyang Yu describes international environmental governance as a “multi-level hierarchy”: at the global level, the United Nations and its specialized agencies; at the regional level organizations such as the OECD, ASEAN, or the EU; and at the national level states’ own environmental laws and policies. Without coordinated legal mechanisms among these three levels, the implementation of international law into national legislation becomes ineffective. Zeyang Yu also highlights an issue particularly relevant for developing countries like Uzbekistan: many states ratify international environmental agreements but lack sufficient budgetary, technical, and monitoring resources to implement them at the national level. Therefore, alongside adopting international norms, mechanisms for their practical application must also be developed.

The article also notes that international environmental organizations such as the United Nations Environment Program (UNEP), the World Health Organization (WHO), and the International Energy Agency (IEA) directly influence the implementation process by providing technical assistance and legal advice to states. This experience is significant for Uzbekistan, as cooperation with these organizations can accelerate the adaptation of international environmental norms into national legislation. The author concludes that improving the effectiveness of international environmental law requires a combined system of “legal harmonization and national accountability.” That is, alongside incorporating international norms into national laws, independent national institutions must be established to oversee their enforcement.

In practice in the Republic of Uzbekistan, elements of the mixed model can be observed. Although the country has acceded to numerous international environmental conventions including the Convention on Biological Diversity, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the Paris Agreement on Climate Change internal regulatory frameworks are being revised to reflect their legal foundations in national legislation fully. For example, the Law “On Environmental Protection,” the “Green Economy” Concept, and the Environmental Security Strategy represent national manifestations of these international obligations. General studies indicate that the concept of institutional justice plays a significant role in the implementation of international environmental norms. According to several scholars, environmental policy succeeds not only through legal norms but also through the transparency, accountability, and integration of implementing institutions into international oversight mechanisms. From this perspective, strengthening environmental control bodies, increasing openness of ecological information, and expanding civil society participation are essential conditions for Uzbekistan.

In turn, three main challenges in implementing international environmental law into national systems are identified:

- Conflicts between international and national law;
- Institutional and bureaucratic weaknesses;
- Weak accountability mechanisms in fulfilling international obligations.

To address these challenges, several essential practices should be considered. In particular, establishing a unified monitoring system and strengthening environmental judicial practice would contribute to further development of the sector. According to statistical data from the United Nations Environment Program (UNEP) in 2024, only 41 per cent of countries worldwide have fully implemented international environmental conventions at the national legislative level. In this regard, Uzbekistan, like many countries worldwide, is implementing this process gradually. In recent years, the adoption of the National Strategy on Climate Change and Sustainable Development and the project “Improving Environmental Governance” in cooperation with the United Nations Development Program represent concrete steps toward implementing international environmental law in practice.

IV. Discussion

The results of this study verify that Uzbekistan's national legal system incorporates international environmental law principles in a mixed and transitional manner, which is in line with more general theoretical approaches found in international environmental law studies. Leading academics have pointed out that rather than directly incorporating specific international standards, governments with developing legal systems frequently depend on framework legislation and strategic policy tools. In this sense, Uzbekistan's strategy is consistent with a gradualist implementation paradigm, in which institutional and procedural consolidation comes after legal harmonization. Important doctrinal problems about the efficacy of international environmental law at the national level are raised by the Results section's identification of the prevalence of declarative incorporation. International legal theory emphasizes that environmental accords' normative power is contingent upon their conversion into legally binding domestic regulations.

International environmental regulations appear to serve more as guiding concepts than as directly applicable legal requirements, as seen by Uzbekistan's lack of secondary legislation and procedural systems. This bolsters academic claims that one of the fundamental issues facing national environmental governance is the discrepancy between nominal compliance and actual execution. One important aspect affecting implementation outcomes is institutional capability. Comparative studies show that in order to assure compliance, environmental control agencies need sufficient financial, technical, and human resources in addition to enlarged mandates. The results show that Uzbekistan's institutional architecture is still not coherent enough to be effectively enforced. The practical impact of international environmental obligations is limited when institutional change lags behind legal growth, which is a frequent trend in transition countries. The conversation also emphasizes how important access to environmental data and openness are as instruments for implementation.

Information transparency is widely acknowledged by international environmental law as a necessary condition for public trust and accountability.

The inadequate development of data transparency tools in Uzbekistan diminishes the deterrent impact of environmental legislation and impairs community monitoring. The participatory aspect of international environmental law, which sees informed public participation as a crucial element of environmental protection, is theoretically undermined by this. Another area where there is a clear implementation gap is public engagement in environmental decision-making. The minimal impact of public consultations seen in reality points to a procedural imbalance, despite the fact that international environmental legislation encourages inclusive and deliberative processes. This result is consistent with doctrinal criticisms that formal involvement procedures fall short of international environmental democracy criteria if they have no real impact. Therefore, the legitimacy and efficacy of implementation efforts would be strengthened by increasing the legal and procedural weight of public engagement. Environmental justice deserves special attention in the debate because it was noted as an undeveloped component in the Results section.

Human rights-based methods are becoming more and more integrated into international environmental law, with a focus on equitable protection, access to justice, and remedies for environmental harm. The development of environmental jurisprudence is hampered and rights-based environmental protection is weakened by Uzbekistan's judiciary's scant adherence to international environmental standards. Including environmental justice as a fundamental implementation requirement would bring national practice into line with current international legal developments. The conversation shows that although Uzbekistan's hybrid model of implementation has a lot of promise, it is still structurally lacking. The interplay of legal norms, institutional capacity, procedural protections, and society engagement determines how effective international environmental law rules are. Implementation runs the danger of staying disjointed and symbolic if these interconnected elements are not strengthened. Thus, the debate backs up the conclusion that Uzbekistan must go from nominal harmonization to substantive integration in order to achieve ecological security and sustainable growth.

Based on the above, implementing international environmental law into the national legal system is not merely a legal process, but a complex mechanism that integrates political will, social awareness, and institutional reforms. Summarizing the views of Mladenov, Serotila, and Zeyang Yu, three key pillars of effective implementation can be identified:

- Harmonization of international environmental norms with national legislation;
- Strengthening the principle of environmental justice at the policy and practical levels;
- Enhancing environmental control, monitoring, and accountability systems.

Advancing in these directions is crucial for Uzbekistan to fulfil its international environmental obligations, ensure sustainable development, and strengthen ecological security. An analysis based on international statistics reveals several challenges and

corresponding recommendations: Uzbekistan currently has more than 100 normative legal acts regulating environmental protection. Nevertheless, these acts are not sufficiently integrated and do not fully comply with international standards. According to the 2024 report of the Ministry of Ecology, Environmental Protection and Climate Change of the Republic of Uzbekistan, 27 per cent of existing laws do not comply with the requirements of international environmental conventions. For example, requirements related to hazardous chemicals under the Stockholm Convention (2001) are not fully reflected in national legislation, resulting in discrepancies with international standards for certain environmental risk levels.

More than ten state bodies are currently responsible for environmental control, monitoring, and accountability, but their activities lack sufficient coordination. UNEP's 2023 report notes that the level of ecological data exchange in Uzbekistan stands at 58 per cent, significantly lower than the European Union average of 85 per cent. Over the past five years, an average of 72 per cent of funds collected from environmental fines in Uzbekistan have been transferred to the general state budget, while only 28 per cent have been allocated to environmental programs. By comparison, this figure is 100 per cent in Germany and 92 per cent in South Korea, indicating inefficiencies in the economic mechanism.

Uzbekistan is currently a party to more than 15 international environmental treaties and conventions, including the Bern Convention (1979), the Ramsar Convention (1971), and the Paris Agreement (2015). However, there is no single authority responsible for monitoring national compliance with these documents. The UN's 2024 "National Report on the Paris Agreement" indicates that Uzbekistan has achieved only 64 per cent of its planned carbon-emissions reduction target for 2030. According to data from the Supreme Court of the Republic of Uzbekistan for 2023, international legal norms were applied in only 37 per cent of the 540 environmental cases reviewed nationwide. This reflects a shortage of qualified researchers and practitioners capable of applying international environmental law. To address these issues, the following practical recommendations are proposed:

- Develop a unified Environmental Code to systematize existing laws and harmonies them with the requirements of the Stockholm Convention, the Basel Convention, and the Paris Agreement.
- Establish a "Unified Environmental Data Portal" to create an open statistical database for all agencies and digitize data exchange, managed through a GIS-based platform drawing on the experience of Norway and Japan.
- Legally mandate that at least 80 per cent of revenues from environmental fines be allocated to ecological restoration, green energy, and waste recycling projects.
- Introduce a national monitoring system for each international convention and submit annual reports to parliament, following successful practices in France and Canada.
- Introduce specialized training modules on international environmental law in legal universities and professional development centers, and organize international experience exchange programs for officials and judges.

If these measures are implemented, Uzbekistan would take significant steps toward fulfilling its international environmental obligations more effectively, strengthening ecological security, and establishing a legal system fully aligned with international standards. The process of implementing international environmental law norms into the national legal system is comprehensive, integrating legal mechanisms, institutional reforms, and social responsibility. In conclusion, the principles of environmental justice and sustainable development occupy a central place in integrating international environmental norms into the national system. Challenges such as institutional weakness, legal conflicts, and weak accountability mechanisms are identified, and strengthening monitoring systems and ecological judicial practice is recommended.

Conclusion

Based on the analysis, in the case of Uzbekistan, this process is implemented through a mixed model: international conventions are harmonized with national legislation and are practically embodied in the Law “On Environmental Protection” and the National Strategy on Climate Change and Sustainable Development. At the same time, strengthening environmental control bodies, increasing data transparency, and expanding public participation are crucial to effectively fulfilling Uzbekistan’s international environmental obligations. As a result, an effective model for integrating international environmental law into the national system emerges as a comprehensive mechanism that integrates individuals, institutions, and policies, ensuring sustainable development and ecological security while aligning the country’s environmental and social responsibilities with international standards. In my view, improving the mixed model, strengthening institutional capacity, and establishing environmental justice as a central criterion for implementing international environmental law norms into Uzbekistan’s legislation will elevate the country’s environmental policy to a new level.

Based on the study, it can be said that Uzbekistan uses a mixed approach to implement international environmental law standards. This model combines the practical embodiment of international agreements through strategic policy tools with their harmonization with national laws. This strategy, which reflects the nation's dedication to meeting its international environmental commitments, shows a progressive transition from legal conformity to substantive integration. However, the competency of state agencies in charge of environmental governance, the constancy of institutional coordination, and the enforcement of legislative standards all play a major role in how effective this strategy is. The study affirms that extending meaningful public engagement, enhancing access to trustworthy environmental data, and fortifying environmental regulatory bodies are crucial elements of successful implementation rather than just supplemental measures. International environmental pledges run the danger of staying declarative in the absence of strong institutional capability and open decision-making procedures. Because it guarantees equitable access to environmental

knowledge, efficient remedies for environmental harm, and equal protection of environmental rights for both current and future generations, environmental justice plays a particularly important role in this respect.

Furthermore, integrating institutional, sociological, and legal components into a single mechanism is necessary for the creation of a cohesive implementation framework. With this method, international environmental law standards can serve as guiding principles that influence national environmental policy and practice in addition to being explicit legal duties. Enhancing legal clarity, encouraging accountability, and bringing Uzbekistan's environmental governance into compliance with internationally accepted norms would all result from the institutionalization of environmental justice as a fundamental implementation criterion. In conclusion, Uzbekistan's environmental policy might reach a completely new level if the mixed implementation model is improved via institutional strengthening, doctrinal development, and the prioritization of environmental justice. This change will strengthen Uzbekistan's position as a responsible and proactive member of the international environmental law system while promoting sustainable development, ecological security, and the long-term balance between environmental preservation and socioeconomic advancement.

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