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Analysis of legal challenges in climate regulation of Azerbaijan and proposal for climate law

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Abstract

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Climate change presents an urgent and complex challenge that demands proper legal response. In Azerbaijan, the year 2022 was noted to have the highest number of forest fires within the recorded period, while water resources reduced by 26.4% between 1980 and 2023, and the Caspian Sea has experienced notable fluctuations in its level, all of which underscore the intensifying impacts of climate change on the regional environment. The study aimed to analyse existing environmental legislative framework of the Republic of Azerbaijan, revealing significant challenges in climate regulation, including the lack of legally binding climate targets, presence of vague and fragmented provisions, absence of clear institutional framework and enforcement mechanisms. Employing doctrinal and comparative legal analysis methods, the study analysed Azerbaijan's environmental legislation and relevant international practices to identify the root causes of these challenges. These problems hinder the effectiveness of climate regulation. To address these legal deficiencies, this article proposes a comprehensive draft Law "On Climate Change". The proposed Law introduces a substantial legal mechanism in climate regulation and includes legally-binding climate targets, climate financing and economic instruments, legal status of climate

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authority and state control mechanisms for ensuring enforceability. It is inspired by the best practices of leading countries and aims to establish a set legal framework. The study concluded that adoption of such law is essential not only to meet global obligations but also to ensure sustainable and resilient economic development

Keywords: climate change; climate targets; environmental legislative framework; law-making; legal reform; “green future”

Introduction

The history of mankind demonstrates that the development of human civilization proportionally increases the human impact on the environment. Starting from the Agricultural Revolution in the Neolithic Age, people began altering ecosystems through farming and domestication of animals. The Industrial Revolution substantially increased human impact on the environment by large-scale use of fossil fuels, pollution and urbanisation. In the 20th and 21st centuries, the environmental impact of humanity kept intensifying, causing issues such as climate change, loss of biodiversity and pollution. According to the report of the Intergovernmental Panel on Climate Change (2023), human activities have caused a global temperature rise of approximately 1.1°C above pre-industrial levels, moreover, forecasts indicate that in the near future this number will number, the frequency of abnormal weather events (floods, torrents, etc.) will intensify, droughts and water scarcity will be more substantial, forest fires will become more severe, and ocean levels will rise due to glacial melting. Further research of different scenarios indicate that sea-level rise-induced coastal flooding is projected to cause annual losses equivalent to 4% of global gross domestic product annually by 2100 (Organisation for Economic Co-operation and Development, 2022) and area affected by forest fires will increase by 19% by 2050 (Zou *et al.*, 2020). Meanwhile, the year 2023 was the hottest recorded year in the last 174 years, the frequency of recorded natural

disasters increased 5 times in the last 50 years, in addition, the number of people affected was 133 million annually from 2015 to 2022, in contrary to 29 million people annually from 2005 to 2014 (State Statistical Committee of the Republic of Azerbaijan, 2024). As the environmental problems escalate both in scale and complexity, states are required to adopt and strengthen effective legal instruments to protect the environment.

As environmental problems, more specifically climate change, is intensifying, its impacts are becoming more evident in Azerbaijan. The Fourth National Communication (Republic of Azerbaijan, 2021) emphasises that with a population of approximately 10 million people, Azerbaijan contributes 0.15% of total global greenhouse gas emissions, moreover its physical and geographical characteristic render Azerbaijan highly sensitive to the effects of climate change (more specifically, droughts, thermal stresses, floods, and other dangerous natural phenomena). Statistics indicate that in 2022, Azerbaijan suffered from an unprecedented peak in forest fire damage in over two decades, with 66 recorded events covering 869 hectares of land (State Statistical Committee of the Republic of Azerbaijan, 2025). Meanwhile, water resources have significantly declined by 26.4% over four decades, including a 35.9% decrease in transboundary waters and a 23.3% decline in local river contributions (Decree of the President of Azerbaijan No. 320, 2024). Moreover, climate change also affects the level of the Caspian

Sea. State officials highlighted climate change as the major cause of level fluctuations of the Caspian Sea, meanwhile both rising and declining of the level endangers the ecosystem. (Ministry of Ecology and Natural Resources, 2024) Additionally, numerous academic studies highlight the impact of environmental problems in the region. The research by V. Teymurova *et al.* (2025) indicated that air pollution results in economic losses estimated between 0.11% and 0.14% of GDP of Azerbaijan, while particulate emission damage accounts for about 0.166% of gross national income as adjusted savings, additionally land degradation, particularly soil erosion, costs Azerbaijan approximately 10-11 billion manats annually. The study by G. Bayramli (2020) addressed environmental problems of Azerbaijan and highlighted the significance of substantial state control and strict environmental policy, public awareness and international cooperation. In addition, G.A. Mustafayeva *et al.* (2025) emphasising the significance of COP29, held in Baku in November 2024, argued that policymakers must ensure that infrastructure projects contribute to climate resilience and are in line with nations climate targets.

Therefore, the legislative framework of nations is always proportional to their socio-economic development. Therefore, the characteristics of the environmental legal framework in developed countries significantly differ from the developing countries. This difference is also supported with the 3rd Article of United Nations Framework Convention on Climate Change (1992), as it determines one of the key principles of climate regulation “common but differentiated responsibilities and respective capabilities”. As the developing countries lack necessary resources and institutional capacities to address complex environmental problems, they are often more vulnerable to such challenges. Consequently, in addition to international support (financing and technology transfer), substantial national legislation is essential

for creation of effective monitoring and compliance, determining responsibilities for public and private actors, as well as establishment of robust legal protections for the environment. Furthermore, T. Huseyinov (2024) indicated that climate justice is correlated with human rights and state responsibilities, therefore, a strong legal framework is essential for ensuring climate justice.

The study aimed to analyse the current legislative framework regulating climate change in Azerbaijan and to propose a model law to strengthen legal mechanisms for climate regulation. The objectives of this research were to identify the main challenges in the existing climate regulation of Azerbaijan, to analyse international legal frameworks and best practices applicable to the national context, as well as to develop proposals for strengthening Azerbaijani climate regulation through a dedicated climate law.

Materials and Methods

The study adopted the conceptual framework of environmental law and climate regulation, emphasising the interaction between legal norms, institutions, and policy mechanisms in addressing climate change. This research analysed the existing environmental legislation of Azerbaijan to identify the main challenges in climate regulations by conducting doctrinal and comparative legal analysis. To determine the existing environmental reality, intensification of the impacts of climate change in the region is addressed. The reports of the international organisations (OECD, 2022; UNEP, 2023; World Bank, 2023) and the government (Republic of Azerbaijan, 2021), official statistical data (State Statistical Committee of the Republic of Azerbaijan, 2024), speeches of the government officials (Ministry of Ecology and Natural Resources, 2024), official documents (Azerbaijan’s Second Nationally Determined Contribution, 2023), were analysed. These sources were selected due to their official status, reliability,

and relevance to assessing the legal and institutional framework for climate governance.

Secondly, the legal provisions that address climate change were identified. Key challenges in the legislation were determined by the analysis of the relevant legal acts and their provisions on climate regulation. The analysis addressed the Constitution of Azerbaijan (1995), environmental and energy laws, as these are the key legal acts in the legislation than include provisions related to climate regulation. This study also analysed the policy documents (Azerbaijan 2030: National Priorities on the Socio-economic Development, 2021), Socio-economic Development Strategy of Azerbaijan in 2022-2026, 2022), as well as the existing institutional framework (Charter of the Ministry of Ecology and Natural Resources, 2020).

Lastly, to address the key legal challenges, the study proposed a climate law by examining best practices from leading countries and neighbouring states. The legislative frameworks of European Union, France, Germany and United Kingdom were studied for their comprehensive climate legislation. Additionally, practices from neighbouring countries such as Turkey, Iran, Georgia and Armenia were analysed to determine regional approaches and challenges in climate regulation. The study also covered recommendations from international organisations such as the UNEP (2023). These sources were chosen for their authoritative perspectives and relevance to the proposed climate law.

Results and Discussion

Overview of the national environmental legislation and reforms. Early laws included primitive clauses that addressed environmental issues on a narrow scale. For example, the Code of Hammurabi (2008) (54-56th laws) instated responsibility for poor maintenance of irrigation systems and the Roman law protected environmental elements (with special laws regarding water

pollution) through protection of individual rights rather than public environmental policies (Wacke, 2002). As society advanced, environmental legal protection became more sophisticated. Starting from the 1800s, states adopted distinct legal acts, aimed at preventing pollution. In the 20th century many national laws and international conventions were enacted that addressed various aspects of environmental protection, such as natural resources, biodiversity, climate change etc. As of 2025, an increasing number of countries keep refining their legislative framework by stricter regulations, distinct climate laws etc.

The collapse of the Soviet Union in 1991 resulted in an emergence of fifteen independent countries, including the Republic of Azerbaijan. Since gaining independence, Azerbaijan has established national legal system to govern domestic affairs. In the years following independence, Azerbaijan adopted environmental legal acts to address various environmental problems, such as pollution, natural resources, ecological degradation etc. Azerbaijan continued to refine and develop its environmental legislation. Ongoing reforms provided notable improvements in the environmental legislative framework. Despite these reforms, remaining legal challenges in the legislation hinder the effectiveness of climate regulation. To better determine the challenges about climate regulation, it is necessary to examine the main elements of the environmental legislative framework. Comprehensive legal analysis of the legal acts in the environmental legislative framework of Azerbaijan is crucial in evaluation of effectiveness of the normative provisions and identification of key challenges.

The environmental legislation of Azerbaijan consists of various legal acts that address certain aspects of environmental protection. International agreements which were ratified by Azerbaijan, such as Framework Convention and Paris Agreement (2015) are also integrated parts of

the legislation. The Constitution of the Republic of Azerbaijan (1995) is central in the environmental legislation by setting the basic principles and environmental rights. Article 39 stipulates the right to live in a clean environment and mandates the state to ensure ecological balance and biodiversity. Moreover, Article 78 declares the common duty to protect the environment. The role of the Constitution for climate regulation is notable. As the Judgment of the Federal Constitutional Court of Germany No. BvR 2656/18 (2021) ruled insufficient climate provisions unconstitutional, several scholars addressed this substantial decision and constitutional basis of climate regulation (de Vilchez, 2021; Krämer-Hoppe, 2021; Theil, 2023). Despite the fact that the Constitutional Court of Azerbaijan has not yet addressed to this issue, German Federal Constitutional Court's ruling highlights that the Constitution provides the legal basis for climate regulation by guaranteeing fundamental rights which obligate the state to enact laws that prevent environmental harm and protect future generations. This establishes a constitutional duty for the state to implement long-term, binding climate policies that ensure intergenerational justice.

To ensure the proper functioning of the relevant articles of the Constitution, several environmental laws have been adopted. One of the key legislative acts in environmental legislative framework of Azerbaijan is the Law of Azerbaijan No. 678-IQ (1999). It addresses the crucial aspects of environmental protection, such as benefiting from nature, economic tools to protect the environment, ensuring ecological balance, environmental requirements for business activities etc. Article 49 is called "protection of the climate of Earth and Ozone layer of the atmosphere". However, the Article does not determine any regulation mechanism, only stating that such protection is ensured based on the national legislation and the international agreements that Azerbaijan has ratified. Azerbaijan ratified the Paris

Agreement (2015), however distinct provisions to protect the climate have not been adopted in national legislation. Therefore, Article 49 undermines the legal certainty and fails to determine any regulation mechanism.

Another major legislative acts in environmental protection is the Law of Azerbaijan No. 109-IIQ "On the Protection of the Atmosphere Air" (2001). This law addresses protection of the atmosphere from pollution by ensuring monitoring, prevention and control mechanisms. Article 14 prohibits business projects that may damage the climate. However, this provision is vague, as it does not explicitly define criteria which can be used to determine whether the business activities harm the climate. The Law of Azerbaijan No. 1175-VQ (2018) is also crucial as it regulates the legal mechanisms for implementing environmental impact assessment for business and other projects. Article 4.9 indicates that the impact of the project on climate change must be evaluated during such an assessment. While this provision is ambiguous, no further provisions on climate are determined in the mentioned Law.

There are few more laws with narrower scope, each addressing a particular aspect of environmental law. For instance, the Law of Azerbaijan No. 677-IQ (1999) addresses protection from environmental hazards, the Law of Azerbaijan No. 270-IIQ (2002) sets the mechanism for information gathering about the environment, the Law of Azerbaijan No. 401-IIQ (2002) is dedicated to increase the awareness of people on environmental protection, the Law of Azerbaijan No. 957-IVQ (2014) regulates the use, conservation and restoration of the green spaces. Moreover, there are other laws, each addressing distinct category of natural resources, such as the Forest Code of Azerbaijan (1997), the Water Code of Azerbaijan (1997), the Soil Code of Azerbaijan (1998) etc. Nevertheless, none of these laws include any set provisions on climate regulation.

Between 2020 and 2025, there have been further reforms aimed to reduce the dependency on fossil fuels by promoting the use of renewable energy sources. Accordingly, in 2021 the Law of Azerbaijan No. 339-VIQ "On the Use of Renewable Energy Sources in the Production of Electric Energy" (2021) was adopted. That Law establishes the promotion mechanism for renewable energy sources, while not justifying and aligning this promotion with the climate goals of Azerbaijan. Moreover, in 2023, two major laws in the energy sector: the Law of Azerbaijan No. 1006-VIQ

"On Energy" (2023) and the Law of Azerbaijan No. 858-VIQ "On Electro-energy" (2023) were adopted. Both laws include provisions for mandatory environmental impact assessment and protection of the environment. While the first law mandates energy subjects to take measures to reduce the emission of greenhouse gasses, neither law stipulates any clear requirements related to the climate regulation. Therefore, the Table below describes the climate provisions of the normative acts in the environmental legislation of Azerbaijan.

Table 1. Laws that include climate provisions

The name of the legal act	Relevant article	Provision
The Law of Azerbaijan No. 678-IQ "On Environmental Protection" (1999)	Article 49	The protection of the climate and Ozone layer is conducted based on the national legislation and the ratified international agreements
The Law of Azerbaijan No. 109-IIQ "On the Protection of the Atmosphere Air" (2001)	Article 14.8	Design, placement, construction and operation of facilities that may cause deterioration of human health, the state of the ozone layer, climate, flora and fauna, and substantial consequences for the environment and the population are prohibited.
The Law of Azerbaijan No. 1175-VQ "On the Environmental Impact Assessment" (2018)	Article 4.9	Impact of the project on the climate change must be evaluated during EIA
The Law of Azerbaijan No. 339-VIQ "On the Use of Renewable Energy Sources in the Production of Electric Energy" (2021)	The entire Law promotes renewable energy sources	
The Law No. 1006-VIQ "On Energy" (2023)	Article 21.4 (second sentence)	Energy entities take measures to reduce the amount of greenhouse gas emissions released into the environment, prevent pollution of soils and water bodies with oil and oil products, as well as reduce the impact of other wastes that harm the environment.
The Law of Azerbaijan No. 858-VIQ "On Electro-energy" (2023)	Article 32	Electric power entities comply with technical regulations on environmental protection, are responsible for their violation, and implement technical and organisational measures aimed at reducing harmful impacts on the environment.

Source: systematised by the author

Along with these laws, the Charter of the Ministry of Ecology and Natural Resources (Decree of the President of Azerbaijan No. 975, 2020) obligates the Ministry to examine the effects of climate change on the population and the economy. However, the Charter lacks institutional clarity by not mandating the Ministry to take effective

measures in climate regulation and not defining its legal status as a climate authority. Moreover, in February 2025, by the Decrees of the President of Azerbaijan No. 472 and No. 478, (2025) of the President, a position of special representative for climate change of the President of Azerbaijan was established.

In 2021, “Azerbaijan 2030: National Priorities on the Socio-economic Development” (Decree of the President of Azerbaijan No. 2469, 2021) (“National Priorities”) was adopted. The document determines 5 priorities, one of them is “Clean Environment and “Green Development” Nation”. The priority highlights the emergency of climate change and identifies two objectives – high quality environment, clean energy space.

First goal covers the protection of the environment and the efficient management of natural resources. The latter targets increase in the use of renewable energy sources and reducing the impact on climate. Being highly conceptual, National Priorities do not define any clear measures or enforcement mechanisms. To implement the National Priorities, “Socio-economic Development Strategy of Azerbaijan in 2022-2026” (“the Strategy”) was approved by the Decree of the President of Azerbaijan No. 3378 (2022). The strategy includes measures to combat climate change. The 13rd object of the Strategy is determined as “combatting climate change”. Alongside with the other measures, the Strategy also stipulates the preparation of the “State Program for the Low-carbon Development” and “National Adaptation Plan”. The 13th objective of the Strategy is determined as “combat with climate change”. While the Strategy includes clear steps to implement National Priorities, the non-normative nature of this act prevents coverage of remaining legal challenges. Furthermore, with the Decree of the President of Azerbaijan No. 2620 (2021), the liberated territories of the Karabakh and East Zengezur were declared as “clean energy zones”.

By the Decree of the President of Azerbaijan No. 4233 (2023), in Azerbaijan the year 2024 was declared as “In Solidarity for a Green World”. Moreover, that Decree also highlights the climate commitments of Azerbaijan, mentioning that it is targeted to reduce the emission of greenhouse gasses by 35% until 2030 and 40% until

2040. Being a non-normative legal act, that Decree does not include enforceable provision on climate regulation. However, it is the only legal act in national legislation that specifies climate targets of Azerbaijan.

In addition to the national legislation, international instruments, more specifically, Paris Agreement (2015), is also substantial in shaping the climate targets of Azerbaijan. As the Paris Agreement (Article 4) requires parties to prepare nationally determined contributions (NDCs) indicating their climate efforts, Azerbaijan also provided and updated its NDCs. Azerbaijan’s NDCs (2023) outline the climate commitments to reduce the emission of greenhouse gas emissions by 35% until 2030 and 40% until 2040.

Analysis of the legislative framework demonstrates several findings:

- lack of the legally binding climate targets: climate targets of Azerbaijan are included in NDCs and non-normative legal act;

- vague provisions on climate regulation: provisions on climate regulation stipulated in mentioned laws are not clear and measurable, making it difficult to assess compliance and effectiveness. For example, Article 49 of the Law “On Environmental Protection” (1999), states that protection of climate is based on the national legislation and the international agreements. However distinct provisions to protect the climate have not been adopted in national legislation. Furthermore, Article 14.8 of the Law “On the Protection of the Atmosphere Air” (2001), Article 4.9 of the Law of Azerbaijan No. 1175-VQ (2018), the entire Law of Azerbaijan No. 339-VIQ (2021), Article 21.4 of the Law of Azerbaijan No. 1006-VIQ (2023) and Article 32 of the Law of Azerbaijan No. 858-VIQ (2023) fail to define clear indicators for assessing the effectiveness of climate measures. Without clear, measurable provisions, enforcement authorities cannot evaluate whether entities comply with climate objectives;

➤ missing carbon pricing mechanisms: legislative framework lacks carbon pricing instruments (carbon taxes or emission trading systems);

➤ absence of clear institutional framework: along with existing laws, the Charter of the Ministry of Ecology and Natural Resources requires the Ministry to examine climate change effects on the population and economy. However, it does not mandate the Ministry to implement specific climate measures or define its role as the central climate authority. The institutional framework is further fragmented by the establishment of a Special Representative for Climate Change, whose mandate and coordination with the Ministry remain unclear;

➤ ambiguous enforcement mechanisms: the analysis above demonstrates that Azerbaijan's climate regulation framework faces significant enforceability challenges. The lack of legally binding climate targets, combined with vague and non-measurable provisions across various laws, prevents authorities from effectively monitoring and assessing compliance. The absence of carbon pricing mechanisms further limits the ability of the state to incentivise emission reductions. Institutional ambiguity, highlighted by unclear mandate between the Ministry of Ecology and Natural Resources and the Special Representative for Climate Change, intensifies these enforcement gaps. These challenges highlight the need to clarify legal provisions, establish measurable targets, and define clear institutional responsibilities to ensure effective climate regulation.

Necessity of adopting climate law. The study demonstrated that various legal acts in the environmental legislative framework include provisions on climate, while lacking the legal certainty. These provisions are generally conceptual and lack operational clarity. In addition, climate targets of Azerbaijan are described in the NDCs and non-normative legal acts in national legislation. The Strategy is of non-normative nature

and the only legal act that depicts systemic measures in climate regulation. Overall, vague status of the regulatory framework, underdeveloped enforcement mechanisms and lack of the clear institutional framework were highlighted as key problems remaining in the climate regulation of Azerbaijan. To properly address these challenges, legislative action is essential.

Consistent with the historical provided background, although regulation has advanced from irrigation clauses in ancient codes to contemporary climate statutes, the strength and enforcement of these frameworks are largely determined by a national socio-economic development. This correlation also demonstrates the reason for the difficulties in addressing environmental challenges among developing countries, as recognised by the UNFCCC principle of "common but differentiated responsibilities.". Alongside with the legal challenges in the legislation, advancing international support mechanisms also highlight the necessity of such legislative initiative. In November 2024, the 29th Conference of the Parties (COP29) to the Framework Convention was held in Baku, Azerbaijan. The most notable outcome of the COP29 was New Collective Quantified Goal on Climate Finance (UNFCCC, 2024), as the developed countries committed to triple the amount of the money to support developing nations in climate actions by providing 300 billion USD annually by 2035. This marks a significant point especially for developing countries (as well as Azerbaijan), as they are more dependent on international support. The analysis by B. O'Callaghan (2024) demonstrated that the median climate finance target should be 1.7 trillion USD. Another research by NCQG demonstrated that climate finance is not only equitable for developed countries, but also in their economic interests (Bolton & Kleinnijenhuis, 2024). Moreover, some research suggests that the legal framework in climate finance is underdeveloped compared to other economic sectors

(Wei *et al.*, 2025). Consequently, to ensure that financial commitments achieve their targeted outcomes, developing countries need to establish strong legal and institutional frameworks that support effective governance, transparency and accountability.

Study of the global trends in environmental law and identification of successful international practices is central in shaping such legislative initiatives. The analysis of the environmental legislative framework in developed countries demonstrated that increasing number of countries adopted distinct climate laws. For example, in 2021, the European Union adopted the European Climate Law (Regulation of European Union No. 2018/1999, 2021). Being a regulation, it is applicable in all member states. It sets legally-binding climate targets for the EU to achieve climate neutrality by 2050. It strengthens EU climate commitments by embedding them into law. The similar trend can also be observed in member states. In 2019, France launched democratic initiative called the Citizens' Climate Convention (Convention Citoyenne pour le Climat, n.d.). It united 150 French citizens with a mission to propose measures to combat climate change. Inspired with the proposed measures, France adopted several laws, more specifically Law of France No. 2021-1104 (2021) that sets legally binding climate targets and introduces measures to achieve these targets. Alongside with France, Germany adopted the Federal Climate Change Act (2021). In 2021, the Constitutional Court of Germany in Judgment No. BvR 2656/18 (2021), ruled that this law was incompatible with the German Constitution. Therefore, the law was significantly revised by setting more enhanced climate targets. The United Kingdom was one of the first countries that adopted a distinct climate law, as its primary climate law, which is the Climate Change Act was adopted in 2008. That law was amended in 2019 introducing climate neutrality targets

into UK legislation. Furthermore, according to the UNEP (2023) report, a growing number of climate cases invoke fundamental rights to compel stronger governmental action on climate change.

Alongside developed countries, there have been several attempts in the neighbouring countries of Azerbaijan to adopt climate laws. In 2025, Turkey adopted first Climate Change Law (Law of Turkey No. 7552, 2025). It sets legally binding climate targets for Turkey and introduces an emission trading system into the legislation. However, the project is criticised for emphasis on economic aspects rather than environment (Gürçam, 2025). Iran also faces significant impacts of climate change including intensifying droughts, declining water sources and shrinking lakes. Several researchers condemned the lack of clear climate regulation in Iran (Heydari *et al.*, 2025; Mousavi *et al.*, 2025). The impact of climate change is also becoming more evident in Georgia and Armenia. Both Nations drafted Laws on climate change (Parliament of Georgia, 2023; EcoLur, 2025).

An international trend can be observed: nations adopting distinct climate laws, setting legally binding climate targets, specifying compliance and monitoring mechanisms. Beyond the presence of legally binding climate targets, the qualitative features of such laws including the clarity of provisions, coherence across legal instruments, specificity of mandates, and robustness of monitoring systems determine their effectiveness. Developed countries have tended to lead this trend as they can invest in institutions, monitoring capacity, and enforcement mechanisms, by contrast, many developing countries rely on non-normative acts and conditional NDCs that lack legal force and precise indicators. Therefore, COP29's enhanced finance commitments are substantial not only for funding mitigation and adaptation, but also for enabling the qualitative reforms. For Azerbaijan, this implies that adopting legally binding climate targets is insufficient, a law must

be drafted with measurable indicators, allocation of responsibilities, transparent monitoring requirements and enforceable sanctions to transform commitments into outcomes. Reforming these qualitative elements is essential to turn financial support into evident emission reductions and adaptation gains.

Drafting climate law for Azerbaijan. Previous sections analysed the environmental legislative framework of Azerbaijan, identifying the key issues in the legislation, as well as highlighting the necessity of addressing these challenges. These

challenges hinder the effectiveness of climate regulation in Azerbaijan. To address these issues, adoption of the dedicated climate law is essential.

Considering the characteristics of the legislation of Azerbaijan, studying climate laws in foreign countries and analysing the challenges in existing legislative framework, basic structure of the Law of the Republic of Azerbaijan “on Climate Change” (*“İqlim dəyişikliyi haqqında” Azərbaycan Respublikasının Qanunu*) can be drafted. Basic structure of such law may include preamble and 6 chapters (Table 2).

Table 2. Structure of the Law of the Republic of Azerbaijan

Chapter I: General provisions	1-ci fəsil. Ümumi müddəalar
Chapter II: Climate targets	2-ci fəsil. İqlim hədəfləri
Chapter III: Financing and economic instruments	3-cü fəsil. Maliyyələşmə və iqtisadi tənzimləmə metodları
Chapter IV: Institutional framework	4-cü fəsil. İnstitusional çərçivə
Chapter V: State control mechanisms	5-ci fəsil. Dövlət nəzarət mexanizmləri
Chapter VI: Final provisions	6-cı fəsil. Yekun müddəalar

Source: compiled by the author

The preamble of the Law includes references to the Article 39 of the Constitution, international obligations under Paris Agreement, interests in the environmental and climate protection and main objective of the proposed law. The first chapter of the draft Law begins with determination of the scope and the purpose of the Law. The scope of the Law covers the climate targets of Azerbaijan, the activity of corporations, government bodies and citizens regarding the reduction of greenhouse gas emissions, enforcement and state control mechanisms, as well as the legal status of climate authority. The aim of the Law is to achieve a green world and combat climate change by reducing greenhouse gas emissions. The chapter continues with key definitions and identification of the main principles of climate regulation in Azerbaijan. The definitions of greenhouse gas emission, climate authority, climate justice, climate targets and other relevant terms are to be

addressed in this chapter. The main principles include transparency, equality, and clarity of climate policy, sustainable development, etc.

The second chapter defines final and intermediate climate targets of Azerbaijan, including reducing the emission of greenhouse gasses by 35% until 2030 and 40% until 2040. It also identifies the duties of the state in climate regulation and mandates “climate authority” for planning, taking measures and adapting to climate change. The third chapter is dedicated to climate financing and introducing economic instruments to the legislation. As previous studies demonstrated, the existing legislation lacks mechanisms for modern economic instruments, such as green procurement (Alimusayev, 2025a) and carbon pricing (Alimusayev, 2025b). This chapter may also include provisions for emission trading systems in Azerbaijan. However, it must be considered that emission trading systems are often considered

more suitable for high-income countries (World Bank, 2023). Moreover, further research highlighted the importance of “green budgeting” in achieving a green economy in Azerbaijan (Qasimli *et al.*, 2022).

The fourth chapter determines the legal basis of climate institutions, more specifically “climate authority”. Such authority can be the Ministry of Ecology and Natural Resources (or other Agency under the Ministry), or an independent body in the form of a climate council or committee. This chapter also defines the rights and the functions of such authority and its cooperation mechanisms with other governmental bodies. The Authority must be mandated to monitor, investigate and enforce the proposed law.

Fifth chapter emphasises the state control mechanisms, more specifically, monitoring and verification systems as they help to ensure transparency and enforceability. This chapter must also include provisions that obligate the government to make a regular climate action plan and implement it. This chapter may also include legal responsibilities and liabilities of subjects in compliance of this Law. Lastly, the sixth chapter concludes the law with final and transitional provisions. This chapter may include a time period for the Law to become enforceable.

Adoption of the proposed law can be considered as a remarkable step for the climate regulation in Azerbaijan. However, to maintain the proper functioning of the law, further legislative acts need to be adopted. For example, after the adoption of the proposed Law other legislative acts,

discussed in the previous chapters, are required to be modified to accommodate new requirements. Furthermore, as the proposed Law introduces new regulation into the legislative framework of Azerbaijan, amendments or additions to the Criminal Code and the Code of Administrative Offenses will be required to ensure legal liability.

The proposed Law “on Climate Change” proportionally addresses the legal challenges identified in the previous sections:

➤ it sets legally-binding climate targets: it includes the climate targets of Azerbaijan. Additionally, in the hierarchy of normative legal acts, laws stand higher than other legal acts and they include enforceable and legally-binding provisions. Therefore, the proposed climate regulation takes the form of a law;

➤ it includes clear climate provisions: while defining climate targets, institutional framework and control mechanisms, the proposed Law neutralises the ambiguousness of the legislative framework;

➤ it specifies climate financing and economic instruments: it contains provisions on financing and carbon pricing;

➤ it defines institutional framework in climate regulation: the proposed Law establishes the legal basis of climate authority;

➤ it stipulates state control mechanisms ensuring enforceability: it guarantees enforcement by determining monitoring and verification systems.

As the Table 3 shows, each of the legal problems, discussed in the previous section, is covered in the proposed Law.

Table 3. The legal challenges and the proposed Law

The legal challenge	The proposed Law
Lack of the legally binding climate targets	The second chapter of the proposed Law defines final and intermediate climate targets of Azerbaijan
Vague provisions on climate regulation	The entire Law is dedicated to combatting climate change and it sets clear normative provisions
Missing carbon pricing mechanisms	The third chapter is dedicated to climate financing and introduces economic instruments

Table 2. Continued

The legal challenge	The proposed Law
Absence of the clear institutional framework:	The fourth chapter determines the legal basis of climate authority
Ambiguous enforcement mechanisms	Fifth chapter focuses on the state control mechanisms, moreover after the adoption of the Law further amendments to criminal or administrative offences legislations are considered

Source: compiled by the author

By properly addressing the legal challenges, the proposed Law aligns the legislation of Azerbaijan with international standards. The proposed Law “On Climate Change” seeks to unify Azerbaijani laws with international practice by creating clear targets, monitoring systems, and instruments for a low-carbon economy. H. Ahmedov (2024) suggested a circular economy model as a way of combatting climate change for Azerbaijan. Proposed results support this approach, as the proposed Law includes measures (economic instruments) that could be used to implement circular practices in industry and the public sector. The World Bank Group (2023) recommends a low-carbon transition for Azerbaijan. This recommendation aligns with this study results that laws are insufficient and must be supported by capacity building, clear agency roles and funding, although proposed solutions prioritise legal design and enforceable interim milestones rather than the broader policy-level analysis of the World Bank.

Moreover, local scholarship reaches similar conclusions regarding gaps in Azerbaijan’s legal framework. For example, A. Qasimov *et al.* (2024) noted that the environmental laws of Azerbaijan fail to identify the specific aspects of ecological legal relations and, due to gaps in environmental legislation, there is a need for comprehensive systematisation. This local critique reinforces the conclusions regarding legal clarity. Without systematic consolidation, precise definitions and clear allocation of responsibilities, climate targets and international finance will not provide measurable results.

The World Bank’s Reference Guide to Climate Change Framework Legislation (2020) identifies twelve key elements for effective climate laws, including clear targets, enforceable interim milestones, defined institutional roles, robust monitoring systems. The proposed Law “on Climate Change” implements these principles by establishing measurable climate targets, clarifying agency responsibilities, embedding monitoring requirements and providing mechanisms for funding and enforcement. By aligning with these internationally recognised elements, the Law strengthens Azerbaijani legal framework, enhances enforceability, and increases the probability of achieving tangible emissions reductions and sustainable development outcomes.

Most notably, the Law “On Climate Change” aims to preserve a green World for future generations by turning policy commitments into durable, enforceable action. By introducing climate regulation into national legislation, the Law would provide the legal certainty required to enforce the law and track progress over time. Furthermore, embedding principles of a just transition and support for low-carbon economic practices will help distribute benefits broadly by protecting modern environment while safeguarding ecosystem services and climate resilience for future generations.

Conclusions

The study analysed the modern state of climate regulation in the legislative framework of Azerbaijan and assessed its adequacy in addressing contemporary climate challenges. The research

objective was to determine whether the existing legal framework ensures effective climate regulation and to identify the main legislative gaps that hinder its implementation. The analysis determined that the objective has been achieved. The study covered the Constitution, environmental and energy laws and other relevant acts to identify climate-related provisions. Comparative analysis with international and regional practices revealed that Azerbaijani legal framework lacks a dedicated and comprehensive climate law. Existing provisions are scattered across various legislative acts, often formulated in general or declarative terms, and fail to provide sufficient legal certainty or enforceable obligations.

Furthermore, the study identified institutional fragmentation and the absence of clear mandates among public authorities as a significant obstacle in climate regulation. The research also highlighted the limited development of economic and financial instruments necessary for supporting climate regulation. The comparison of Azerbaijani legislation with legal approaches in several other jurisdictions demonstrated that effective climate regulation depends on rational legislative design, the presence of clear climate targets and mechanisms for monitoring and enforcement.

The findings highlighted how the absence of a unified legal framework hinders climate action. They underline that without legal clarity and institutional coordination, climate policy remains largely declarative.

The limitations of the study include restricted access to latest statistical data and limited availability of detailed information on administrative and judicial practice related to climate matters in Azerbaijan. These obstacles affected the ability to fully assess the practical enforcement of existing legal provisions. Further research should conduct a more detailed legal analysis of climate legislation in former-Soviet and developing countries, as well as in oil-rich countries. Further research on the implementation of climate regulation in Azerbaijan would also contribute to analysis of legal and institutional barriers to climate action.

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Conflict of Interest

None.

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Аналіз правових проблем у сфері регулювання клімату в Азербайджані та пропозиція щодо прийняття закону про клімат

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Анотація

Зміна клімату є нагальною і складною проблемою, яка вимагає належного правового реагування. В Азербайджані у 2022 році було зафіксовано найбільшу кількість лісових пожеж за весь період спостережень, а між 1980 і 2023 роками водні ресурси скоротилися на 26,4 %, крім того, рівень Каспійського моря зазнав значних коливань, що підкреслює посилення впливу зміни клімату на навколишнє середовище регіону. У статті досліджено існуючу законодавчу базу Азербайджанської Республіки у сфері охорони навколишнього середовища, виявлено значні виклики у сфері регулювання клімату, включаючи відсутність юридично зобов'язуючих кліматичних цілей, наявність нечітких і фрагментарних положень, відсутність чіткої інституційної бази та механізмів забезпечення дотримання законодавства. За допомогою доктринальних та порівняльно-правових методів аналізу в цьому дослідженні проаналізовано законодавство Азербайджану у сфері охорони навколишнього середовища та відповідну міжнародну практику з метою виявлення першопричин цих викликів. Ці проблеми перешкоджають ефективності регулювання клімату. Для усунення цих правових недоліків у цій запропоновано комплексний проект закону «Про зміну клімату». Запропонований закон запровадить потужний правовий механізм регулювання клімату і включає юридично зобов'язуючі кліматичні цілі, кліматичне фінансування та економічні інструменти, правовий статус кліматичного органу та механізми державного контролю для забезпечення виконання. Він натхненний кращими практиками провідних країн і має на меті створення чіткої правової бази. У статті робиться висновок, що прийняття такого закону є необхідним не тільки для виконання глобальних зобов'язань, але й для забезпечення сталого та стійкого економічного розвитку.

Ключові слова: зміна клімату; кліматичні цілі; законодавча база у сфері охорони навколишнього середовища; законотворчість; правова реформа; «зелене майбутнє»