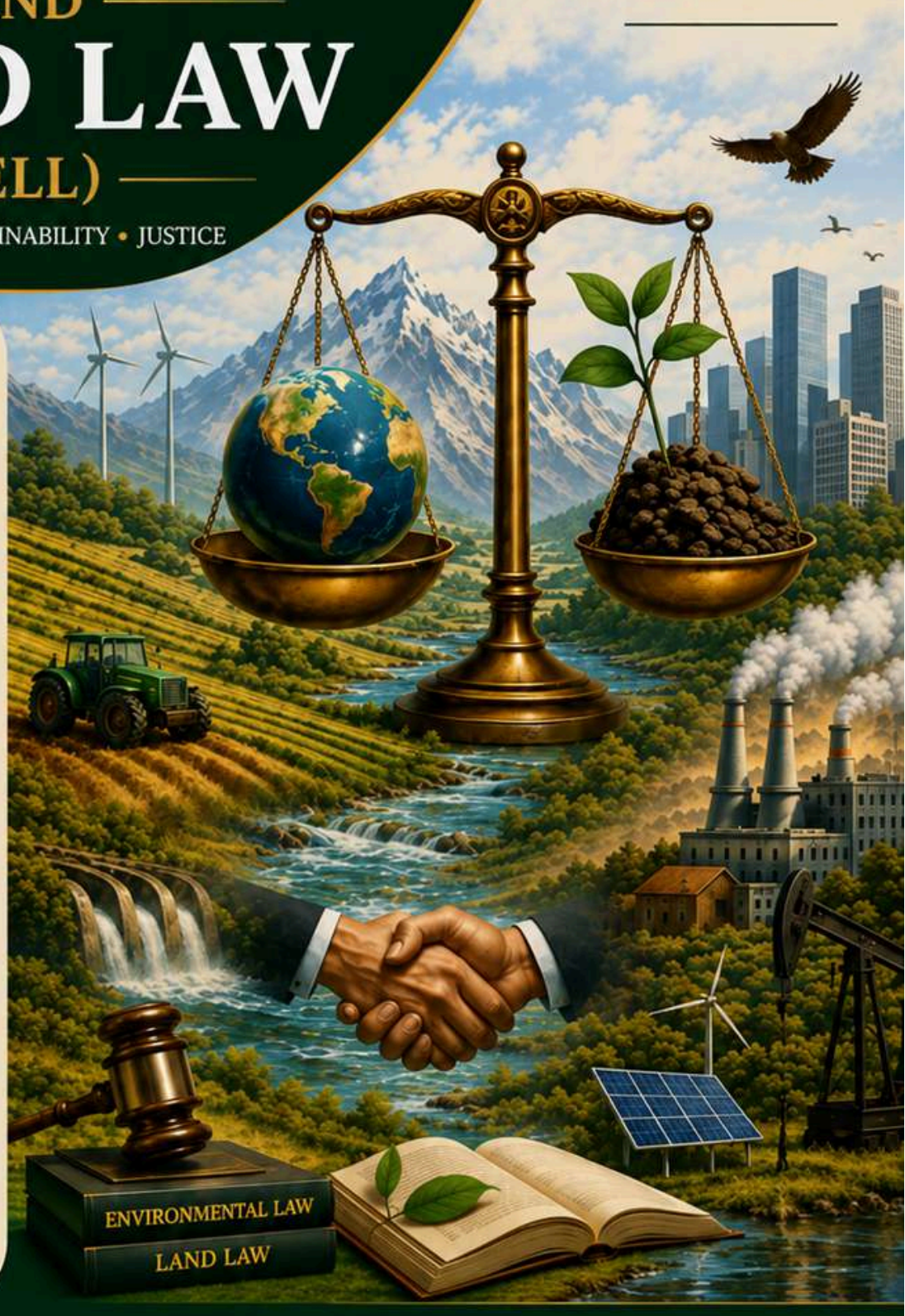
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CLIMATE CHANGE AND FOOD SECURITY AS A HUMAN RIGHT: INTERNATIONAL LEGAL OBLIGATIONS OF STATES AND THE EXPERIENCE OF UZBEKISTAN

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A B S T R A C T

Climate change is increasingly recognised not only as an environmental challenge but as a direct threat to the human right to adequate food protected under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). This article examines how the warming climate reshapes the content and the reach of States' international legal obligations to respect, protect and fulfil the right to food, and tests that framework against the experience of Uzbekistan, a doubly land-locked, water-stressed Central Asian State pursuing rapid legal reform. Using a doctrinal and comparative legal method supported by documentary analysis of treaty texts, authoritative interpretations and national legislation, the study maps the climate-food-rights nexus across three bodies of law: international human rights law, international climate law and the emerging jurisprudence on State climate obligations, including the 2025 Advisory Opinion of the International Court of Justice. The analysis finds that climate change converts previously latent obligations of progressive realisation into concrete duties of adaptation, risk reduction and international cooperation, and that Uzbekistan's 2025 Law on Food Security (No. O'RQ-1023) together with its climate-adaptation policy architecture provides a meaningful but still incomplete vehicle for discharging these duties. The article concludes with evidence-based recommendations for aligning national law with international standards and strengthening the justiciability of the right to food under conditions of climate stress.

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ИЗМЕНЕНИЕ КЛИМАТА И ПРОДОВОЛЬСТВЕННАЯ БЕЗОПАСНОСТЬ КАК ПРАВО ЧЕЛОВЕКА: МЕЖДУНАРОДНО-ПРАВОВЫЕ ОБЯЗАТЕЛЬСТВА ГОСУДАРСТВ И ОПЫТ УЗБЕКИСТАНА

ИНФОРМАЦИЯ СТАТЬЕ

Ключевые слова:
право на питание; изменение климата; обязательства в области прав человека; статья 11 МПЭСКП; продовольственная безопасность; Узбекистан; международное право; адаптация; Центральная Азия

А Н Н О Т А Т С И Я

Изменение климата всё чаще признаётся не только экологической проблемой, но и непосредственной угрозой праву человека на достаточное питание, закреплённому в статье 11 Международного пакта об экономических, социальных и культурных правах (МПЭСКП). В настоящей статье рассматривается вопрос о том, каким образом потепление климата изменяет содержание и сферу действия международно-правовых обязательств государств по уважению, защите и обеспечению права на питание, а также анализируется применение данной правовой концепции на примере Узбекистана не имеющего выхода к морю дважды из-за своего географического положения государства Центральной Азии, испытывающего дефицит водных ресурсов и осуществляющего масштабные правовые реформы. На основе доктринального и сравнительно-правового методов, дополненных документальным анализом текстов международных договоров, авторитетных толкований и национального законодательства, исследуется взаимосвязь между изменением климата, продовольственной безопасностью и правами человека в рамках трёх отраслей права: международного права прав человека, международного климатического права и формирующейся судебной практики в отношении климатических обязательств государств, включая Консультативное заключение Международного Суда ООН 2025 года. В результате исследования установлено, что изменение климата трансформирует ранее преимущественно потенциальные обязательства по постепенному осуществлению права на питание в конкретные обязанности по адаптации к изменению климата, снижению климатических рисков и международному сотрудничеству. Закон Узбекистана «О продовольственной безопасности» от 3 февраля 2025 года № ЗРУ-1023 в сочетании с действующей национальной системой политики в области адаптации к изменению климата представляет собой значимый, однако пока недостаточно полный правовой механизм реализации указанных обязательств. В заключение предлагаются основанные на результатах исследования рекомендации по приведению национального законодательства в соответствие с международными

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стандартами и укреплению механизмов судебной защиты права на питание в условиях климатических стрессовых факторов.

IQLIM O‘ZGARISHI VA OZIQ-OVQAT XAVFSIZLIGI INSON HUQUQI SIFATIDA: DAVLATLARNING XALQARO-HUQUQIY MAJBURIYATLARI VA O‘ZBEKISTON TAJRIBASI

MAQOLA MA’LUMOTI

Kalit so’zlar:
oziq-ovqatga bo‘lgan huquq;
iqlim o‘zgarishi;
inson huquqlari sohasidagi majburiyatlar;
Iqtisodiy, ijtimoiy va madaniy huquqlar to‘g‘risidagi xalqaro paktning 11-moddasi;
oziq-ovqat xavfsizligi;
O‘zbekiston; xalqaro huquq; moslashuv; Markaziy Osiyo.

A N N O T A T S I Y A

Iqlim o‘zgarishi tobora ko‘proq nafaqat ekologik muammo, balki Iqtisodiy, ijtimoiy va madaniy huquqlar to‘g‘risidagi xalqaro paktning 11-moddasida mustahkamlangan insonning yetarli oziq-ovqatga bo‘lgan huquqiga bevosita tahdid sifatida e’tirof etilmoqda. Mazkur maqolada iqlimning isishi davlatlarning oziq-ovqat huquqini hurmat qilish, himoya qilish va uni ro‘yobga chiqarish bo‘yicha xalqaro-huquqiy majburiyatlarining mazmuni hamda amal qilish doirasini qanday o‘zgartirishi o‘rganiladi. Shuningdek, ushbu huquqiy yondashuv ikki karra quruqlik bilan o‘ralgan, suv resurslari tanqisligiga duch kelayotgan va jadal huquqiy islohotlarni amalga oshirayotgan Markaziy Osiyo davlati O‘zbekiston tajribasi asosida tahlil qilinadi. Xalqaro shartnomalar matnlari, nufuzli xalqaro-huquqiy sharhlar va milliy qonunchilikni hujjatli tahlil qilish bilan to‘ldirilgan doktrinal hamda qiyosiy-huquqiy metodlar asosida iqlim o‘zgarishi, oziq-ovqat xavfsizligi va inson huquqlari o‘rtasidagi o‘zaro bog‘liqlik huquqning uchta yo‘nalishi doirasida tadqiq etiladi. Bular: xalqaro inson huquqlari huquqi, xalqaro iqlim huquqi hamda davlatlarning iqlim sohasidagi majburiyatlariga oid shakllanib borayotgan sud amaliyoti, jumladan, Birlashgan Millatlar Tashkiloti Xalqaro sudining 2025-yildagi maslahat xulosasidir. Tadqiqot natijalari shuni ko‘rsatadiki, iqlim o‘zgarishi ilgari asosan bosqichma-bosqich amalga oshirish xususiyatiga ega bo‘lgan majburiyatlarni iqlim o‘zgarishiga moslashish, iqlimiy xavf-xatarlarni kamaytirish va xalqaro hamkorlikni amalga oshirishga qaratilgan aniq majburiyatlarga aylantirmoqda. O‘zbekistonning 2025-yil 3-fevraldagi O‘RQ-1023-sonli «Oziq-ovqat xavfsizligi to‘g‘risida»gi Qonuni hamda iqlim o‘zgarishiga moslashish sohasidagi milliy siyosat mexanizmlari mazkur majburiyatlarni bajarish uchun muhim, biroq hali to‘liq shakllanmagan huquqiy asos bo‘lib xizmat qilmoqda. Maqola yakunida milliy qonunchilikni xalqaro standartlarga muvofiqlashtirish hamda iqlimiy stress sharoitida oziq-ovqatga bo‘lgan huquqni sud orqali himoya qilish imkoniyatlarini kuchaytirishga qaratilgan ilmiy asoslangan taklif va tavsiyalar ishlab chiqiladi.



INTRODUCTION

The right to adequate food is among the most fundamental of all human rights, being "indivisibly linked to the inherent dignity of the human person" and indispensable for the enjoyment of other rights. It is codified in Article 11 of the ICESCR, which recognises both the right of everyone to an adequate standard of living, including adequate food, and "the fundamental right of everyone to be free from hunger." Yet the biophysical conditions on which this right depends, stable harvests, reliable water, predictable growing seasons, are being destabilised by anthropogenic climate change at a pace that national legal systems have struggled to match. The problem addressed in this article is a legal one: how, and to what extent, does climate change alter the international legal obligations of States with respect to the right to food, and are national legal frameworks, taking Uzbekistan as a representative case, adequate to discharge those obligations? The question matters because the dominant treatment of climate change as an environmental or developmental issue tends to obscure the binding, rights-based duties that already attach to States under human rights law. When those duties are read together with the climate regime, the content of the right to food expands from a largely programmatic commitment of progressive realisation into a set of actionable obligations of conduct and result.

Uzbekistan offers an instructive test case. It is one of only two doubly land-locked States in the world, highly dependent on trans-boundary rivers, exposed to desertification, soil salinisation and the ecological collapse of the Aral Sea, and simultaneously engaged in an ambitious programme of legal and institutional reform. Its adoption of a dedicated Law on Food Security in 2025 provides a rare opportunity to assess, in near real time, whether a reforming State can translate international standards into operative domestic law under conditions of acute climate stress.

This article pursues three objectives: (i) to reconstruct the international legal basis of the right to food and its interaction with the climate regime; (ii) to identify the specific obligations that climate change imposes on States; and (iii) to evaluate Uzbekistan's legal and policy response against those obligations and to propose targeted reforms. The study is doctrinal and comparative; it does not purport to quantify climate impacts empirically but to analyse the legal consequences of impacts already documented by competent scientific and intergovernmental bodies.

Methods.The study employs a doctrinal (black-letter) legal method combined with comparative and interpretive analysis, which is the standard methodology for research on

international legal obligations where the object of study is the content and the operation of binding norms rather than observable behaviour.

The primary materials comprise three categories. First, binding treaty law: the ICESCR (in particular Article 11), the Universal Declaration of Human Rights (Article 25), the Convention on the Rights of the Child (Article 24), the Convention on the Elimination of All Forms of Discrimination against Women (Article 14), the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement (2015). Second, authoritative interpretations: General Comment No. 12 of the Committee on Economic, Social and Cultural Rights (CESCR) on the right to adequate food, the FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food (2004), and the 2025 Advisory Opinion of the International Court of Justice on the Obligations of States in respect of Climate Change. Third, national materials of Uzbekistan: the Constitution, the Law on Food Security No. O'RQ-1023 of 3 February 2025, and related environmental, water and agrarian legislation and strategy documents.

The analytical procedure proceeded in four steps: (1) doctrinal reconstruction of the normative content of the right to food and its tripartite obligation structure (respect, protect, fulfil); (2) identification of the points at which climate change engages each limb of that structure; (3) cross-mapping of human rights obligations against the obligations contained in the climate regime to locate convergence and gaps; and (4) a national-level assessment applying the resulting criteria to Uzbekistan's legal framework. Sources of law are weighted by their formal authority, binding treaty provisions first, followed by authoritative but non-binding interpretations, and finally soft-law and policy instruments. Legal citations to UN documents and national statutes were verified against the OHCHR, FAO, UNFCCC and Lex.uz databases; readers are nonetheless advised to confirm statutory numbers and dates against the official gazette before relying on them.

DISCUSSION

The right to food is firmly anchored in positive international law. Article 11(1) ICESCR obliges States parties to recognise the right to an adequate standard of living, including adequate food, while Article 11(2) frames freedom from hunger as a “fundamental right” requiring immediate and continuing measures. In General Comment No. 12 the CESCR defined the normative content of the right through the twin criteria of availability and accessibility of food that is adequate in quantity and quality, free from adverse

substances and culturally acceptable. Critically, the Committee articulated the now-standard typology of State obligations set out in Table 1.

Level of obligation	Content	Illustration under the right to food
Obligation to respect	The State must not interfere with existing access to food	Refrain from arbitrary eviction of farmers or destruction of croplands
Obligation to protect	The State must prevent third parties from impairing access to food	Regulate agribusiness, land grabbing and food-market abuses
Obligation to fulfil (facilitate)	The State must proactively strengthen people's access to and use of resources	Land reform, agricultural extension, functioning markets
Obligation to fulfil (provide)	The State must provide food directly where people cannot feed themselves	Emergency relief, social protection, nutrition programmes

Table 1. Tripartite typology of State obligations under the right to food (CESCR General Comment No. 12).

Three features of this framework are decisive for the climate analysis. First, the obligations to respect and to protect are of immediate effect and are not subject to progressive realisation. Second, even the obligation to fulfil carries immediate "minimum core" content, the duty to ensure freedom from hunger, from which no derogation is permitted. Third, the right is reinforced by parallel guarantees in the UDHR (Article 25), the CRC (Article 24) and CEDAW (Article 14), the last of which specifically obliges States to ensure rural women's access to agricultural resources, a provision of direct relevance where climate stress falls disproportionately on women. Climate change affects every dimension of food security identified by the FAO, availability, access, utilisation and stability, and therefore engages

each limb of the tripartite obligation structure. Table 2 maps the principal transmission channels onto the corresponding legal duties.

Food-security dimension	Climate transmission channel	Obligation most engaged	Required State response
Availability	Declining yields from heat, drought and shifting seasons	Fulfil (facilitate)	Climate-resilient agriculture, research, irrigation reform
Access	Price volatility and income loss for rural households	Protect / Fulfil	Social protection, market regulation, safety nets
Utilisation	Water scarcity and contamination degrading food quality	Respect / Protect	Safe-water guarantees, sanitary and phytosanitary control
Stability	Extreme events and trans-boundary shocks	Protect / International cooperation	Early warning, reserves, regional cooperation

Table 2. Climate transmission channels and the engaged legal obligations.

The key doctrinal consequence is that climate change narrows the margin of "progressive realisation." Foreseeable climate harm to food systems converts the duty to protect, an obligation of immediate effect, into a positive duty to adopt adaptation and disaster-risk-reduction measures. A State that fails to anticipate predictable climate shocks to its food supply does not merely fall short of a programmatic aspiration; it may breach an obligation of conduct it already bears.

The international climate regime reinforces these human rights duties. The Paris Agreement (2015) recognises in its preamble that Parties should, when taking climate action, respect, promote and consider their human rights obligations, and expressly safeguards "the fundamental priority of safeguarding food security and ending hunger" in Article 2(1)(b). Each Party must prepare, communicate and maintain successive nationally determined

contributions (Article 4) and engage in adaptation planning (Article 7), obligations of conduct that bind all Parties, including Uzbekistan.

The decisive development is the 2025 Advisory Opinion of the International Court of Justice on the Obligations of States in respect of Climate Change, which confirmed that States bear obligations under both the climate treaties and general international law, including human rights law, to prevent significant climate harm, and that these obligations are interpreted in the light of the best available science. Read together with CESCR practice, the Opinion supports the proposition that protecting food systems from foreseeable climate harm is now a legal duty with both a mitigation and an adaptation dimension, not a matter of policy discretion alone. Table 3 consolidates the resulting set of obligations.

Obligation	Legal source	Nature	Relevance to food security
Freedom from hunger (minimum core)	ICESCR Art. 11(2); GC No. 12	Immediate, non-derogable	Baseline guarantee regardless of climate conditions
Protect food systems from third-party and foreseeable harm	ICESCR Art. 11; GC No. 12	Immediate	Requires adaptation and disaster-risk reduction
Progressive realisation using maximum available resources	ICESCR Art. 2(1)	Continuing	Investment in climate-resilient agriculture
Non-discrimination, protection of rural women	CEDAW Art. 14; ICESCR Art. 2(2)	Immediate	Gender-responsive adaptation
Mitigation via NDCs	Paris Agreement Art. 4	Obligation of conduct	Limits long-term threat to food supply

Adaptation planning	Paris Agreement Art. 7	Obligation of conduct	Directly protects agricultural stability
International cooperation and assistance	ICESCR Art. 2(1), 11(2); UN Charter	Continuing	Trans-boundary water and food trade

Table 3. Consolidated international obligations relevant to climate change and the right to food.

Uzbekistan is acutely exposed. As a doubly land-locked State dependent on the trans-boundary Amu Darya and Syr Darya, it faces intensifying water scarcity, soil salinisation, desertification and the lingering ecological catastrophe of the Aral Sea, all of which bear directly on agricultural output and rural livelihoods. Agriculture remains a major employer and the cotton-and-wheat legacy of the planned economy leaves the food system structurally vulnerable to climate variability.

Against this background the adoption of the Law on Food Security No. O'RQ-1023 of 3 February 2025 is significant. The Law regulates relations in the sphere of food security, aiming to ensure the population's access to safe and nutritious food and establishing common principles aligned, in its own terms, with international practice. It provides, for the first time in Uzbek law, a dedicated statutory anchor for food security as a distinct object of legal protection, complementing constitutional guarantees and the country's climate-adaptation strategy and participation in the Paris Agreement. Table 4 assesses the national framework against the international obligations identified above.

International obligation	Reflected in Uzbek law?	Instrument	Assessment
Statutory recognition of food security	Yes	Law No. O'RQ-1023 (2025)	Strong — dedicated framework law
Freedom from hunger as a justiciable right	Partial	Constitution; general social guarantees	Right not yet framed as individually enforceable

Protection of food systems from climate harm	Partial	Climate/adaptation strategy; water and agrarian law	Dispersed; weak statutory integration
Gender-responsive adaptation (rural women)	Weak	General equality guarantees	No specific food-climate-gender provisions
Mitigation via NDC	Yes	Paris Agreement commitments	In place; implementation gaps remain
Adaptation planning	Partial	Sectoral strategies	Not consolidated in food-security law
Trans-boundary water cooperation	Partial	Regional agreements	Dependent on fragile regional arrangements

Table 4. Assessment of Uzbekistan's legal framework against international obligations.

The assessment shows real progress coexisting with structural gaps. The 2025 Law establishes an institutional vocabulary and a statutory home for food security, but it does not yet translate the international right to food into an individually enforceable entitlement, nor does it integrate climate adaptation and gender-responsiveness as binding components of food-security governance.

Discussion. Three findings deserve emphasis. First, climate change does not create a new right to food; it changes the operation of the existing one. By rendering harm to food systems foreseeable, it activates obligations of immediate effect, above all the duty to protect, and compresses the discretion that the language of progressive realisation once appeared to allow. This reframing is doctrinally significant because it shifts adaptation from the realm of policy choice into the realm of legal duty.

Second, the convergence of human rights law and the climate regime, now reinforced by the ICJ's 2025 Advisory Opinion, supplies a coherent, mutually reinforcing set of obligations. Human rights law gives the climate regime a rights-based floor (food security



as a “fundamental priority”), while the climate regime gives human rights law operational tools (NDCs, adaptation plans, cooperation mechanisms). For a State such as Uzbekistan the practical implication is that compliance cannot be achieved through environmental policy alone; it requires embedding rights-based standards in food, water and agrarian legislation.

Third, the Uzbek experience illustrates both the promise and the limits of framework legislation. A dedicated food-security law is a necessary condition for compliance but not a sufficient one. Without justiciability, climate-adaptation integration and attention to the disproportionate burden borne by rural women, the statutory architecture risks remaining declaratory. The gaps identified in Table 4 are not peculiar to Uzbekistan; they are characteristic of reforming States that have adopted modern framework laws faster than the enforcement and cross-sectoral institutions needed to give them effect.

The study's limitations should be stated plainly. The analysis is doctrinal and does not measure implementation outcomes empirically; the 2025 Law is recent and its by-laws and enforcement practice are still developing; and the assessment in Table 4 reflects the state of the legal framework at the time of writing. Future research should combine doctrinal analysis with empirical evaluation of implementation, and should test the comparative hypothesis across other Central Asian States facing similar trans-boundary water and climate constraints.

CONCLUSION

Climate change has transformed the right to adequate food from a largely programmatic commitment into a source of concrete, actionable obligations binding on States under both international human rights law and the international climate regime. The duty to protect food systems from foreseeable climate harm, the non-derogable guarantee of freedom from hunger, and the obligations to mitigate, adapt and cooperate now form an integrated legal standard, confirmed by the evolving jurisprudence on State climate obligations. Uzbekistan's adoption of the 2025 Law on Food Security marks a genuine advance toward meeting that standard, yet the national framework remains incomplete where it matters most: in the justiciability of the right, the integration of climate adaptation, and the protection of those, especially rural women, who bear the heaviest climate burden.

On the basis of this analysis the article recommends that Uzbekistan: (1) recognise the right to adequate food as an individually enforceable entitlement with a defined minimum core; (2) embed climate-adaptation and disaster-risk-reduction duties directly within the food-security legal framework; (3) introduce gender-responsive provisions securing rural

women's access to agricultural resources; (4) strengthen trans-boundary water cooperation as an explicit instrument of food-security policy; and (5) establish measurable indicators and oversight mechanisms to render these obligations operational. More broadly, the findings suggest that reforming States can satisfy their international obligations only by treating food security as a rights-based, climate-sensitive and cross-sectoral legal commitment rather than a sectoral policy goal.

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