

Legal Readiness for Climate Claims

Azerbaijan's Framework at a Crossroads

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In [October 2024](#), just one month before Azerbaijan hosted the twenty-ninth Conference of the Parties (COP29) to the United Nations Framework Convention on Climate Change (UNFCCC) in Baku, heavy rains in the capital caused significant damage to infrastructure and transportation, resulting in a flood that tragically took two lives. These deaths, which may be linked to climate change, underscore the need for a deeper examination of climate change law and the potential for climate litigation in Azerbaijan.

Although Azerbaijan contributes only [0.15 percent of global greenhouse gas \(GHG\) emissions](#), it is significantly vulnerable to climate change due to its agriculture, coastal areas, limited freshwater resources, and dependence on oil and gas revenues (this last, one can argue, amplifies national vulnerability by reducing economic flexibility, damaging ecosystems, locking institutions into fossil fuel pathways, and weakening adaptive capacity). The country regularly faces extreme weather events, such as droughts and floods, which cause substantial economic losses. Flooding, particularly from heavy rains, results in annual economic damage estimated between [\\$18 million and \\$25 million](#). In recent years, flooding has expanded beyond traditionally affected areas like Zagatala-Sheki and Nakhchivan, affecting broader regions of the country.

In its first Nationally Determined Contribution ([NDC](#)) submitted in 2017, Azerbaijan committed to reducing GHG emissions by 35 percent from 1990 levels by 2030. In its second [NDC](#), this target was adjusted to a 40 percent reduction by 2050. These mitigation plans cover various sectors, including oil and gas, energy, waste, agriculture, residential sectors, and Land Use, Land-Use Change, and Forestry (LULUCF).

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Hosting COP29 reinforced the prominence of climate change on Azerbaijan's national agenda. During the COP29 discussions, both officials emphasized the need for a unified national strategy on climate change, financial support for advanced technologies and the "transition" to a greener economy, and the modernization of [environmental legislation](#). This IDD Analytical Policy Brief explores the key features of Azerbaijan's national climate change framework, identifies major challenges, and examines the legal basis for potential climate litigation.

National Climate Policy

Article 39 of Azerbaijan's [Constitution](#) grants citizens the right to live in a healthy environment and the right to seek compensation for "damage done to his/her health and property by violation of ecological requirements." Azerbaijan has not only ratified key international climate change treaties, but its government's attention to climate-related issues has been gradually increasing. Efforts toward achieving a more structured approach to mitigation and adaptation are beginning to take shape.

Climate change considerations are incorporated into strategic roadmaps and five-year [state development programs](#) rather than formal legislation. For instance, the [Strategic Roadmap for Agricultural Production and Processing](#) 2016 acknowledges the need to mitigate climate change impacts on agriculture, including the development of an adaptation plan, the improvement of national legislation, and the establishment of hail protection systems for farmers. Similarly, the [Azerbaijan 2030: National Priorities for Socio-Economic Development](#) document outlines environmental goals, including sustainable water use, reforestation, and clean energy development. However, the country's adaptation policies remain largely reactive, addressing immediate climate-related challenges rather than fostering long-term resilience. While the recent decline in water resources has prompted adaptive measures, Azerbaijan lacks a comprehensive National Adaptation Plan (NAP) that covers climate risks across all economic sectors. Developing an [Initial National Adaptation Plan](#), which identifies sector-specific climate risks and vulnerable regions, is a crucial first step toward a more proactive climate strategy.

A prominent issue in Azerbaijan's climate policy is the greater emphasis on "transitioning" to [green energy](#) than on climate adaptation. This focus is reflected in national [laws](#), [strategic documents](#), and Azerbaijan's Nationally Determined Contributions (NDCs) under the Paris Agreement (2016), which prioritize reducing carbon emissions, particularly in the energy sector. However, the NDCs do not specify adaptation measures or targets, potentially exposing the country to future legal claims, as outlined below. Although the [National Adaptation Plan](#) is expected to be finalized between 2027 and 2030, the country has already taken steps to address the effects of climate change, such as [allocating funds](#) for flood and landslide prevention and prioritizing modern irrigation technologies to combat water scarcity in agriculture. Additionally,

citizens have access to [agricultural](#) and real estate insurance, although these systems [need expansion](#) to cover expected long-term effects such as drought, soil erosion, and desertification.

Loss and damage resulting from extreme weather events are primarily managed through [administrative mechanisms](#). Local executive authorities assess damage following procedures established by the [Cabinet of Ministers](#) and provide support based on presidential orders. This support may include financial aid, the [construction of new housing](#), or the restoration of infrastructure. While this approach serves a humanitarian function, it also shapes the legal landscape for potential climate litigation. As discussed below, these actions could be seen as the state's acknowledgment of its duty to address climate risks, strengthening future claims from citizens seeking redress for unaddressed or inadequately compensated climate harms. Nonetheless, there remain significant concerns raised by practitioners and observers about the fairness and consistency of compensation decisions (best international practice calls for a comprehensive legislative framework with clearly defined criteria governing compensation for environmental and climate-related damages).

These concerns emphasize the need for transparent and stable legal mechanisms to protect property rights in the long term and to ensure equitable responses to climate change risks.

Legal Pathways

Azerbaijan, despite sharing many [environmental challenges](#) with its Middle Eastern counterparts —such as water scarcity, drought, poor air quality, and desertification —has a distinct legal trajectory. The country inherited a Soviet legal foundation and, following independence, partially aligned its legal system with the civil law traditions of certain EU member states, particularly France and Germany. Environmental rights in Azerbaijan are primarily rooted in constitutional guarantees, [reflecting a pattern](#) familiar to many post-Soviet states.

As noted above, Article 39 of Azerbaijan's Constitution enshrines the right of every person to live in a [healthy environment](#). It also guarantees access to environmental information and the right to seek compensation for health or property damage caused by environmental violations. Uniquely, it emphasizes biodiversity (wild flora and fauna) protection going beyond the provisions in the constitutions of countries such as [Russia](#) (Article 42) and [Georgia](#) (Article 29). Notably, Georgia's Constitution highlights the [interests of future generations](#) and public access to information as part of the right to a healthy environment.

Despite these similar legal provisions, judicial interpretation has varied significantly among post-Soviet states, as is to be expected given each country's distinct

(and sovereign) legal framework. In Russia, the Supreme Court's 2022 dismissal of a lawsuit challenging the [government's climate policy](#) illustrates a restrictive approach, ruling that the plaintiffs had not demonstrated direct harm and that the claim interfered with policymaking. This reasoning reflects a political, rather than purely legal, interpretation of constitutional rights, underpinned by a legacy that treats environmental protection as a function of state industrial and economic policy.

In contrast, Georgian courts have taken a more expansive approach, as evidenced by the 2021 [lawsuit filed by Gavigudet](#), a civil initiative financed mainly from abroad, against the Ministry of Environment and Agriculture, where the court held that the right to a healthy environment imposed active duties on the state, leading to orders for regular inspections, transparency measures, and improved pollution management.

These cases underscore how courts within similar, yet distinct legal traditions can adopt divergent interpretations of nearly identical constitutional texts, with political will, institutional capacity, and the independence of judicial review playing pivotal roles in shaping environmental jurisprudence.

The constitutional rights provided in Azerbaijan's legal framework offer a potential, though still underdeveloped, foundation for climate-related litigation. In addition to Article 39, other provisions may become relevant in this context. Article 29 protects [property rights](#) and may be invoked by plaintiffs seeking redress for suspected climate-induced events, such as floods or droughts, that damage homes, farmland, or other assets. Article 41, which guarantees the [right to health protection](#), may support claims where inadequate climate adaptation contributes to heightened public health risks, including heatwaves, waterborne disease outbreaks, or food insecurity. The constitutional [right to life](#) may also be implicated in cases where the state fails to protect citizens from foreseeable, life-threatening climate risks.

In addition to constitutional guarantees, Azerbaijani legislation offers several, though somewhat limited, avenues for pursuing climate-related claims. Citizens may file [civil claims](#) either individually or jointly for damages caused by the suspected effects of climate change. However, the main legal and practical challenge is linking these claims directly to climate impacts, as national laws do not explicitly address climate change, especially adaptation. Moreover, even in [joint actions](#), each claimant must independently establish harm, which effectively limits the possibility of collective legal redress. This procedural structure significantly weakens citizens' ability to challenge systemic policy failures or broader shortcomings in state climate action through civil litigation.

A more promising route for addressing climate-related grievances lies within administrative law. Article 35.2 of the [Administrative Procedure Code](#) empowers

non-governmental organizations (such as public associations and foundations) to bring claims when acts or omissions of administrative bodies violate collective interests. These types of claims can be more adaptable for addressing failures in both climate mitigation and adaptation. Importantly, they allow for a broader understanding of harm and state responsibility, making them more suitable for strategic climate litigation. Expanding legal standing to permit individuals, not just NGOs, to bring such collective administrative claims could be a key step in ensuring climate accountability and fostering the judicial interpretation of environmental rights.

Considering the absence of statutory climate obligations, citizens and legal practitioners may increasingly frame suspected climate harms as violations of existing rights to health, property, or information. This strategy could involve leveraging mechanisms such as [Environmental Impact Assessments](#) (EIA), pollution thresholds, or biodiversity protections to connect tangible environmental damage to state deficiencies in climate governance. However, this path is fraught with challenges, including limited public awareness of the climate-health nexus, evidentiary difficulties in establishing causality, and judicial reluctance to extend traditional environmental rights to encompass climate-specific risks.

Despite these challenges, Azerbaijan's legal framework offers a foundation for advancing climate-related legal claims. Strengthening this framework through legal reform, enhancing public awareness, and improving access to justice will be essential to ensure the meaningful protection and enforcement of what has come to be known in other parts of the world as "climate rights."

Challenges and Paths Forward

Azerbaijan faces rising climate risks, such as floods and droughts, but its legal and policy frameworks remain underdeveloped compared to those in some other parts of the world. While the Constitution guarantees environmental rights, enforceable climate-specific legislation is lacking, and national strategies focus more on mitigation than adaptation. Climate litigation remains largely theoretical due to weak standing rules, limited public awareness, and the novelty of applying constitutional rights to suspected climate-related harm. Courts may hesitate to expand these rights without clear legislative guidance or [judicial training](#).

Comparative experience shows that judicial independence, as seen in neighboring Georgia, can play a key role in advancing environmental claims. In contrast, more restrictive settings, such as neighboring Russia, offer fewer avenues. In Azerbaijan, administrative litigation, particularly through NGOs, presents the most promising path, especially in challenging permitting decisions or inadequate environmental oversight. Ad hoc [state compensation practices](#), while humanitarian in nature, may imply a legal duty of care and open the door to future claims. Expanding access to in-

formation and strengthening legal aid for environmental cases could further support climate litigation efforts.

A targeted climate law and improved judicial capacity are essential next steps. Strategic litigation, using existing administrative and constitutional rights, could gradually build legal recognition of state obligations in climate governance in Azerbaijan, as has become the case in other parts of the world.