

Legal Framework for Green Investments in Uzbekistan: Analysis, Challenges and Development Perspectives

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Abstract: This article analyzes the evolving legal framework for green investments in Uzbekistan within the context of the country's economic reform agenda and transition toward environmental sustainability. Through comprehensive examination of existing legislation, recent legal developments, and comparative analysis with international best practices, this study identifies critical gaps in Uzbekistan's legal regime governing environmentally sustainable investments. The research reveals that while Uzbekistan has made significant progress in establishing foundational investment legislation and implementing initial green economy strategies, the legal framework remains fragmented, with inconsistencies between general investment laws and sector-specific environmental regulations. The article demonstrates how inadequate definitional clarity of "green investments" in national legislation, limited enforcement mechanisms, and insufficient legal incentives hamper the mobilization of capital for environmental projects. Based on these findings, the study proposes specific legislative reforms including the adoption of a comprehensive Green Investment Law, strengthening of procedural rights for environmental protection, implementation of green public procurement legislation, and development of specialized dispute resolution mechanisms for environmental matters. This legal analysis contributes to both scholarly discourse on environmental law in transition economies and provides practical recommendations for legislative reforms to accelerate Uzbekistan's sustainable development objectives.

Keywords: Green investment law, environmental legislation, Uzbekistan, sustainable development, legal incentives, climate legislation, renewable energy law, environmental compliance, investment regulation



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The global transition toward environmentally sustainable economic models has prompted countries worldwide to develop specialized legal frameworks governing green investments - defined as investments that contribute to environmental protection, resource efficiency, and climate change mitigation and adaptation.¹ For transition economies like Uzbekistan, establishing effective legal regimes for green investments presents unique challenges due to broader

institutional reforms, evolving market structures, and developing legal systems. Since 2016, Uzbekistan has embarked on comprehensive economic reforms, including significant revisions to its investment legislation and environmental governance framework, creating an opportunity to integrate sustainable development principles into its legal system.²

The legal regulation of green investments encompasses multiple dimensions, including general investment laws, environmental protection statutes, sectoral regulations (energy, water, agriculture), tax legislation, and international commitments. The effectiveness of this legal framework depends on its comprehensiveness, coherence, clarity, and enforceability. In Uzbekistan, as in many emerging economies, the legal regime for green investments is still in its formative stages, with ongoing efforts to balance attracting investment with ensuring environmental sustainability.³

This research employs a mixed legal research methodology combining doctrinal legal analysis, comparative law techniques, and empirical legal research. The doctrinal analysis examines Uzbekistan's constitutional provisions, statutes, regulations, presidential decrees, and ministerial orders relevant to green investments. The comparative analysis examines legal frameworks for green investments in selected jurisdictions with similar economic contexts or advanced green investment regimes. The empirical component includes analysis of administrative decisions, court cases, legal implementation reports from government agencies, and assessments from international organizations. Primary sources include Uzbekistan's legislation published in the National Database of Legislation (lex.uz), official documents from government ministries, and reports from the Supreme Court.

Uzbekistan's Constitution establishes foundational principles relevant to green investments and environmental protection. Article 50 states that "Citizens are obliged to protect the environment" while Article 55 stipulates that "Land, subsoil, water, flora and fauna, and other natural resources are the national wealth, and shall be rationally used and protected by the state."⁴ These constitutional provisions establish environmental protection as both a citizen obligation and a state responsibility, creating a constitutional basis for environmental legislation and green investment regulation. However, unlike the constitutions of some countries that have incorporated explicit references to sustainable development or future generations' rights, Uzbekistan's Constitution does not contain specific provisions on sustainability or climate change.⁵ This constitutional framing affects subsequent legislation, as environmental considerations are often treated as constraints rather than integral components of economic development.

Uzbekistan's general investment legal framework has undergone significant transformation since 2016, with the adoption of new legislation aimed at improving the investment climate. The cornerstone of this framework is the Law "On Investments and Investment Activities" (No. ZRU-598) adopted on December 25, 2019, which replaced the previous separate laws on foreign and domestic investments.⁶ This law establishes the general principles governing investments, including equal protection of rights for foreign and domestic investors, freedom of investment activities, openness and transparency of investment policy, good faith of investors, inviolability of investor rights, and freedom of capital movement. The law provides guarantees against nationalization, changes in legislation worsening investment conditions, interference by state bodies, and guarantees for the repatriation of funds. It also establishes the concept of "investment agreement" between investors and the government, which can include specific conditions and additional guarantees for large investment projects.

From an environmental perspective, the Investment Law contains limited provisions. Article 4 states that investment activities should comply with environmental, sanitary, and urban planning legislation. Article 19 includes "ensuring environmental safety" among the objectives of state regulation of investment activities.⁷ However, the law does not specifically address green investments or provide differential treatment for environmentally sustainable projects. This lack

of specific provisions for green investments represents a significant gap in the legal framework, as it fails to create special incentives or streamlined procedures for projects with environmental benefits.

The investment legal framework also includes the Law "On Public-Private Partnership" (No. ZRU-537) adopted on May 10, 2019, which creates mechanisms for implementing infrastructure projects, including environmental infrastructure, through public-private partnerships.⁸ This law provides a potential vehicle for cooperation between the public and private sectors in areas such as renewable energy, waste management, and water infrastructure development, which are critical for sustainable development. However, like the general Investment Law, the PPP Law lacks specific provisions addressing environmental sustainability criteria or preferences for green projects. The absence of sustainability considerations in the PPP framework reduces its effectiveness as a tool for promoting green investments, despite the significant potential of public-private partnerships in environmental infrastructure development.

The Tax Code (2019) and Customs Code (2022) complete the general framework for investments, establishing tax and customs regimes applicable to various investment projects. These codes include some provisions relevant to green investments, such as customs exemptions for imported renewable energy equipment and certain tax benefits for energy-efficient technologies.⁹ However, these provisions are limited in scope and not organized in a systematic framework for promoting green investments. The tax incentives are often scattered across different sections of the Tax Code or contained in separate regulations, making them difficult for investors to identify and apply. Additionally, many of the tax benefits are temporary or subject to administrative discretion, creating uncertainty for long-term green investment planning.

Uzbekistan's environmental legal framework consists of several laws and regulations that indirectly affect green investments. The Law "On Nature Protection" (1992, with amendments) establishes the fundamental principles of environmental protection and sets out the basic rights and obligations of citizens, enterprises, and the state regarding environmental conservation.¹⁰ Article 41 introduces "economic measures for nature protection," including charges for natural resource use and pollution, economic incentives for environmental protection, and environmental insurance. However, the implementation mechanisms for these economic measures remain underdeveloped, with insufficient detailed regulations to make them effective tools for promoting environmentally beneficial investments.

The Law "On Environmental Impact Assessment" (2000) requires environmental impact assessments for certain categories of economic activities, including large industrial facilities, infrastructure projects, and activities affecting protected areas.¹¹ This law establishes procedural requirements for evaluating environmental impacts but has been criticized for limited public participation opportunities and insufficient consideration of alternatives.¹² The EIA process in Uzbekistan tends to focus on compliance with existing standards rather than promoting innovative environmental solutions or best practices, limiting its potential as a driver for green investments. Additionally, the lack of strategic environmental assessment requirements for policies, plans, and programs creates a gap in the environmental governance framework, as higher-level decisions with significant environmental implications may not undergo systematic environmental evaluation.

The Law "On Environmental Control" (2013) regulates state, departmental, industrial, and public control in the field of environmental protection and natural resource use.¹³ It establishes inspection and monitoring procedures but focuses primarily on compliance rather than incentives for environmental improvements. The law creates a framework for detecting violations but provides limited mechanisms for promoting beyond-compliance environmental performance or innovative green solutions. The emphasis on command-and-control approaches rather than

market-based instruments reduces the potential for stimulating green investments through regulatory incentives.

The Law "On Environmental Audit" (2021) introduced mechanisms for independent assessment of environmental performance by businesses.¹⁴ This relatively new law creates a framework for voluntary environmental audits, which could potentially be integrated with green investment certification processes. However, the law does not establish clear connections between environmental audit results and investment incentives or financing mechanisms, limiting its effectiveness as a tool for promoting green investments. Additionally, the implementation regulations for this law are still under development, creating uncertainty about how it will function in practice.

The legal framework for renewable energy investments in Uzbekistan has developed significantly in recent years, with the Law "On Renewable Energy Sources" (No. ZRU-539) adopted on May 21, 2019, serving as the cornerstone legislation.¹⁵ This law established several important legal mechanisms specifically designed to promote investments in renewable energy, including feed-in tariffs guaranteeing the purchase of electricity produced from renewable sources at preferential tariffs for up to 15 years, simplified procedures for land allocation for renewable energy facilities, tax and customs privileges for renewable energy equipment and projects, requirements for grid operators to provide priority connection for renewable energy installations, and the introduction of net metering for small-scale renewable energy producers.

The Presidential Decree "On Measures to Further Develop Renewable Energy and Attract Private Investment in This Area" (No. PP-4422) issued on August 22, 2019, further strengthened the institutional and regulatory framework for renewable energy.¹⁶ This decree established the Agency for the Development of Renewable Energy under the Ministry of Energy and approved the "Strategy for the Transition of the Republic of Uzbekistan to Green Economy for the Period 2019-2030." Implementation of the renewable energy legal framework has been supported by subsequent regulations, including the Resolution of the Cabinet of Ministers "On Measures to Implement the Law of the Republic of Uzbekistan 'On Renewable Energy Sources'" (No. 610) dated July 31, 2019, which approved detailed procedures for implementing feed-in tariffs, grid connection, and certification of renewable energy installations.¹⁷

Despite these positive developments, the legal framework for renewable energy investments in Uzbekistan still faces several challenges. The feed-in tariff mechanism lacks transparency in tariff determination and adjustment processes, creating uncertainty for investors about the long-term economics of their projects.¹⁸ The regulation on grid connection does not adequately address technical standards and cost allocation for grid upgrades necessitated by renewable energy integration, potentially creating barriers to project implementation.¹⁹ Land allocation procedures, while simplified in principle, remain complex in practice due to involvement of multiple authorities with sometimes conflicting mandates and requirements.²⁰ These implementation challenges illustrate the gap between formal legal provisions and their practical application, highlighting the importance of not only adopting appropriate legislation but also ensuring effective implementation mechanisms.

The legal framework for energy efficiency investments is less developed compared to renewable energy. The Law "On the Rational Use of Energy" (1997, with amendments) establishes general principles for energy conservation but lacks specific incentives or requirements for energy efficiency investments.²¹ The Presidential Decree "On Additional Measures to Reduce the Energy Intensity of the Economy and Increase Energy Efficiency in Industries and the Social Sphere" (No. PP-4422) dated August 22, 2019, introduced some policy measures but did not establish comprehensive legal mechanisms.²² The energy efficiency legislative framework in Uzbekistan suffers from several legal gaps, including the absence of mandatory energy efficiency standards for new buildings and renovations, limited legal basis for energy performance contracting and

energy service companies (ESCOs), insufficient requirements for energy management systems in industrial enterprises, and lack of clear certification and labeling schemes for energy-efficient equipment and appliances.

The legal basis for energy efficiency investments relies primarily on general investment and tax legislation rather than specialized regulatory frameworks. This limits the effectiveness of policy interventions and creates uncertainty for investors in energy efficiency projects. For instance, the absence of clear legal provisions for energy performance contracting makes it difficult for energy service companies to develop and implement energy-saving projects based on performance guarantees and shared savings models.²³ Similarly, the lack of mandatory energy efficiency standards for buildings reduces the incentives for investments in energy-efficient construction and renovation, despite the significant potential for energy savings in this sector.²⁴ These legal gaps represent missed opportunities for promoting cost-effective energy efficiency investments that could reduce energy consumption, lower greenhouse gas emissions, and generate economic benefits.

Sustainable agriculture represents a critical area for green investments in Uzbekistan, particularly given the sector's significant environmental footprint and vulnerability to climate change. The current legal framework includes the Law "On Agriculture" (No. ZRU-662) adopted on June 30, 2020, which establishes the general regulatory framework for agricultural activities but contains limited provisions on environmental sustainability.²⁵ Article 5 includes "rational use of land and water resources" among the principles of state policy in agriculture, but specific mechanisms for implementing this principle are underdeveloped. The Presidential Decree "On Approval of the Strategy for the Development of Agriculture of the Republic of Uzbekistan for 2020-2030" (No. UP-5853) dated October 23, 2019, identifies sustainable practices as strategic priorities but does not establish legally binding mechanisms.²⁶ The Land Code (1998, with amendments) and the Law "On Protected Agricultural Lands" (2019) regulate land use but focus primarily on preventing the conversion of agricultural land rather than promoting sustainable agricultural practices.²⁷

The legal framework for organic agriculture is particularly underdeveloped, with no dedicated legislation on organic certification, standards, or support mechanisms. This creates significant barriers for investments in organic farming and limits access to growing international markets for organic products.²⁸ Without a clear legal framework establishing organic standards, certification procedures, and labeling requirements, producers face uncertainty and potential market access barriers, while consumers lack reliable information about organic products. This regulatory gap represents a missed opportunity for developing a potentially valuable niche market and promoting environmentally sustainable agricultural practices.

Water legislation, including the Law "On Water and Water Use" (1993, with amendments), establishes the general framework for water resource management but lacks effective incentives for water-saving technologies in agriculture, despite agriculture accounting for approximately 90% of water consumption in Uzbekistan.²⁹ The law focuses primarily on allocation and use rights rather than efficiency incentives, limiting its effectiveness in promoting investments in water-saving technologies. Recent reforms, including the establishment of Water User Associations and the introduction of water metering in some areas, represent steps toward more sustainable water management but have not yet created a comprehensive legal framework for promoting water-efficient investments in agriculture.³⁰

Based on the analysis of Uzbekistan's current legal framework and comparative international practices, several recommendations for legal reform can be proposed to enhance green investments in the country. First, Uzbekistan should consider adopting a dedicated Green Investment Law that would consolidate and harmonize the currently fragmented legal provisions related to environmentally sustainable investments.³¹ This law should establish clear and legally

binding definitions of green investments and sustainable economic activities, aligned with international standards while reflecting Uzbekistan's specific context; create a comprehensive framework of incentives and support mechanisms for green investments, including tax benefits, customs exemptions, subsidies, and preferential financing; establish streamlined administrative procedures for green investment projects, including a "single window" approach for environmental permits and approvals; provide legal guarantees for green investors against adverse regulatory changes, ensuring stability for long-term projects; create specialized institutional mechanisms for promoting and facilitating green investments, including a Green Investment Agency or similar body; and establish monitoring and reporting requirements for both investors and government agencies to track progress and ensure accountability. This comprehensive legislation would address the current fragmentation of legal provisions across multiple laws and regulations, providing a more coherent and accessible framework for green investors.

Second, legal reforms should strengthen procedural rights related to environmental decision-making and expand opportunities for public participation.³² This would involve amending the Law "On Environmental Impact Assessment" to enhance public participation opportunities, including earlier involvement in the process, improved access to information, and stronger consideration of public comments; introducing requirements for Strategic Environmental Assessment of policies, plans, and programs, particularly in sectors with significant environmental impacts; establishing clear legal standing rules for environmental litigation, allowing affected communities and environmental organizations to challenge decisions with potential environmental impacts; creating legal mechanisms for alternative dispute resolution in environmental matters, including mediation and arbitration options for conflicts between investors, communities, and government agencies; and strengthening access to environmental information through amendments to the Law "On Transparency of Activities of State Bodies" and the Law "On Environmental Protection". These procedural reforms would enhance the legitimacy and effectiveness of environmental governance, reducing conflicts and creating a more stable environment for green investments.

Third, Uzbekistan should develop a legal framework for green public procurement to create market demand for environmentally sustainable products and services.³³ This would involve adopting amendments to the Law "On Public Procurement" to explicitly allow or require environmental criteria in procurement decisions; developing implementing regulations establishing environmental specifications for common product categories and services; creating legal mechanisms for life-cycle costing in procurement evaluations, allowing consideration of operational costs (including energy and water consumption) alongside initial purchase prices; establishing preference mechanisms for environmentally certified products and services; and developing legal requirements for environmental management systems among government contractors. Green public procurement legislation would leverage the government's purchasing power to create markets for sustainable products and services, supporting green investments across multiple sectors.

Fourth, legal reforms should strengthen environmental compliance mechanisms to create stronger incentives for green investments.³⁴ This would involve revising pollution charges and natural resource use fees to better reflect environmental externalities and create stronger incentives for resource efficiency; strengthening penalty provisions for environmental violations, including progressive sanctions for repeated non-compliance; developing a comprehensive extended producer responsibility system through amendments to the Law "On Waste Management"; establishing legal requirements for environmental management systems in high-impact sectors; and creating specialized environmental courts or divisions within the judicial system to enhance expertise and efficiency in environmental cases. Enhanced compliance mechanisms would create stronger market incentives for investments in pollution prevention, resource efficiency, and other environmentally beneficial technologies and practices.

Fifth, Uzbekistan should establish a comprehensive legal framework for green finance to mobilize capital for environmentally sustainable projects.³⁵ This would involve adopting legislation on green bonds, establishing definitions, issuance requirements, reporting obligations, and verification procedures; introducing environmental risk assessment requirements for financial institutions through amendments to banking and financial sector legislation; developing a legal framework for climate-related financial disclosures, aligned with international standards such as the Task Force on Climate-related Financial Disclosures (TCFD); establishing a Green Finance Taxonomy defining eligible activities for green financial instruments; and creating a legal basis for preferential treatment of green financial instruments, such as reduced reserve requirements or preferential refinancing rates. A developed green finance legal framework would facilitate the mobilization of both domestic and international capital for environmental projects, addressing one of the key barriers to green investments in Uzbekistan.

This comprehensive analysis of Uzbekistan's legal framework for green investments reveals a mixed picture. On one hand, the country has made significant progress in establishing foundational investment legislation and implementing initial green economy strategies. The adoption of the Law "On Renewable Energy Sources" and related regulations represents an important step toward creating enabling conditions for sustainable investments in the energy sector. Recent environmental law reforms, including amendments to waste management legislation and the introduction of environmental audit mechanisms, indicate growing attention to sustainability considerations in the legal system.

On the other hand, substantial gaps and weaknesses remain in the legal framework. The fragmentation of relevant provisions across multiple laws and regulations creates complexity and potential inconsistencies. The lack of clear and legally binding definitions of green investments hampers the development of targeted incentives and support mechanisms. Procedural barriers, enforcement challenges, and limited institutional capacity constrain the effectiveness of existing legal provisions in promoting environmentally sustainable investments.

From a comparative perspective, Uzbekistan's legal framework for green investments lags behind both regional leaders like Kazakhstan and international best practices represented by the European Union's comprehensive sustainable finance legislation.³⁶ While this gap presents challenges, it also creates opportunities for Uzbekistan to learn from others' experiences and adopt advanced approaches adapted to its specific context.

The proposed legal reforms, including the adoption of a comprehensive Green Investment Law, strengthening of procedural rights, development of green public procurement legislation, enhancement of compliance mechanisms, and creation of a green finance legal framework, would address the identified gaps and weaknesses. These reforms would create a more coherent, transparent, and effective legal environment for green investments, supporting Uzbekistan's transition to a more sustainable economic model.³⁷

As Uzbekistan continues its economic transformation and integration into the global economy, the development of an effective legal framework for green investments represents both a necessity and an opportunity. By addressing the current legal barriers and implementing targeted reforms, Uzbekistan can create enabling conditions for environmentally sustainable investments, contributing to both economic prosperity and environmental improvement. The success of these legal reforms will depend on political commitment, institutional capacity, stakeholder engagement, and effective implementation mechanisms.

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