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ORIGINAL RESEARCH ARTICLE

Sources of environmental law: National legislation of Ukraine and international legal documents

Yuliia Leheza[1], Anatolii Kuzmenko[2], Oleksandr Pashchenko[3], Valeriya Tulyantseva[1], and Yevhen Leheza[4]*

[1]Department of Civil, Commercial, and Environmental Law, Institute of Humanities and Social Sciences, Dnipro University of Technology, Dnipro, Ukraine
[2]Pavlograd District Prosecutor's Office of the Dnipropetrovsk Region, Pavlograd, Ukraine
[3]Department of Civil Law Disciplines, Institute of Law and Security, Odesa State University of Internal Affairs, Odesa, Ukraine
[4]Department of Public and Private Law, Educational and Scientific Institute of Law and International Legal Relations, University of Customs and Finance, Dnipro, Ukraine
***Corresponding author:** Yevhen Leheza (legeza@umsf.dp.ua)

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Abstract: In this article, we consider the Constitution of Ukraine, international agreements, and norms of international law as the foundations of environmental legislation. This study provides a detailed analysis of the provisions and principles enshrined in international legal acts and Ukrainian legislation related to the protection and conservation of nature. The Constitution of Ukraine establishes the state's environmental strategy, guarantees citizens the right to a safe environment, and mandates state actions to ensure environmental protection. International agreements, which Ukraine has signed and ratified, are equally significant, holding priority over national laws and forming a part of the domestic law. The international legal acts include declarations, principles, and other documents that do not have binding legal force but have significant impacts on the state's formation and development of environmental law. These acts serve as typical frameworks in environmental protection, granting flexibility in implementation. Therefore, the most effective way to implement such acts into the national legislation of Ukraine is through state adoption based on the text of international legal acts or their individual articles on domestic law. The main ways to solve the problems of implementing international legal acts in environmental protection in Ukraine are as follows: (i) operational addition or amendment of national environmental legislation, (ii) determination of specific mechanisms and ways of implementing international obligations undertaken by Ukraine in environmental protection, and (iii) creation of separate units within the structure of the Ministry of Ecology and Natural Resources of Ukraine, which concentrates their activities on relevant international legal acts and ensures cooperation in this direction.

Keywords: International treaties; International legal acts; Environmental law; Environmental protection; Law

1. Introduction

Due to the increase in anthropogenic impact on the environment, the issues of environmental safety and nature protection are becoming increasingly significant. An important role in resolving these issues is played by environmental legislation, which is based on the principles and norms enshrined in the Constitution of Ukraine.

The Constitution of Ukraine is the main legislative act regulating environmental relations. Based on the

principle of the rule of law, the Constitution has the highest legal force and is the basis of all legislation. All laws, including environmental laws, are adopted on the basis of the Constitution and in accordance with its provisions.

In the legal hierarchy, the law is the main source of environmental legislation. It is a regulatory act adopted by a higher representative body of state power or directly by the people (referendum). The law establishes the initial legal norms, holds the highest legal force, and is adopted in compliance with a special legislative procedure.[1]

As a source of law with the highest legal force, the Constitution of Ukraine contains a set of provisions that: (i) highlight the special constitutional function of environmental protection, (ii) establish the general legal principle for the priority of environmental protection, (iii) establish the responsibility of the present generations to future ones, (iv) provide for the country's environmental sovereignty, and (v) establish the state's obligations to protect the sovereignty in both internal and external relations. The basic law of the state establishes a constitutional environmental legal order.[2] The purpose of this study is to analyze the Constitution of Ukraine, international treaties, and international legal acts as key sources of environmental law that form the regulatory and legal basis for ensuring environmental safety, sustainable development, and environmental protection.

Human activities, even before the Industrial Revolution, have initiated changes in nature. It is now essential to strike a balance, ensuring that economic advancement does not come at the expense of environmental sustainability. Genuine progress requires the maintenance of robust environmental standards, as this is fundamental to sustainable development. This research offers a comprehensive examination of the current status and potential environmental impacts of infrastructure projects under the China–Pakistan Economic Corridor (CPEC). The expected consequences of this project are, for the most part, already well understood.

Since its inception back in 1982, the Marine Environmental Protection Law (MEPL) has undergone multiple amendments in 1999, 2013, 2016, and 2017, culminating in a comprehensive revision in 2023. These successive updates have gradually established a solid legal foundation. The Constitution underpins this system, the MEPL acts as the key regulatory framework, and specific marine element safeguard regulations propel its operations. Compared to earlier versions, the recently revised MEPL 2023 brings considerable enhancements. These primarily involve strengthening the conservation of marine biodiversity, refining the mechanisms for preventing and controlling pollution from ships, streamlining the surveillance of the marine environment, improving the measures to address land-originated marine pollution, and instating more stringent legal consequences. The revised MEPL 2023 enhances China's strategy for protecting its marine environment by incorporating global best practices within its existing legal framework. Furthermore, the study identifies areas for future improvement, offering insights for policymakers that would be useful and, ideally, should have already been integrated.

2. Materials and methods

The methodological basis of the study is a set of general scientific and special scientific methods of cognition, including formal-logical, historical, comparative-legal, interpretation, structural-functional, and modeling. Using the formal-logical method, the conceptual and terminological apparatus was analyzed and clarified, while the content of individual regulatory legal acts and the features of their implementation were studied. The historical method facilitated the study of the development dynamics of sources of environmental law, starting with the law on Nature Protection of the Ukrainian Soviet Socialist Republic (1960), as well as the main trends in the formation of regulatory legal acts in this area of social relations. The comparative-legal method was employed to compare diverse domestic regulatory legal acts that regulate interactions between society and nature alongside relevant foreign experience. The interpretation method was applied to analyze the content of regulatory legal acts and their correlation with related branches of law, in particular, administrative and civil law.[3]

The application of the structural-functional method enabled the systematization of the sources of environmental law according to various characteristics to determine the role of individual regulatory legal acts in the system of sources of environmental law. Using the modeling method, potential development scenarios for the system of relevant sources were determined. Among these, the most acceptable models were selected. The prospects for systematizing the sources of environmental law were assessed through codification, while the structure and content of individual draft environmental legal acts were also determined.

3. Results and discussion

The characteristics of the constitutional principles of environmental law are usually presented by grouping the norms of the Constitution of Ukraine, which directly or indirectly establish principles, initial provisions, and specific rules of conduct in the areas of environmental protection, nature management, and ensuring environmental safety. Leheza[4] divides constitutional norms into three groups:

(i) Humanitarian (which establishes environmental rights and obligations of citizens).
(ii) Natural resource (which determines forms of ownership of natural objects).
(iii) Competence (in which competence in the field of environmental protection is distributed).[5]

The Constitution establishes the foundations of the social order and the general principles of state policy, including those related to environmental protection. Key to the regulation of environmental relations are Articles 13, 14, 16, 50, and 66 of the Constitution of Ukraine, along with several other articles of a general nature that provide the fundamental regulation of social relations, including those of an environmental nature.[6]

Specifically, Article 13 declares that the land itself, everything beneath it, the air we breathe, the water, and all other natural riches found within Ukraine's borders, alongside the resources of its continental shelf and exclusive economic zone (in the sea), are considered the property of the Ukrainian people.[6]

Article 16, located in Chapter 1 of Ukraine's constitutional framework, outlines core principles regarding environmental protection. It stipulates the state's obligation to safeguard environmental well-being and ecological stability throughout the country. Moreover, the state bears the responsibility of addressing the aftermath of the Chernobyl disaster – an event recognized for its global impact – and for protecting the genetic heritage of the Ukrainian people. Given this provision, the degree to which these obligations are being fulfilled inevitably comes into question.[7]

The Constitutional Court of Ukraine, in its decision number, e.g., 7-rp/2001,[6] references Article 16 and underscores the significance of this constitutional provision. The Court emphasized that the Constitution explicitly mandates the state's accountability for its actions toward individuals, clearly articulating the state's duties. This accountability extends beyond mere political or ethical obligations of public authorities to the citizenry. It incorporates elements of legal responsibility, which encompass imposing measures with the force of public law on the state and its administrative bodies for either failing to carry out their defined roles or performing them inadequately.[7]

The core principles governing the interaction between individuals, the government, and the natural world are established within the nation's fundamental law. For instance, per Article 50, Section 1 of the Constitution, every individual possesses an entitlement to an environment that is safe for their well-being and health. This also encompasses the right to receive reparations when this right is infringed upon. Simultaneously, Article 66 outlines a duty for all citizens to refrain from actions that could harm the environment and to provide restitution for any such damage incurred. Furthermore, Section 2 of Article 50 guarantees every person's right to freely access and share information regarding the environmental situation alongside the composition of food products and consumer goods. Classifying this information as confidential is expressly prohibited.[8]

Article 92, which emphasizes the legal force of the state's fundamental laws, provides that the most important environmental relations, such as the principle governing the use of natural resources, the exclusive (maritime) economic zone, the continental shelf, the exploration of outer space, and relations of environmental safety, must be regulated exclusively by law. Thus, these constitutional norms serve as the foundation for the adoption of relevant environmental legislation on specific issues.[9]

International law holds a pivotal position within the framework designed to reconcile environmental protection with sustainable societal development. Moreover, international legal principles significantly shape the regulation of environmental interactions, with international agreements serving a critical function.

Reflecting current legal precepts, Article 9 of the Constitution of Ukraine stipulates that "effective international treaties, to which the Verkhovna Rada of Ukraine has given its consent to be bound, constitute an integral part of the national laws of Ukraine."[7]

According to Article 2, Section 1 of Ukraine's Law Concerning International Treaties of Ukraine, an international treaty of Ukraine is to be interpreted as a legally binding agreement. This accord is established in written form with a foreign nation or another entity recognized under international law. The agreement's provisions are governed by the precepts of international law. This definition holds true, irrespective of whether the treaty is documented within a single document or a collection of connected documents. Furthermore, the

particular nomenclature utilized to designate the treaty is inconsequential to its status.[11]

An important point is the need to clarify the relationship between the concepts of "international legal acts" and "international treaties." These terms are often used interchangeably by both theorists and researchers in specific areas of law, especially when analyzing Ukrainian legislation. That is why the legislator uses the term "international treaties" (for example, in the Law of Ukraine on International Treaties of Ukraine).

International legal acts as sources of environmental law are characterized by the stability of their norms, which ensures the stability of the international legal order. The peculiarity of the state-legal procedure for the registration of consent to be bound by an international treaty, in the form of ratification and signing, gives contractual norms additional authority in the domestic legal system and facilitates their interaction with national law.[12]

The application scope of environmental law differs from criminal, financial, administrative, and labor law in its transnational nature. The system of international treaties in the field of environmental protection consists of:

(i) Global treaties: These treaties are universal and open to participation by all states of the world (the Convention on Biological Diversity, the Convention on the Conservation of Wild Fauna and Flora, and Natural Habitats in Europe Bern Convention).
(ii) Regional treaties: These treaties are concluded between states of the same region and concern specific environmental problems characteristic of this region (Framework Convention on the Protection and Sustainable Development of the Carpathians, Convention on the Protection of the Black Sea against Pollution).
(iii) Bilateral treaties: These treaties are concluded between two states and regulate environmental issues concerning their common interests (Agreement on Cooperation between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey in the Field of Forestry).[13]

Generally speaking, international treaties constitute a particular category within the sources of European law. They establish the international commitments of the European Communities, the European Union, and their respective member states. The European Community is exhibiting a growing presence in shaping international environmental law, actively participating in international conferences and negotiations, signing international legal instruments, and collaborating with diverse international bodies focused on environmental concerns.

European Union international treaties function as sources of norms for two distinct legal systems concurrently, international (public) law and Community/Union law. As a source of international rights and obligations, these treaties are binding not only on the community itself but also on each individual member state.[14]

An equally important role in the system of sources of environmental law of Ukraine is played by decisions of international courts and arbitrations. These decisions can be used as a source of law in resolving environmental disputes. This is relevant when national legislation does not contain clear norms for resolution, and decisions of international courts and arbitrations can create precedents, which are then used by courts and other authorities when solving similar problems.

International court and arbitration rulings can serve as tools to safeguard citizens' environmental rights. A compelling illustration of this is found in the *Dubetska and Others versus Ukraine* case (application No. 30499/03, decision of February 02, 2011). Here, residents of Vilshyna village (Lviv region) repeatedly lodged complaints with state officials regarding health and property damage stemming from environmental pollution attributable to the Chervonogradska enrichment factory.[15]

Acknowledging the factory's detrimental effects on the applicants' lives, the authorities repeatedly mandated the relocation of these individuals away from the contaminated area. Nevertheless, this relocation never took place. In the view of the European Court of Human Rights (ECtHR), a sufficiently robust link existed between the polluting emissions and the state, thus triggering the potential for state liability under Article 8 of the Human Rights Convention.[15]

The ECtHR acknowledges that member states enjoy considerable discretion when fulfilling their environmental responsibilities under Article 8 of the Convention. Thus, it would be overreaching to declare an absolute right for the complainants to receive new, state-funded housing. Nonetheless, the grievances presented by the applicants, invoking Article 8, could potentially have been adequately addressed by effectively resolving the environmental issues.[16]

Overall, it is evident that throughout the pertinent time frame, both the mine and the factory were operated in defiance of existing national environmental regulations. Moreover, the government failed to assist the applicants'

relocation or to institute a practical strategy to shield them from the environmental dangers linked to their prolonged residence in proximity to these industrial entities. These shortcomings constitute a breach of Article 8 of the Convention.[17] The ECtHR's case law extends its jurisdiction to the territory of Ukraine, irrespective of whether the decisions concerned Ukraine and its citizens directly or whether the decisions were made with respect to another state.

Returning to the Constitution of Ukraine as a source of environmental law, it contains the most important norms that regulate relations in the field of interaction between humans and the environment. The following norms should be considered constitutional principles of environmental law or as special regulations of higher legal force regarding individual environmental relations and their objects.[2]

As for the Convention for the Protection of Human Rights and Fundamental Freedoms, it does not directly provide environmental rights for citizens, but there is a direct connection between the right to respect one's private and family life, to one's home, provided in Article 8 of the Convention, and the right to an environment safe for life and health.[12]

International legal acts in the field of environmental protection serve as a framework, providing participants with the flexibility to choose the means of achieving their goals. Therefore, the most effective way to implement such acts into the national legislation of Ukraine is the method of transformation, which involves the adoption by the state based on the text of an international legal act or its individual articles of the corresponding norms of domestic law.

The main ways to solve the problems of implementing international legal acts in the field of environmental protection in Ukraine are as follows: (i) prompting the addition or amendment of national environmental legislation, (ii) identifying specific mechanisms and ways of implementing international obligations undertaken by Ukraine in the field of environmental protection, (iii) creating separate units within the structure of the Ministry of Ecology and Natural Resources of Ukraine, which would concentrate their activities on the implementation of the relevant international legal act and establish cooperation in this direction, and (iv) ensuring more active involvement of specialized public organizations of an environmental orientation and interested territorial communities in making environmentally significant decisions.[18]

Safeguards for the environmental rights of Ukrainian citizens are enshrined, specifically in Article 11, Part 3 of the Ukrainian Law on Environmental Protection. This particular provision stipulates that citizens whose environmental rights have been violated are entitled to restoration and that legal recourse for protection within a court of law is available, as per Ukrainian legal standards. Moreover, according to Article 55, Part 4 of the Ukrainian Constitution, every individual holds the assured right to pursue protection for their freedoms and rights through relevant international judicial bodies or through bodies of international organizations where Ukraine holds membership or participation, following the exhaustion of all national legal avenues.

Ukraine's ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms means its provisions are now part of Ukrainian national legislation. The interpretation of this Convention by the ECtHR is extensive. When judging cases brought against Ukraine (or any other nation), the European Court bases its decisions on established legal precedents. Consequently, rulings from the ECtHR serve as essential guidance for governmental agencies and their officers, with a view to upholding human rights.[19]

Since the Convention for the Protection of Human Rights and Fundamental Freedoms does not directly enshrine the right to a safe environment for life and health, citizens, when applying to the ECtHR in the event of a violation of their environmental rights, refer to a breach of Article 8 of the Convention. *Volobuieva* correctly notes that in the practice of the ECtHR, most often, the violation of the right to a safe environment for life and health is associated with the breach of the right to respect for private and family life, which indicates a close connection between environmental pollution and the said right.[20]

One of the available evidence in favor of the consideration and protection by the Court of Environmental Human Rights and the environment, in general, is that the ECtHR, in its decisions, calls the environment a value that prevails over the interests of one person (or family), even if this concerns his private life and property. In the case of *Nateg versus Belgium* (application no. 21861/03), the applicant owned a house built by her parents in a forest area without obtaining a building permit. She was sued for building the house in violation of forest legislation. The Court decided that the applicant must restore the site to its previous condition. The house was forcibly demolished.[21]

For the 1st time in its case law (the decision was made in 2007), the Court stated that the environment, although not expressly mentioned in the Convention, nevertheless represents a value in the preservation of

which both society and the public authorities have an interest. Economic considerations and even property rights should not prevail over environmental concerns, especially when there is effective legislation on this issue. The public authorities had a duty to take measures to protect the environment.[22]

According to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, "everyone has the right to respect for his private and family life, his home and his correspondence."[10, p. 11] For example, in the case of *Mogepo Oosheh versus Spain* (application no. 4143/02), the applicant complained about the constant noise from nightclubs located near her house.[23] She claimed that this noise caused her chronic sleep disturbance. The Court considered that the applicant's right to respect her private home had been seriously violated by the authorities' inaction regarding the noise at night. Given the intensity of the noise pollution (exceeding the permissible noise level at night) and the fact that such a situation had lasted for several years, the Court found that there had been a violation of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The restriction of the right to respect for one's private and family life is set out in Part 2 of Article 8 of the Convention, which states that "there may be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary for a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."[24, p. 208]

For example, the above-mentioned protection of the economic well-being of the country is reflected in the case of *Powell and Rayner versus the United Kingdom* (application no. 9310/81), where the applicants, who lived in the immediate vicinity of Heathrow Airport, considered the permitted noise level to be unacceptable and the measures taken by the government to reduce the noise level to be insufficient.[25] The ECtHR has established that the operation of sizeable, globally-used airports positioned close to heavily inhabited areas is, in essence, vital for a nation's economic prosperity. Heathrow Airport, known as one of the globe's most active airports, is a crucial asset for commercial activities, diplomatic relationships, and, notably, the economy of the United Kingdom. Therefore, its continued functioning is permissible, even if environmental drawbacks remain irreducible. Consequently, it does not constitute a breach of Article 8 of the European Convention on Human Rights.

A similar case is that of *Iaiop versus the United Kingdom* (application no. 36022/97), where the applicants who lived near Heathrow Airport complained of increased noise in the area around their homes after the government's policy on night flights changed in 1993. They claimed that aircraft operating at night regularly woke them up with their noise and that this had a negative impact on their health. The Court was unable to reach a clear conclusion that the introduction of the new scheme in 1993 had indeed led to an increase in night noise. At the same time, the Court found that there was an economic interest in maintaining night flights and that only a small percentage of people were affected by the noise. At the same time, house prices did not fall, and the applicants were able to move to another place of residence without financial loss. Therefore, there was no violation of Article 8 of the European Convention on Human Rights.[26]

Having familiarize ourselves with the various circumstances of the cases and the factors that the ECtHR took into account in the process of justice regarding claims that had an environmental basis, we can conclude that all these cases concerned violations of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms.[27]

Protection of the environment, viewed in its broadest definition, finds its roots in Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. This connection stems from the right to respect private life and to housing. Indeed, significant environmental degradation can detrimentally impact an individual's well-being. It may also hinder the complete enjoyment of their home, thereby harming their private and family life, even where the environment poses no substantial threat to their physical health.[28]

There are very few cases in the ECtHR that are directly related to the violation of the environmental rights of citizens of Ukraine. In all cases, the applicants relied on a violation of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In the case of *Dubetska and Others versus Ukraine* of May 10, 2011, it was stated that the applicants' houses were located in the settlement of Vilshyna, village of Silets, Sokalsky district, Lviv region, not far from two industrial enterprises – the Vizeyska mine of the State Enterprise Lviv Coal and the Chervonohradska Central Coal Processing Plant of the Lviv Coal Company.[29] Following extensive

investigations undertaken by both governmental and non-governmental bodies, it was determined that these businesses' manufacturing operations were inflicting detrimental environmental damage, encompassing occurrences such as flooding and contamination of both groundwater and the atmosphere, alongside land subsidence. The ECtHR found a violation of Article 8 of the Convention, pinpointing the state's failure to enact measures – for over a dozen years – either to relocate the individuals involved or to adequately address their predicament through alternative means. After carefully evaluating the particulars of the case, the ECtHR stated, "a credible claim predicated on Article 8 can arise where an environmental peril escalates to a severity that substantially infringes on the applicant's capacity to partake in their home, private, or familial life."[30, p210]

A comparable methodology for safeguarding the environmental rights of Ukrainian residents is mirrored in the *Grymkovska versus Ukraine* case. The applicant, along with her parents and her young son, resided in their residence on Ch. Street, located within a residential district of the city of Krasnodon. In 1998, it was decided to route the M04 Kyiv–Luhansk–Izvaryne highway through Ch. Street. In May 2002, an air quality assessment performed by the State Sanitary and Epidemiological Service of the Luhansk Oblast revealed a significant exceedance in the acceptable concentration levels of substances detrimental to human health, stemming from air pollution generated by road emissions along Ch. Street. After scrutinizing the pollution measurements, the Chief Sanitary Doctor of Luhansk Oblast in 2002 advised the mayor of Krasnodon to contemplate discontinuing the utilization of Ch. Street as a thoroughfare, emphasizing that the degree of air pollution on this street exceeded legally established benchmarks and had the potential to jeopardize the health of the residents.[31]

International law mandates that nations in a region collaborate, adhering to "common but differentiated responsibilities," especially when dealing with transboundary environmental issues. The evolving infrastructural partnership between China and Pakistan under the CPEC warrants specific agreements to safeguard and enforce environmental standards within this framework. At present, no dedicated environmental treaty exists between the two nations, nor are environmental safeguards explicitly detailed and made public in their legal documents.

Moreover, a critical assessment of investments in CPEC-related projects is crucial for ensuring environmental sustainability. Pakistan's increasing reliance on coal reserves, funded by China through CPEC-related ventures like coal-fired power plants, raises concerns. The 2015 Paris Agreement discourages the use of coal for power generation, a pact to which both China and Pakistan are signatories. Pakistan possesses considerable potential for renewable energy generation, such as solar, wind, and hydro. Solar energy alone could potentially provide Pakistan with 1,600 GW, far exceeding its current consumption. However, CPEC initiatives continue to prioritize coal-based energy projects. Remedial actions are therefore recommended to secure sustainable development. This could include collaborative efforts such as shared expertise from environmental lawyers and the initiation of joint research and development initiatives.[32]

Further progress demands the establishment of a joint environmental data-sharing system between the governmental departments of both countries. This would facilitate efficient cross-border legal harmonization and enforcement, ultimately establishing a cohesive inter-regional environmental enforcement framework. To achieve this, both parties should enhance environmental monitoring and intelligence to improve pollution awareness and law enforcement across various levels, including local, provincial, national, and regional jurisdictions. Public interest litigation and wider public involvement in environmental issues must be strengthened. In addition, better alignment between domestic and international environmental laws, treaties, and agreements is necessary to achieve the goals set by the Paris Agreement on climate change, the Sustainable Development Goals, the Aichi Biodiversity Targets, the Sendai Framework for Disaster Risk Reduction, and other global commitments to sustainable development. Such coordinated actions would not only address the specific environmental challenges of the two countries but would also serve as a model for environmental legal cooperation, benefiting the whole region and the wider global community.

Transboundary environmental issues should ideally be resolved through legal cooperation between the two nations rather than through recourse to domestic, foreign, or international courts in every instance. This will benefit the stakeholders in various ways, including financial advantages, time savings, and reduction in energy consumption. It would also better serve justice, particularly for the private party (the claimant) in cases of transboundary harm, who frequently has limited

resources and limited access to legal forums beyond national borders, e.g., in foreign or international courts.

The CPEC involves numerous large-scale development projects. These endeavors must be managed through updated and mutually agreed-upon environmental enforcement mechanisms. Valuable insights can be acquired from existing environmental practices around the world, including studies of developed nations. Therefore, China and Pakistan should integrate appropriate environmental provisions within their trade agreements, explicitly addressing the potential environmental damage that might arise under the CPEC, a central component of China's Belt and Road Initiative. This study underlines potential legal complications relating to environmental law enforcement across borders, highlighting the immediate need for deeper environmental cooperation between both countries.

China and Pakistan's new infrastructure development partnership under CPEC requires arrangements to ensure high environmental standards. However, no specific independent environmental treaty or explicit environmental provisions are currently in place between them.

China has become a significant player in the Arctic Ocean governance, adhering to the agreement to prevent unregulated commercial fishing. However, a shared legal framework is still needed. This absence of a comprehensive legal regime offers China influence on environmental governance and potential access to Arctic fisheries in the future. China has invested considerably in infrastructure, economic security research, and shipbuilding technology, such as ice-resistant liquefied natural gas carriers, reflecting a peaceful approach to resource management, conservation, and ocean governance. If managed well, with long-term cooperation, China's future fishing rights in the Arctic can be legitimized. China, being the closest continental state to the Arctic Circle, holds a prominent stake and is making substantial contributions toward the sustainable development of the Arctic through investment in various sectors, scientific research, environmental security efforts, and sustainable use of fisheries. In summary, China's Arctic policy is carefully designed. By asserting legal claims over fisheries resources and acquiring global recognition for its presence in Arctic governance, it has strengthened its Polar Silk Road vision and the Belt and Road Initiative for future endeavors.[32]

International collaboration is crucial for developing an open economic system, leading to economic expansion and sustainable development for all countries. Consequently, environmental policy should not become a means to unnecessarily hinder global trade. An important principle is recognized as the rule that whoever pollutes the environment should also bear financial responsibility for this pollution. States are obliged to inform each other about possible elements or activities that may have harmful transboundary consequences.

Sustainable development requires a global scientific understanding of problems, and therefore, states need to share knowledge and new technologies to achieve sustainable development. In order to achieve sustainable development, the full participation of women is necessary, as well as the creative efforts, ideas, and courage of young people in understanding indigenous peoples. The state must recognize and support the independence, culture, and interests of indigenous peoples.[33]

The Rio Declaration on Environment and Development unequivocally stated the devastating impact of war on sustainable development and recorded the obligation of states to respect international law that ensures environmental protection during armed conflicts, and to cooperate in further sustainable development, since development, peace, and environmental protection are interdependent and inseparable.

4. Conclusion

In Ukraine, the foundational principles and advancement of environmental law are significantly shaped by the nation's Constitution, as well as by international agreements and legal instruments. The Constitution of Ukraine proclaims the human right to a safe environment and obliges the state to take measures to protect it. This is the fundamental principle on which all environmental legislation in Ukraine is based. International treaties to which Ukraine has acceded constitute an important source of environmental law. They contain norms regulating a wide range of environmental issues, such as climate change, environmental pollution, transboundary environmental problems, conservation of biological diversity, etc. International legal acts adopted by international organizations can also be sources of environmental law in Ukraine. All these sources of law are closely interrelated and complement each other.

Ukraine's foundational law, the Constitution, lays out the groundwork for environmental safeguarding.

Building upon this, international agreements elaborate on these core tenets, formulating more specific rules. Furthermore, international legal instruments play a role in aligning Ukrainian laws with internationally recognized benchmarks. A crucial point is that international treaties and international legal instruments only take effect within Ukraine once they have been formally approved by the Verkhovna Rada (the Ukrainian Parliament). Consequently, the Constitution, international treaties, and international legal acts hold a critical position in preserving the environment within Ukraine, thereby supporting the nation's pursuit of sustainable advancement.

Systematization involves eliminating the duplication of regulations on relevant issues and bringing them to the needs of practical application. That is consolidation with elements of the codification process to ensure the consistency and harmonization of regulatory legal regulations of the newly created consolidation act or its group. It is also advisable to repeal minor laws regarding amendments to Ukraine's current environmental legislation.

Therefore, we consider consolidation to be a possible intermediate option for the preparation of the Environmental Code of Ukraine. Today, the consolidation of environmental legislation acts is extremely advisable, especially with the aim of integrating natural resource legislation and legislation in the field of environmental safety.

For example, consolidation as a form of systematization of environmental legislation would be justified today when creating the Natural Resource Code of Ukraine based on resource codes and relevant laws (the Land, Water, and Forest Codes, the Subsoil Code, the Law of Ukraine on Flora, the Law of Ukraine on Resorts, etc.). However, the aforementioned legislative acts would form the basis of a special part of the Natural Resources Code. The general part requires appropriate analytical processing to substantiate the provisions of this part based on partial codification efforts. This includes identifying general and special provisions arising from the content of the relevant legal regulation on the use of natural resources and the features of their legal regime regarding use, reproduction (restoration), and protection.

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Author contributions

Conceptualization: Yuliia Leheza, Yevhen Leheza
Formal analysis: Anatolii Kuzmenko
Investigation: Oleksandr Pashchenko
Methodology: Valeriya Tulyantseva
Writing – original draft: Yuliia Leheza
Writing – review & editing: Yevhen Leheza

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