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INTERNATIONAL ENVIRONMENTAL LEGISLATION AND THE NEW PARADIGM OF SUSTAINABILITY

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Abstract

This article provides a comprehensive analysis of the legal framework for environmental protection and its fundamental principles. The study examines the impact of human activities on ecosystems, the importance of biodiversity conservation, and the legal mechanisms for the sustainable use of natural resources.

Additionally, transformations in environmental legislation at both global and national levels as of 2026 are analyzed. In particular, a comparative analysis is conducted of the implementation of the Agreement on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement), the Kunming–Montreal Global Biodiversity Framework (KMGBF), and modern approaches reflected in the practices of the United States and Europe.

The findings demonstrate that the contemporary model of environmental policy is shifting from purely restrictive measures toward a system based on economic incentives and advanced monitoring technologies.

Keywords

Environmental protection, biodiversity, sustainable development, environmental policy, sustainable use, environmental governance, BBNJ Agreement, Kunming–Montreal Framework (KMGBF), environmental law, terminological ambiguity, geopolitical factors, circular economy, ESG principles

INTRODUCTION

The main objectives and principles of modern environmental protection activities are determined by the necessity to reduce the damage caused to ecosystems as a result of human activity. As of February 2026, the interconnection between economic development and environmental sustainability has become a central issue in global sustainable development strategies. Biodiversity conservation is no longer viewed solely as a moral obligation but as a crucial condition for global economic stability and the survival of humanity. In this context, industrialization, agriculture, and urbanization are recognized as the primary drivers of ecological degradation.

One of the key principles of modern environmental policy is the recognition that economic models which fail to adequately value natural capital pose systemic risks. Analyses conducted at the beginning of 2026 demonstrate that economic systems and business practices that disregard the finite nature of ecological resources contribute significantly to the rapid decline in biodiversity [1]. This process not only disrupts the internal balance of ecosystems but also poses a serious threat to global economic stability. In particular, the IPBES assessment report on "Business and Biodiversity" highlights that uncontrolled economic growth has negatively impacted biodiversity and that business activities are among the major drivers of this decline [3]. Therefore, modern environmental policy prioritizes aligning economic incentives

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with ecological realities, specifically by integrating the value of natural capital into decision-making processes.

The environmental damage caused by human activity is not limited to theoretical economic concepts but is directly reflected in the disruption of ecosystem services. According to UNESCO, biodiversity loss undermines essential services necessary for human well-being, including the provision of clean air and water, food security, and climate regulation systems [2]. This process increases society's vulnerability to natural disasters and health-related crises, creating a negative cycle between ecological degradation and overexploitation of resources. Consequently, one of the key approaches in modern environmental policy is the shift from reactive measures to proactive risk management. This approach emphasizes the direct dependence of economic systems and societal well-being on the state of the biosphere [1][2].

Biodiversity conservation strategies involve addressing specific and persistent threats associated with human activity. One of the most pressing challenges of the current decade is climate change, which acts as an intensifying factor for other environmental problems. For instance, the excessive proliferation of algae observed in February 2026 clearly demonstrates the negative impact of altered environmental conditions on marine ecosystems. Such phenomena limit sunlight penetration, cause oxygen depletion, and consequently pose serious risks to marine organisms and related economic sectors [1]. This process is part of a broader trend in which climate change exacerbates existing ecological vulnerabilities [5].

In addition, changes in land use, particularly the destruction of primary forests, remain one of the main factors contributing to biodiversity loss. The conversion of biologically rich areas into agricultural or industrial land leads to the degradation of complex ecosystems. Statistical data confirm the severity of this issue: between 2018 and 2022, tropical forest loss increased overall, rising from 3.6 million hectares in 2018 to 4.2 million hectares in 2020. This trend indicates that industrial and agricultural expansion continues to exert pressure on critical carbon reserves and biodiversity hotspots.

The inadequacy of existing governance systems in addressing environmental challenges has been widely criticized in scientific circles. Research shows that current global policies are insufficient to halt biodiversity loss, and unless factors such as habitat destruction, pollution, and overexploitation of resources are significantly reduced, the decline will continue [4]. Therefore, the key task is to implement sustainable systems capable of "bending the curve" of biodiversity loss. Current commitments do not match the scale and urgency of the problem and require a departure from traditional approaches [4].

This perspective is further supported by assessments endorsed by more than 150 countries, which identify nature loss as a systemic risk and emphasize that failure to address the ecological crisis will result in serious economic consequences [5]. In this regard, ensuring the sustainable use of natural resources emerges as a crucial component of modern environmental governance. This process requires balancing short-term human needs with long-term ecological sustainability.

METHODOLOGY

In this study, comparative-legal, systemic, and analytical methods were employed to examine contemporary approaches to environmental legislation and biodiversity conservation. Within the scope of the research, both international and national normative legal documents were analyzed, including the BBNJ Agreement (High Seas Treaty), the Kunming–Montreal Global Biodiversity Framework (KMGBF), the United Nations Sustainable Development Goals (SDG

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15), as well as legal instruments such as the Endangered Species Act (ESA) and the Conservation Reserve Program (CRP).

In addition, IPBES reports, data from international organizations, and scientific literature from 2025–2026 were used to analyze trends in environmental policy development and mechanisms for sustainable resource use. Through a structural and comparative approach, similarities and differences between various national systems and international frameworks were identified and their effectiveness evaluated.

Furthermore, issues related to terminological approaches in environmental governance systems, the level of legal clarity, and the practical implementation of policies were examined comprehensively. The research findings were formulated based on generalization, logical analysis, and scientific interpretation.

RESULTS

The findings indicate that modern environmental protection policy is transitioning from traditional restriction-based approaches toward complex and integrated management systems. According to the analysis, among environmental challenges, biodiversity loss (30%) and climate change (25%) constitute the largest shares.

Additionally, deforestation (20%), pollution (15%), and overexploitation of resources (10%) were identified as significant contributing factors (Figure 1).

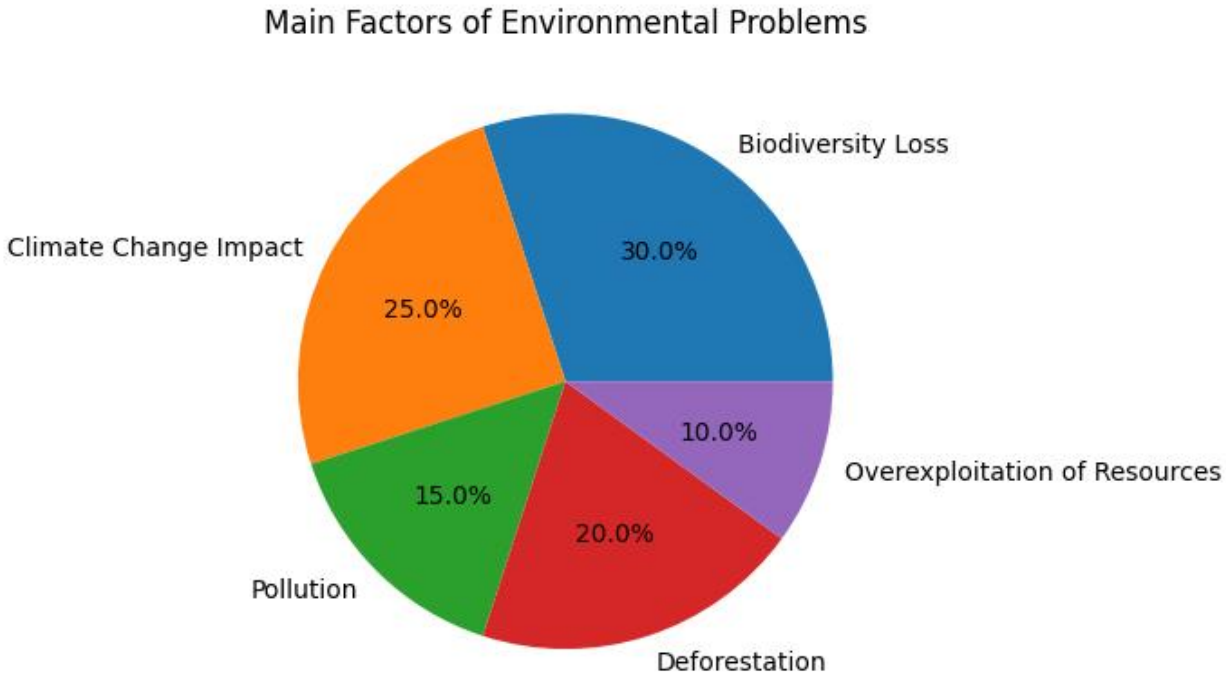

Figure 1. Main Factors of Environmental Problems

(Source: Compiled by the author based on IPBES (2026) and UNEP (2025) reports)

The diagram clearly illustrates that biodiversity loss and climate change are the primary drivers of the global environmental crisis. This indicates the necessity of directing environmental policy specifically toward these areas.

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Furthermore, significant transformations are being observed in environmental governance systems. The analysis shows that integrated management approaches (35%) have become the most dominant priority. Technological monitoring (25%), private sector participation (20%), and traditional regulatory restrictions (20%) remain important components of environmental policy (Figure 2).

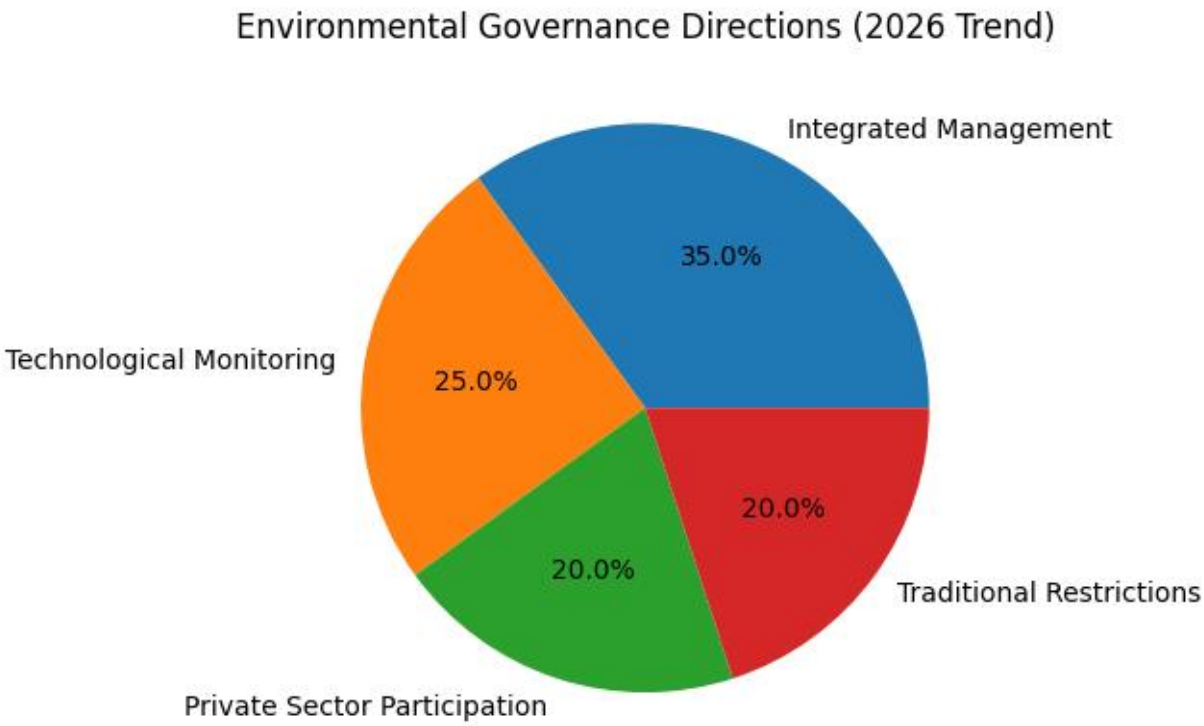

Figure 2. Environmental Governance Directions (2026 Trend)
(Source: IPBES reports) (https://ipbes.net)

These results confirm that environmental policy is moving away from a model based solely on prohibitions toward a complex, technology-driven, and multi-dimensional governance system.

The findings also indicate that biodiversity loss has been increasing steadily over time. Between 2018 and 2026, the area of lost ecosystems expanded from 3.6 million hectares to 5.1 million hectares, confirming the intensification of environmental pressure (Figure 3).

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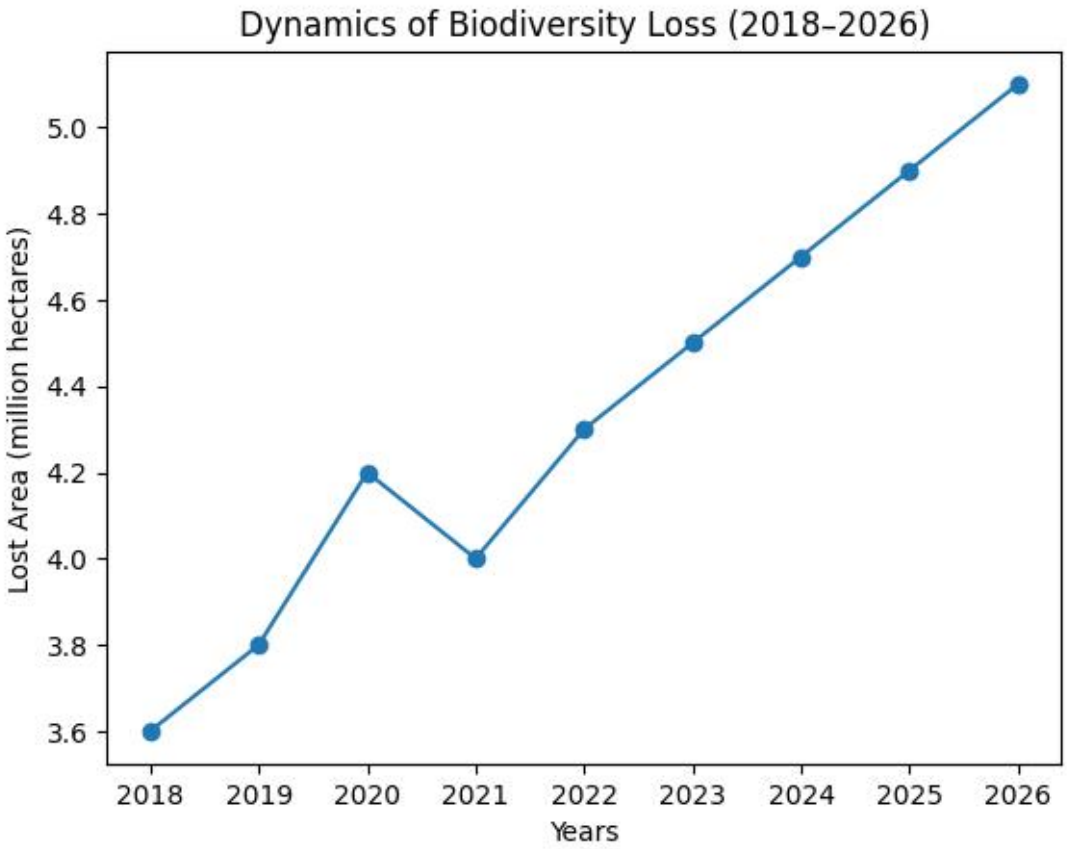

Figure 3. Dynamics of Biodiversity Loss (2018–2026)

(Source: Compiled by the author based on IPBES and global environmental reports)

The graph indicates that the rate of biodiversity loss has accelerated significantly after 2020. This reflects the intensification of key drivers such as climate change, deforestation, and overexploitation of natural resources. This trend once again confirms the urgent need for strict and comprehensive measures within modern environmental policy.

In addition, at the international level, instruments such as the BBNJ Agreement and the KMGBF are expanding the scope of environmental governance by incorporating global ecosystems into the framework of legal protection. At the same time, the findings reveal that terminological discrepancies between national and international systems still persist.

The results also demonstrate that the role of the private sector in environmental policy is increasing, and the integration of biodiversity considerations into corporate governance systems is becoming increasingly important.

DISCUSSION

One of the key directions for ensuring sustainable resource use in modern environmental governance systems is the integration of environmental health indicators into decision-making processes. Structural analyses indicate that incorporating ecological indicators into policy decisions helps maintain a balance between resource utilization and ecosystem integrity. This approach signifies a shift away from traditional “linear” economic models toward systems based on renewable and circular economy principles. In particular, trends observed in 2026 demonstrate that the circular economy and decarbonization of the transport sector are emerging

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as essential tools for achieving sustainable development [7][9]. At the same time, the principle of environmental justice expands the concept of sustainability by ensuring the fair distribution of benefits and environmental burdens within society [7].

However, natural resource governance is no longer limited to environmental and economic considerations; it is increasingly acquiring geopolitical significance. In the context of energy transition, states are intensifying efforts to control strategic minerals necessary for renewable energy technologies. During 2025–2026, self-sufficiency and the development of strategic partnerships have become key determinants of global economic systems [8]. This underscores the need to interpret natural resources not merely as economic commodities but as critical elements of national security. Consequently, sustainable resource policies are increasingly aimed at balancing short-term economic interests with long-term resource security.

Considering the temporal dimension of sustainability, ensuring long-term resource availability requires strategic planning and conservation measures. Forecasts for 2026 indicate that potential shortages in energy, water, and transport systems may exert significant pressure on global economic systems [6]. In response to these challenges, the international community is strengthening cross-sectoral cooperation and knowledge exchange. Notably, the ICNRMP-26 conference held in Berlin and the ICCANRM-2026 congress in Wellington serve as important platforms for sharing best practices and developing adaptive policies [7][10]. Such initiatives facilitate the alignment of national strategies with global sustainability goals.

At the same time, an important direction of modern environmental governance is the development of international legal mechanisms. The BBNJ Agreement, which entered into force in early 2026, has established a unified legal framework for the conservation and sustainable use of marine biodiversity [13][14]. This agreement covers areas beyond national jurisdiction and предусматривает the establishment of marine protected areas as well as the implementation of environmental impact assessment (EIA) mechanisms. The mandatory nature of EIA procedures enables the prior assessment of environmental consequences, thereby creating conditions for systematic environmental risk management [11]. Additionally, mechanisms for technology transfer are considered essential tools for ensuring environmental justice, particularly for developing countries.

These marine-focused approaches are further reinforced on land through the Kunming–Montreal Global Biodiversity Framework (KMGBF). As of 2026, the KMGBF requires states to regularly report on measures taken to conserve biodiversity [12]. This contributes to the establishment of global monitoring and evaluation systems and compels states to align with international standards. As a result, the principle of “due diligence” and international environmental obligations are becoming increasingly integrated into national legal systems [11].

Nevertheless, terminological inconsistencies persist between international and national systems. Concepts such as “sustainable use,” “ecologically sensitive areas,” and “foreseeable future” are interpreted differently across jurisdictions, leading to legal ambiguities in practice. This reduces the effectiveness of environmental policy implementation and complicates global cooperation.

As a result, modern environmental governance systems are becoming multi-level and complex in nature. They require the harmonization of international legal standards, national policies, and private sector activities. In particular, achieving biodiversity conservation goals necessitates the establishment of terminological consistency, harmonization of legal mechanisms, and integration of environmental governance into economic systems.

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One of the most important factors in ensuring sustainable resource use is the development of robust regulatory and legal frameworks. According to comparative analyses of sustainable resource use policies, the primary mechanism of these systems lies in establishing legal obligations and compliance standards. This contributes to the standardization of resource use practices across sectors and regions, thereby reinforcing sustainability principles.

However, in 2026, the practical implementation of these systems appears complex and, in some cases, contradictory. Regulatory updates in February 2026 indicate efforts to reduce administrative burdens while simultaneously ensuring effective oversight of Environmental, Social, and Governance (ESG) rating systems [6]. This reflects a balanced approach aimed at simplifying compliance processes while maintaining strict sustainability standards.

Furthermore, legal scholars emphasize that improving sustainability strategies requires strict adherence to ESG principles, including transparency, accountability, and clarity [8]. Although there is a global trend toward establishing unified systems, differences in national policies complicate their consistent application.

A notable political development in early 2026 was the repeal of the 2009 “endangerment finding” in the United States, which has led to a relaxation of environmental oversight in some major economies [9]. Such deregulation increases pressure on natural resource conservation and creates tensions between economic liberalization and strict environmental governance.

Additionally, adapting to regulatory changes in 2026 requires active engagement from the private sector in meeting product compliance and sustainability requirements. This necessitates the development of flexible strategies to maintain competitiveness under evolving legal frameworks [10].

Terminological ambiguity remains a significant challenge in modern environmental governance systems, including within the framework of the Endangered Species Act (ESA). Although the Act defines endangered species as those at risk of extinction in the foreseeable future, academic discourse often focuses more on regulatory mechanisms than on clarifying terminology [12]. Experts warn that vague or weakened definitions may undermine the effectiveness of conservation practices [13]. Similarly, while the Conservation Reserve Program (CRP) aims to remove environmentally sensitive land from production, it lacks sufficiently precise scientific terminology [14].

As a result, the concept of “environmental conservation” is generally understood as the protection and preservation of natural resources; however, there is no unified terminological framework for its practical implementation. Terms such as “foreseeable future,” “ecologically sensitive areas,” and “sustainable use” are interpreted differently across contexts, leading to the emergence of a dual legal system: while international frameworks (BBNJ, KMGBF) establish unified standards, national policies remain fragmented [14].

Another key trend in modern environmental policy is the expansion of conservation scope. As of 2026, conservation efforts extend beyond national boundaries to include the high seas and global ecosystems. The BBNJ Agreement plays a crucial role in this process by introducing unified mechanisms for biodiversity protection in previously unregulated international waters [16]. This expands opportunities for establishing marine protected areas and strengthening environmental oversight.

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Moreover, biodiversity conservation policies are increasingly encompassing terrestrial ecosystems. SDG 15 under the United Nations Sustainable Development Goals focuses on land conservation, restoration of degraded areas, and sustainable resource use [15]. This demonstrates that environmental policy is evolving beyond mere conservation to include restoration and sustainable management.

At the same time, environmental policy is expanding into financial and corporate sectors. The allocation of approximately USD 200 billion for biodiversity conservation by 2030 highlights the global priority of this agenda [20]. As a result, businesses are increasingly required to align with sustainability standards, making biodiversity a key component of corporate governance.

Despite these advancements, the implementation of such policies remains complex. Although reporting mechanisms have been introduced under the KMGBF, many countries face challenges in fulfilling their obligations due to the complexity and scale of biodiversity issues [17]. This reflects a mismatch between international commitments and national capacities.

Finally, enforcement mechanisms in environmental governance are also evolving. In 2026, the “Compliance First” approach has been introduced, shifting from punitive systems toward preventive and cooperative regulatory frameworks [18]. At the same time, technological innovations, including data analytics and monitoring systems, play a crucial role in enhancing policy effectiveness [19]. However, reliance on voluntary compliance may weaken state control in some cases, necessitating the retention of strict sanction mechanisms.

CONCLUSION

In conclusion, by 2026, the modern environmental protection system has undergone a fundamental transformation, shifting from traditional sectoral and territorial approaches toward a complex, multi-level, and integrated governance model. This model is based on the interaction between international legal mechanisms, national policies, and private sector participation, aiming to ensure biodiversity conservation and sustainable resource use.

The findings indicate that global initiatives such as the BBNJ Agreement, the Kunming–Montreal Global Biodiversity Framework (KMGBF), and the Sustainable Development Goals (SDG 15) play a crucial role in establishing unified standards of environmental governance. These frameworks extend the scope of environmental protection beyond national borders to include the high seas, global ecosystems, and even corporate governance structures.

At the same time, one of the key challenges identified is terminological inconsistency and fragmentation of legal approaches. The varying interpretations of concepts such as “sustainable use,” “ecologically sensitive areas,” and “foreseeable future” hinder effective policy implementation. This leads to inconsistencies between international and national systems and reduces overall governance efficiency.

Furthermore, natural resource management is increasingly influenced by geopolitical factors. Energy transition, competition for strategic minerals, and national security considerations are complicating environmental policy, making it essential to balance economic interests with ecological sustainability.

To enhance the effectiveness of environmental policy in the future, several priority directions should be emphasized. These include establishing a unified terminological framework,

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harmonizing international and national legal mechanisms, integrating environmental policy into economic systems, and expanding the use of advanced monitoring and analytical technologies.

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