

COUNTRY REPORT: UKRAINE
Water Management, Civil Society Action, Local Environmental Governance and
Nature Conservation

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During the last ten years in the Ukraine, around 30 state policy and program documents were developed in the environmental sphere, with more than 300 such instruments in total. They were approved by different bodies including the President, Parliament and several government institutions. Implementation was hampered by scarce financial resources from the state budget. Thus their role was merely declarative. In 2011, the Government of Ukraine adopted a regulation on control, optimization and integration of state programs. This suspended the operation of numerous state programs and restricted the preparation of new programs.

In addition to the enactment of state programs, the Parliament of Ukraine is slowly developing new regulatory strategies. The *Environmental Strategy of Ukraine* was adopted in 2010; and in 2011, it was complemented by a *National Action Plan on the Implementation of Environmental Strategy* with specification of activities and sources of funding. These documents were widely debated by the public due to pressure from the European Union. Prior to the *Environmental Strategy* being passed, programs on environmental monitoring, radioactive wastes, solid municipal wastes, the formation of an ecological network and other such arrangements were developed.

In 2012, the Parliament of Ukraine approved the *State Program of the Development of Water Management and Environmental Recovery of River Dniepr Basin*, intended to operate until 2021. Dniepr River provides the drinking water supply of Kiev, the capital of Ukraine. It is therefore important for millions of people. The Program aim to achieve the following goals: determination of a state water policy able to satisfy the needs of the population, economy, conservation and recovery of water resources; introduction of an integrated management system based on a basin-wide approach; renewal of irrigated lands; optimization of water use; and control of potential water disasters.

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The Program is to be implemented in two stages. The first (2013-2016) should address the protection of drinking water supply; recovery of small rivers; provision of centralised water supply in villages, improvement of monitoring of surface waters; and regional programs for water management. During the second stage (2017-2021), the State will focus on development and implementation of river basin management plans; new river basin councils; improvement of water quality; and wastewater discharge controls. This program suspends the operation of two older programs: *State Program on the Development of Water Management* and the *National Program of the Ecological Recovery of Dniepr Basin and Improvement of Drinking Water Quality*.

In 2012, the President of Ukraine enacted the *Strategy of the State Policy of Promotion of Civil Society in Ukraine* with priority measures for its implementation. It aims to introduce mechanisms of cooperation between local authorities and the public, based on the principles of partnership, mutual responsibility and recognition of human rights and freedoms. The plan for the Strategy makes reference to the need to comply with the provisions of the *Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters*. At the meeting of the parties to *Aarhus Convention* in 2011, Ukraine was declared to be in non-compliance by the Compliance Committee. Thus, the issue of the implementation of *Aarhus Convention* in Ukraine is a matter of urgent national importance.

Recent Legislative Developments

Environmental legislation in Ukraine undergoes constant change aimed at addressing environmental governance challenges, the deteriorating ecological situation and limitations on the rights of public in environmental decision-making. In 2011, key changes in the powers and responsibilities of important Ministries took place. These administrative reforms were ongoing in 2012. The most important law passed in 2012 was the Law "On Amendments to Environmental Laws and Optimization of the Powers of Local Bodies Responsible for Environmental Protection". The powers of local departments of the Ministry of Ecology and Nature Protection in 25 regions were removed and reassigned to the local state administrations, ecological inspectors and the Ministry itself.

The main law "On Nature Protection" was amended with new articles redefining the powers and responsibilities of the state bodies and local government in the sphere of nature protection. New powers for nature protection were given to the local state administrations,

namely the right to conduct environmental monitoring, to perform “ecological expertise”,¹ to approve the limits of use of natural resources of local importance, to issue emission limits, to issue waste storage (disposal) permits (for non-hazardous wastes) and other matters. The law also supports the operation of the Red Book Commission, the key advisory body for the use of Red Book listings (threatened species). This Commission is often under pressure from the Ministry of Ecology and Nature Protection as the latter wants the support of the Commission on challenging issues relating to the use of threatened species. The Commission now operates under the auspices of the National Academy of Science of Ukraine to ensure its independence.

The law also brought changes for the work of public environmental inspectors in Ukraine. It increases their control powers over fishing and hunting. Public inspectors operate in Ukraine assisting state environmental inspectors in controlling the use of natural resources. Under the new law, the objects of state environmental control include: land; subsoil, surface and underground waters; air; forests; flora and fauna; marine ecosystems; protected areas; and GMOs.

The administrative changes to the state bodies responsible for nature protection have not been completed. The need for laws to address the loopholes and omissions will arise. The major roles of local departments of the Ministry of Ecology and Nature Protection will be finally distributed in 2013 and that will demand more changes in legislation. Hopefully such changes at the local level will improve the environmental situation, slow down environmental degradation in Ukraine and hamper the excessive use of natural resources.

¹ The term “ecological expertise” is a former Soviet Union term which refers to the equivalent of an environmental impact assessment which is considered and approved or disapproved by a state environmental agency.