

**Public Council of All-Ukrainian Environmental NGOs  
under the aegis of the Ministry of the Environment and Natural Resources  
of Ukraine**

**Organising Committee of Ukrainian Environmental NGOs for preparation to  
Fifth Pan-European Ministerial Conference "Environment for Europe"**

# **Public Evaluation of Environmental Policy in Ukraine**

Report of Ukrainian Environmental NGOs

Kyiv — 2003

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## Foreword

At the present time, environmental issues more and more acquire a political importance. In politics, a shift from economic to environmental paradigm of the society development is taking place, because from political point of view, an ideal social and democratic state should also secure protection of its environment. Events of the last decade (initiation of the «Environment for Europe» process in 1991, Conference on the Environment and Development in Rio-de-Janeiro in 1992, signing of a number of environmental conventions, World Summit on Sustainable Development in Johannesburg in 2002, etc.) show that environmental issues from being only scientific and theoretical ones join the ranks of the priorities of national and international policy. It gives hope that the first century of the new millennium will become the century of environment. Therefore, preparation and conduction of the Fifth Ministerial Conference «Environment for Europe» in Kyiv is a very important and even symbolic event for Ukraine.

Ukrainian environmental NGOs understood the importance of this event. In 2000, they established conduction of annual All-Ukrainian Conferences of Environmental NGOs as one of the main instruments for preparation to «Kyiv-2003». It is important to mention that during the recent years, public environmental movement in Ukraine became more structured and self-organised. It is related to the establishment of the Public Councils of Environmental NGOs, various environmentally oriented networks, associations, coalitions and working groups. These developments were a result of the desire of the Ukrainian NGOs to co-ordinate their activities for active and productive introduction of the most modern achievements in the area of the environment protection in the Ukrainian society; their understanding of the need to develop modern environmental policy of the state. For example, activities of the Public Council under the aegis of the Ministry of the Environment and Natural Resources of Ukraine (MENRU), so far is the only example of existence of a Public Council under the aegis of a body of state power in this country, shows a significant progress reached so far in establishment of a parity-based co-operation between environmental NGOs and the Ministry and their common will to provide more transparency to environmental decision-making process.

The Organising Committee of Ukrainian Environmental NGOs on preparation to «Kyiv-2003» was established in January 2002. It includes representatives of all associations of environmental NGOs. It is the first time in the history of the process «Environment for Europe» when national environmental NGOs managed to establish a workable structure for preparation to the Pan-European Ministerial Conference. The Committee actively co-operates with the National Organising Committee as well as with the European Eco-Forum, which has a big experience in conduction of NFO forums under the «Environment for Europe» process.

The report «Public Evaluation of Environmental Policy in Ukraine» is a result of hard collective work of environmental NGOs of Ukraine. Back in May 2002, the Organising Committee adopted the structure of the document. Working groups were established and responsible persons for preparation of chapters were defined (it is worth mentioning that people worked on the voluntary basis). At the Third All-Ukrainian Environmental NGO Conference (29 November – 1 December 2002), a draft of the report was approved.

This report is an attempt to create a precedent in elaboration and adoption of NGO-initiated political document. Idea of elaboration by NGOs of their own document is related to the fact that very often during discussions of the national and international political documents, NGOs play a role of democratic «decorations», because their comments and proposals are often not taken into consideration. In such case, influence of the NGOs in the environmental policy process at the national and international levels can be ineffective. At the same time, each of NGOs has quite clear position on those environmental issues, on which it is working for many years. This political document, prepared by the NGOs, allows to collect all such opinions and to try to reach a common agreement on them and present it as a public opinion since not results of sociological surveys, but

it is independently expressed thoughts that may be considered as public opinion. This public document allows NGO representatives of the public to express their vision of the current situation, to evaluate how (well or badly) the state authorities work, how the legislation is being implemented and enforced, what is done for improvement of the state of the environment. It is important to mention that only NGOs can conduct independent evaluation of the state policy. It is clear that such an evaluation can be subjective, sometimes tendentious, in some parts not very deep, but it has no right to be indifferent and unimpressive. Even very critical evaluation of the current situation should inspire to actions, mobilise efforts to improve the situation. Only in such case, there can be a progress and one can speak about sustainable development of society.

Legally binding possibility for creation of public evaluation documents, envisaged by the law, would expand such human rights, as right for freedom of beliefs and their free expression and a right for freedom of thought and conscience. In case of preparation of NGO document, these rights will be used not separately but for clear and socially important objective – evaluation of policy, and environmental one, in particular. Therefore, it would be a good idea to think about establishment of legal basis for such public evaluations, widening the scope of the Aarhus Convention by including into it one more instrument, namely public evaluation of environmental policy. Introduction of such an instrument into practical work of environmental NGOs will allow to view decision-making processes from the position of environmental ethics. Aldo Leopold, the father of environmental ethics, stated: «The mechanism of operation is the same for any ethic: social approbation for right actions and social disapproval for wrong action. By and large, our present problem is one of attitudes and implements».

Ukrainian NGOs have selected their implements and have concentrated their principal attention to the problems of environmental policy implementation in Ukraine. Probably, the document does not highlight enough positive aspects of the current environmental policy in Ukraine. But it does not mean that environmental NGOs do not appreciate efforts of the state bodies, aimed at establishment of effective environmental policy, can not or do not want to evaluate positive changes, which took place in Ukraine during the last decade. It simply means that environmental NGOs have made their attempt to prepare a document, in which they expressed their vision of not the state of the environment, but of the state of what is done or not done for improvement of this state. In future, it is necessary to elaborate and together with the state bodies, including the MENRU, introduce effective mechanisms to overcome current deficiencies and implement effective environmental policy, directed towards nature conservation for future generations.

It is important to mention that the Organising Committee constantly felt the support from the side of the Ministry of the Environment and Natural Resources of Ukraine, National Committee on Preparation and Holding of the Fifth Pan-European Ministerial Conference «Environment for Europe», the Administration of the President of Ukraine, the Cabinet of Ministers of Ukraine, deputies of the Verkhovna Rada of Ukraine (Parliament), Regional Environmental Centre REC-Kyiv. Thus, the composition of the National Organising Committee was established by the Decree of the President of Ukraine «On Preparation and Conducting of the Fifth Pan-European Ministerial Conference «Environment for Europe». Representatives of environmental NGOs were included into the Committee. A need to support the Organising Committee of Environmental NGOs is mentioned in the Decree as well. The Cabinet of Ministers of Ukraine has adopted the Programme of Preparation and Conducting of the Fifth Pan-European Ministerial Conference «Environment for Europe». This Program envisaged actions to involve environmental NGOs in the preparation and conducting of the above mentioned conference, including preparation and publication of this report. The aid of Dutch NGO Milieucontact Oost Europa was very useful and in time.

The Organising Committee is grateful to all for their support.

**Gennadiy Marushevsky**

Head of the Ukrainian Environmental NGO Organising Committee

# Chapter 1

## Environmental Policy and Legislation

Compiler: **Mykola Korobko** (Green World Ukrainian Environmental Association)

The chapter includes the materials and suggestions provided by:

**Svitlana Belyaeva** (Cherkasy Oblast Organisation of All-Ukrainian Environmental League),  
**Iryna Butorina** (Co-ordination Environmental Centre «Strategy», Mariupol City, Donetsk Oblast),  
**Borys Vasylykivsky** (Eco-Pravo-Kyiv Environmental Law NGO),  
**Mykola Vit'ko** (Green World, Marganets town, Dnipropetrovsk Oblast),  
**Lidia Gotsul** («Eco-Pliy», Yaremcha town, Ivano-Frankivsk Oblast),  
**Valeriy Denshchyk** (Green World, Lugansk),  
**Evgenia Derkach** (Green World Zakarpatska Oblast Organisation),  
**Oleg Derkach** (Mykolayiv Branch of the National Ecological Centre of Ukraine),  
**Ivan Zaets** (Member of Parliament of Ukraine),  
**Lubov Zinchenko** (Green World, Dubno town, Rivne Oblast),  
**V.Kovalevsky** (Black Sea Protection Association, Mariupol town, Donetsk Oblast),  
**A.Kovalchuk** (Mama-86, Feodosia, Crimea),  
**Mykola Malyuta** (Green World, Odesa City),  
**Igor Melenko** («Clean Environment» Volyn Oblast Organisation),  
**Yuriy Muravljov** (Kyiv Charity Organisation «Foundation of Sustainable Development of Society»),  
**Mykhaylo Ostapets** (Ukrainian Society for Nature Protection, Sambir town, L'viv Oblast),  
**Alla Pleskach** (Green World Cherkasy Oblast Organisation),  
**Yuriy Romanov** (Odesa Oblast Union of Scientific and Engineer Associations),  
**Olexandr Rudyk** («Society of Geoecologists», Simferopol City),  
**Galyna Salamakha** (Green World, Nikopol town, Dnipropetrovsk Oblast),  
**Vyacheslav Sandul** (Green World, Nikopol town, Dnipropetrovsk Oblast),  
**Olexandr Stepanenko** (Green World Environmental & Humanitarian Union, Chortkiv town, Ternopil Oblast),  
**Serhiy Tarashchuk** (National Ecological Centre of Ukraine, Kyiv),  
**Oleg Tytarenko** (Ukrainian Society for Nature Protection, Sumy),  
**Olexandra Tolstykh** (Green World, Mykolayiv).

### 1.1. Legislative Background of Environmental Policy

1. Starting from 1991, environmental policy of Ukraine has significantly changed due to establishment of new state authorities, changes in economic policy and partly increased awareness of the public and the government to the environmental issues. Declaration of the policy towards market-oriented reforms and democratisation as well as pressure of international community enforced Ukrainian authorities to make many efforts towards the improvement of existing environment-related laws or adoption of new ones. Framework environmental laws, laws on environmental media and other relevant acts, international, national, sector, regional and local environmental programmes have been elaborated or renewed. They defined general principles and created the background for systematic activities in the field of the environment and use of natural resources.

2. However, environmental policy and legislative system in many cases are still based on the old principles. They are characterised by ambitious and mostly unreal goals, absence of effective instruments to enforce environmental policy and methods of their practical use as well as a lack of finances. During the elaboration of legislative (command-and-control) and economic instruments, their environmental efficiency and cost of administrative management and enforcement are not taken into account. One of the reasons of a declarative character of environmental programmes and low viability of the laws is a lack of political will of key officials of Ukraine.

3. In Ukraine, during the last decade, declarative and often contradictory laws and secondary legislation are adopted. In most cases, no direct legislative sanctions are provided for their implementation. Regulative system in Ukraine is based on many secondary laws — edicts, decrees, instructions, administrative orders, decisions, etc. Secondary legislation is even more slowly developed and it is more inconsistent comparing with the primary legislation. Various instructions, decrees and directives, adopted by the Ministries and Committees as well as decisions of local authorities interpret statements of the primary legislation differently and provide guidelines for regional and local environmental authorities. Such a cumbersome bureaucratic system is characterised by reduplication and unclear division of responsibilities among the environmental authorities at national, regional and local level and other sector institutions.

4. In many cases, statements of the environmental legislation do not include direct references to other laws (Administrative Code, Criminal Code, etc.) that define relevant sanctions for violators. It gives freedom for control authorities to decide. For example, if one tries to solve a practical problem, laws «On Nature Reserves» and «On Tourism» not only fail to supplement each other but also create many problems in the field of regulation of the relevance of recreational activities and environmental conservation at the protected zones. Unreal demands, stated in the laws, create the background for violation of the law.

5. Use of Temporary Admissible Discharges (TADs) can be a good example of negative impact of the secondary legislation. TADs show the number of pollutants, discharged into the environment from a source of pollution given for a period of time — till it will be possible to reach effluent limit values (ELVs). It is one of «loopholes» for heads of enterprises not to install wastewater treatment facilities but to ask for TADs and their prolongation.

6. One of the examples of inconsistent and non-rational legislation is a Decree of the Cabinet of Ministers of Ukraine #905 on July 1, 2002 «On Amendments to the Order of Calculation of the Amount of Charges for Environmental Pollution». It cancels the requirement to agree



calculation of pollution charges with local bodies of the Ministry of the Environment and Natural Resources of Ukraine. As a result, local environmental inspectors, who can assess the scale of pollution produced by enterprises are practically dismissed from the procedure of making and co-ordination of the reports. Tax administration is not capable to verify the information, stated by enterprises in their reports. Such an innovation at once led to increase of the volume of pollution charges, which comprise the main part of local environmental funds.

7. Existing Ukrainian laws and secondary laws in the field of the environment envisage use of wide number of environmental policy instruments – economic, financial, cadre, and informational ones. However, almost all of the instruments are ineffective. Formal attitude to environmental legislation from the side of executive authorities, lack of transparency of the information, ineffective work of state environmental authorities, badly thought-out tax policy impedes significant improvements in the state of the environment.

8. Despite provisions of the Aarhus Convention and Law of Ukraine «On Information», a number of state programs are still closed for public. For example, the key document, which defines energy strategy of the state – «National Program for the Development of Energy Sector of Ukraine up to 2010», which was adopted in 1996, is still under the label «for internal use». Now facts of secret creation of law according to orders of the Head of the state are well known. For example, according to the Decree of the President of Ukraine, management of the Crimean Nature Reserve was transferred from the State Committee of the Forestry of Ukraine to the Department of the Administration of the President of Ukraine.

9. Environmental issues are not taken into account during preparation of the majority of legislation acts and the programs of social-economic development at the national and regional levels. It reflects low level of understanding of conceptual principles and urgent need of transition of Ukraine to sustainable development by lawmakers. For example, the Ternopil Oblast Council has adopted «Program of Motor Transport Development for 2003–2007». Environmental problems, related to functioning of motor transport and sustainable development of its infrastructure, are not mentioned at all in the Program. An action plan for implementation of the Program is not elaborated, transparent and controlled use of state funds (49 billion UAH) is not provided there.

## 1.2. Main State Documents Defining Environmental Policy

10. Concept background of the state environmental policy is stated in the «Main Directions of the State Policy in the Field of Environmental Protection, Use of Natural Resources and Provision of Environmental Safety» (further «Main Directions»). This document is adopted by the Decree of the Verkhovna Rada (Parliament) of Ukraine on 5th of March, 1998 # 188.98-VR. The document «Main Directions», being elaborated during about 5 years, was heavily criticised at the stage of its elaboration and official adoption as well as at the stage of its implementation. There are no clearly defined priorities in the document. The timetable of implementation of priority actions is described in very general terms. Sources and amounts of necessary funding are not defined. Target outputs, mechanisms of co-operation of the state nature protecting bodies, industry and environmental NGOs are not defined. Obligation of Ukraine to adopt Action Program on Implementation of Agenda-21 as an instrument to make significant progress towards sustainable development is not mentioned in the document. Besides, this document was elaborated without discussing it with all stakeholders. The only positive thing in it is existence of such a document.

11. It is quite logical, that results of implementation of the «Main Directions» by the end of the first stage (1997–2000), envisaging finishing and taking urgent actions towards limiting harmful impacts of the most dangerous pollution sources on the environment», were unsuccessful. Expected at the second stage (during 10–15 years since 1998) effective implementation of complex programs, oriented towards balance between the levels of harmful impact on the environment and its carrying capacity, according to all indicators, has not started yet.

12. At the present level of development of nature protection activities, National Environmental Action Plans (NEAPs) became very important in the world. NEAPs play a role of an accelerator for goal-oriented activity of the state environmental bodies. In many European countries, elaboration and implementation of the NEAPs led to elaboration of regional and local environmental action plans, which also increased level and quality of environmental management. In countries, which already had environmental strategies, adopted at the national level, NEAPs became instrument for implementation of the strategies.

13. Sometimes, «Main Directions» is considered as a Ukrainian NEAP. However, this document was prepared without taking into account recommendations on the preparation and implementation of NEAPs, mentioned in «Environmental Action Program for CEE countries». The document lacks typical features of successful NEAPs, namely clearly defined priorities, goals, timetable of implementation, sources and amounts of necessary funding, mechanisms of co-operation of the state environmental bodies, industrial sector and environmental NGOs, etc. Therefore, the mentioned above document cannot be considered as a real NEAP.

14. «Main directions» mention that the state environmental policy is implemented by special interstate, state, branch, regional and local programs, oriented at implementation of the defined priorities. Therefore, environmental programs are defined as a main instrument of environmental policy implementation in Ukraine. Each program is directed towards solution of a special environmental problem and it envisages special actions to solve just this problem. As a rule, such programs are not related with other similar ones. Adopted state environmental programs do not take into account geographical peculiarities of places, where they should be implemented.

### **Responsibility for Environmental Crimes**

According to the new Criminal Code of Ukraine, responsibility for environmental crimes did not increase much. For example, Article 239 «Pollution or Damage of Lands» states that:

- Pollution or damage of lands by substances, waste and other materials, harmful for life and health of people as well as the environment as a result of violation of special rules, if it caused a threat for life and health of people as well as the environment, are punished by a fine up to 200 untaxed minimum of citizens' income or deprivation from the right to fill certain posts or be involved into certain activities up to 3 years or without this,
- The activities, caused death of people, their mass illness or other serious consequences, are punished by a restriction to move from 2 to 5 years or imprisonment for the same period of time, depriving the right to fill certain posts or be involved into certain activities up to 3 years or without this.

Firstly, at present, 200 untaxed citizens' incomes are equal to 3,400 UAH. Of course, such amount of money does not allow to restore polluted or damaged lands, fertility of which is formed during hundreds thousands years. Secondly, according to the current legislation, killing of a person is punished much harder. In the case of land pollution, polluters are guilty in death or illness of many people by poisoning with bad-quality products or by impacts of enterprises' activities.

15. Efficiency of environmental programs implementation as well as environmental policy implementation as a whole depends on the state budget. Annually expenses on environmental protection at the state budget are one of the lowest comparing with other expenses and they are way too low comparing with the budget expenses for environmental purposes in other countries. Environmental programs are financed according to the principle «if there is still some money left». Moreover, environmental programs envisage more actions than it is possible to finance. Therefore, real level of the programs implementation is low. Money of the local budgets, collected for compensation of damage of the environment, are not used according to environmental purposes, but for other needs and do not compensate caused damage.

16. According to the Law of Ukraine «On All-state Program of National Ecological Network of Ukraine for 2000–2015», 4 new national nature parks and 2 biosphere reserves should be established during two years. The defined deadlines already ended, but relevant decisions are not made yet. The same situation is with implementation of other state programs, namely «National Program on Dnipro Basin Environmental Rehabilitation», «National Program on Protection of Lands» and «Program on Perspective Development of Protected Areas» and many other programs.

17. In Ukraine, many regions do not have local environmental action plans (LEAPs). In regions, which have LEAPs, they are implemented ineffectively because of absence of funding for their implementation. For example, «Program on Protection and Rehabilitation of the Environment in Mariupol City» was adopted in 1998. It was planned for 15 years. It included many suggestions, implementation of which would rehabilitate the environment of the city. However, implementation of the actions was postponed for later due to lack of finances. But will be some financial resources available in the near future? An answer depends first of all on stability of work of metallurgical enterprises, whose activities cause environmental problems. However, today they do not have money even for full solution of primary environmental problems.

### 1.3. Enforcement of Constitution of Ukraine

18. Ukrainian legislation pays a lot of attention to rights and freedoms of citizens. Evidence of this is in the Chapter 2 of the Constitution of Ukraine «Rights, Freedoms, and Obligation of a Person and a Citizen». Statements of the main law correspond to international principles and provisions, and it is proved by conclusions of international experts. However, today there is no efficient mechanism of protection of rights and freedoms, especially environmental rights, of a citizen of Ukraine. Environmental rights are closely related to social rights. Low level of social rights provision influences the state of provision of environmental rights of citizens and the state of environmental safety.

19. Constitution of Ukraine assigns right of citizens for safe environment for life and health and for compensation of damage, caused by violation of their rights. But suits to compensate moral damage and the damage, caused to life, health and property of citizens due to violation of environmental legislation, do not become a usual practice yet.

20. New laws «On Hunting» and «On Fauna World» violate the requirements of the Constitution of Ukraine, because they transfer wild animals from national ownership to private one by introduction the notion «half-free keeping». The two laws and the relevant secondary legislation, regulating hunting, contradict to Articles 9 and 18 of the Constitution of Ukraine, because they do not correspond to generally adopted international law on biodiversity conservation (Bern Convention, Convention on Biological Diversity Conservation,

CITEC). However, first part of the Article 8 and second part of the Article 19 of the Constitution of Ukraine are the most often violated. It leads to failure to implement laws, widespread practice of illegal actions of the state authorities and other social agents.

21. In April 2000, the Verkhovna Rada of Ukraine made amendments to the Laws of Ukraine «On Environmental Protection», and «On Environmental Expertise». New editions of the laws do not have the statements, requiring conducting research on the impact of an object of environmental expertise on human health. It is a violation of the Constitution of Ukraine. Article 22 of the Constitution of Ukraine states that rights and freedoms of citizens, envisaged by the Laws of Ukraine until the adoption of the Constitution, cannot be narrowed by adoption of new laws or by making amendments to existing legislation. Thus, the Verkhovna Rada did not have a right to exclude the statement, requiring conducting researches on possible impact of an object of environmental expertise on human health out of the laws, regulating conducting the state environmental expertise. Unfortunately, the Constitution of Ukraine does not envisage and does not give a right for its citizens to appeal non-constitutional decisions of the Verkhovna Rada. Only not less than 45 deputies of the Verkhovna Rada can appeal with such complains to the Constitutional Court.

22. Human right for clean environment, envisaged by the Constitution of Ukraine, is violated. There are many cases of building very dangerous objects, violating requirements of environmental legislation. By now, the law does not regulate the procedure of taking into account of results of public hearings. Mechanism of compensation of damage, caused to health and property of citizens, is not legally bound.

23. Industrial injuries, especially in coal industry, show significant failures of executive and legislative state authorities to provide one of the most important constitutional rights – human right for life – for citizens of Ukraine. Institutional interest dominate activities of the above-mentioned bodies. There are no laws, providing functioning of the institute of public hearings, funds of social initiatives and self-organisation of the population.

### **State Environmental Programs in Ukraine**

Ukraine has adopted the following state environmental programs:

- National Program on Dnipro Basin Environmental Rehabilitation and Improvement of Drinking Water Quality;
- Climate Program of Ukraine;
- National Program on Perspective Development of Protected Areas;
- State Program on Scientific and Technical Re-equipment of the Hydrometeorological Research System and Main Environmental Pollution Observation Network;
- Program on Use of Industrial and Consumer Waste up to 2005;
- Program on Stopping of Production and Use of Ozone-Depleting Substances in Ukraine;
- Program on Gradual Stopping of Use of Ethyl Petrol in Ukraine;
- State Program on Radioactive Waste Recycling;
- Concept of Biodiversity Support in Ukraine;
- All-state Program on Toxic Waste Handling;
- All-state Program on Establishment of National Ecological Network;
- State Program on Conservation and Restoration of the Azov and Black Seas.

#### 1.4. Implementation of Environmental Legislation

24. Environmental legislation is violated in almost all fields of society. All public hearings on the environmental issues discuss mass violations of the environmental legislation. Not usual citizens, but representatives of different levels of authority are guilty in violation of the environmental law (e.g. conflict situation with transport corridors in nature reserves, with completion of the Tashlyk Hydro-Accumulating Power Station and nuclear blocks without proper expertise, non-sanctioned building in water protected zones and issuance of illegal permits by local authorities, protection of poaching, etc.). Non-compliance of environmental legislation is the biggest problem of the environmental management in Ukraine.

25. The state budget is not implemented, so proper financial resources are not provided for nature protective activities. Failure to implement the state budget mostly creates conditions for non-compliance of requirements of environmental legislation. Legislative requirements in the field of use of money, accumulated from environmental charges in the state budget, are not met. According to the existing legislation, money, accumulated from charges for special use of natural resources and environmental pollution, should be used for restoration and maintenance of natural resources in proper state and for elimination of the sources of pollution. However, it is not implemented on practise. Money, accumulated from charges for special use of natural resources flow to general funds of the state and local budgets, and only its small part is used for funding environmental activities. The level of implementation of state environmental programs, adopted by the Verkhovna Rada of Ukraine, is very low.

26. Ukraine does not meet its obligations, taken by its membership in international Conventions. Lack of money, no will to make amendments to «Statements on National Environmental Fund» led to accumulation of financial obligations of Ukraine. Sum of debts for not paying fees to Secretariats of Conventions is about 400,000 USD.

27. Control bodies have a lot of power and wide range of the instruments of legal enforcement in Ukraine. But they are made dependent on local authorities and heads of industrial enterprises. Effectiveness of legal enforcement activities is not measured by final results for the state of the environment. Instead, the indicators of control activities (number of conducted inspections, number of found violations, total amount of fines, etc.) are emphasised. Control bodies use law inconsistently and chaotically. Penalties (usually fines) are more often used for small violations than in cases of significant violation of legislation, especially in case of serious economic or social interests. Amount of fines is very low to stimulate violators not to break requirements of the legislation in the future. Existing situation undermines basic principle of equality under law, leads to growth of corruption and promoted the development of general disrespect to the law.

28. During the last decade, amounts of funding of environmental control bodies are being decreased. The control bodies lose qualified staff, especially environmental lawyers due to low salaries and general lack of effective funding. Programs of professional training of staff (in the field of new requirements, procedures of inspection, etc.) are organised very rarely or not organised at all. Lack of material and technical provisions and insufficient analytical equipment do not let inspectors to implement their obligations in full and well. With minor exclusions, NGOs are not involved in the state environmental expertise, public collectives of environmental inspectors at the local level. Many years, environmental bodies do not have even identification cards for public inspectors.

29. Insufficient conditions for court hearings on meeting environmental legislation also undermine authority and influence of control bodies in Ukraine. Judges do not have experience in conducting process on environmental suits and very often they require a huge amount of evidences from environmental inspectors. As a result, environmental bodies most often lose the case and do not want to suit again. Another problem is the lack of special procedures for conducting court processes on environmental violations. Prolongation of terms of court hearing shows general unsatisfactory state of court system in Ukraine.

30. Some courts solve suits on compensation of environmental damage according only to general provision of civil legislation on obligations to compensate damage and not taking into account special provision of environmental legislation. In some cases, courts decrease the amount of money for damage compensation without sufficient background for it. Requirements of law on requisitioning illegally received production (animals, birds, fish, fur, etc.) or compensation of their cost in case if their requisitioning are unreal and are not met. Judges do not pay enough attention to reasons and conditions, which promote environmental violations, to reaction on them and widening publicity in the cases.

31. Numerous violations of environmental legislation are found in the field of protection, use and restoration of almost all natural resources: land, water, forests, mineral resources.

32. In cities, especially in their central parts and surroundings, green zones are cut for construction needs, especially for building of prestige accommodations. Many trees are also cut on purpose for a so called «cultivation» of parks or forest zones. There are many similar examples around us. Let us take Kyiv, the capital of Ukraine, as an example. The Dnipro hills near Glory Square are «cultivated» so much, that they almost became usual fields. Commercialisation of construction in Kyiv led to mass cutting of green plants and decrease of areas of recreational, sanitary and buffer territories, which have got a semi-official name «a policy of city construction concentration». Reconstruction of parks and public gardens are conducted without public consultations, and often despite sound disagreement of local citizens with the changes, which negatively affects the environment. The example of sudden actions of administration is «reconstruction» of the park «Khreshchaty», where under pretence of construction of Informational Centre for the 5th Pan-European Ministerial Conference and despite public protests, many trees were cut and other buildings were constructed. It worsened recreational capacities of the one of the best parks of Kyiv (Public hearings «Problems of Construction and Conservation of Historical Environment of Kyiv», April 16 2003, Kyiv).

33. In order to get elite wood for export, according to the decision of the Administration of the State Forestry Union «Ternopillis», healthy trees of the most valuable types, namely oak, hornbeam, ash-tree and wide cherry are selectively cut in forests of the Ternopil Oblast. Such «sanitary» actions are taken, when many forestries do not collect and put in the order wind-fallen trees at hundreds hectares since natural windfall in 2000. Despite clear evidence of tree cuts (50–75% indicators of the part of wood production at wood-cutting areas), the Ministry of the Environment and Natural Resources of Ukraine (MENRU) and the State Forestry Committee do not take necessary actions, referring to «unfavourable climate conditions» and lack of money.

34. An example of destructive attack at the primary environment is so called «development» of coastal protective lines and water-protective zones of rivers, lakes, the Black and Azov seas, nature reserves and other lands of especial natural value for different construction.

Without compliance to the environmental legislation, the Illichivsk port terminal is being built in the basin of the Black Sea; coastal line of Odesa city is getting covered by constructions; despite the decision of the Environmental Commission of the Odesa Oblast Rada (November, 2001), works on renewal of connection between Sasyk Lake and the sea are hampered; some attempts are still done in order to violate the status of the Danube Biosphere Reserve by construction of way for ships.

35. Exceeding of standards for water in-take in the majority of the river basins and over-pollution of water environment causes a threat of further dying of rivers and irreversible changes in freshwater surface basins. As a result, ancient meadows, centenary oak forests, water reserves are destroyed; surface waters and seas become more polluted. Even in Trakhtemiriv, the Nikitsky Botanical Garden, Nature Reserve «Mys Martyan», the National Nature Park «Svityaz» and many other natural territories, activities, non-complying with environmental legislation, are conducted. In Zvenygorodka village of the Kirovograd Oblast, animal farm is built a couple meters further people's houses and it discharge its wastewater into Ingulets river with the permit of state authorities.

36. It is very disturbing that ancient forests and forests of the first category, which are easy to reach, are being cut in the Carpathians. These forests play important ecological functions. Implementation of requirements of «Law on Moratorium on Conduction of Full Cuts at the Mountain Hills in Fir-Beech Forests of the Carpathian region» is artificially hampered. Such a phenomenon as unauthorised forest cuttings became mass and organised. Logging half-poaching practice shifted from the Carpathians to other regions. Oak forests are destroyed in the basin of the Siversky Donets; Juniperus crimea can totally disappear during the next 10–15 years; many steppe forest lines are cut; forestries in the steppe zones became land-fills. A scale of poaching, littering of the territories with communal waste, unlicensed mining operations, firing roots of wheat and old plants, weakening of protective regime of places of nature reserve fund became a significant threat for the environment.

37. According to the results of public inventory of protected areas of low rank (which do not have constant staff), conducted in 2002 in the framework of the action of the REC-Kyiv «Green Treasury», unsatisfactory state of compliance of environmental legislation at these territories was defined. Documentation and regime of protection are not in the proper state. Nature reserves of steppe zone are in extremely bad state. For example, nature reserves cover only 0,8% of the territory of the Dnipropetrovsk Oblast. One of its 7 landscape nature reserves, «Balka Pivnichna Chervona» of all-state significance with the area in 28 ha is brought up to the mark of degradation; 2 other nature reserves of local importance with the area of 26 and 20 ha are destroyed veiled by «recultivation» and building communication lines without any official permit. Materials gathered in the framework of the project «Green Treasury» show that in general in Ukraine, transfer of land of nature reserve fund of low rank into the list of lands of environmental significance is implemented by not more than 50%. It is very disturbing that local authorities make decisions on removal of the status of a protected area of low rank from a land according to primitively simplified procedure and without any expert assessment.

38. An issue of construction of petrol stations and car parks became not only environmental and economic, but also criminal one. Facts show that in all the cases related to violation of law, first-level officials of settlements are involved, controlling this profitable field. Significantly exceeding optimal needs in petrol stations, the state authorities support construction of new ones by all means, often violating the law and acting against public opinion during it. They artificially intensify consumption of oil products for transport needs and

do not prevent decrease of city electro-transport. It leads to worsening of microclimate in Ukrainian cities, high level of illnesses and deaths among the population.

39. State of compliance with environmental legislation at especially dangerous objects is still considered a secret. Liquidation works at the Kyiv plant «Radykal» did not become an object for informing environmental NGOs. There are some examples of construction and functioning of especially dangerous objects within city green zones or very close to residential area without taking public opinion into account. Even such additional factors of threats, as increased seismicity, possibility for terrorist acts, are not taken into account. In highly-populated district of the resort area of Zakarpattya, Mukachevo city, railway station for loading hazardous and highly explosive substances of the company «Petra-CarboChem-Mukachevo» is located close to the place where illegal emigrants live.

40. There are other examples of violation of environmental legislation. For example, Report of Accounting Chamber of Ukraine for 2000 states, that authorities of Kryvy Rih have used for other purposes almost 1 billion UAH, given from the state budget for reconstruction of the city waste water treatment plants, which was a priority in city action plan for decades. Even deputies of the City Council were not informed on the situation with the money.

41. Proper technical, social, economic and environmental support did not follow mass closure of mining pits in the Donetsk basin. In the framework of the project «Speak and Be Heard», conducted by the Lugansk Oblast NGO Green World with support of Transatlantic Initiative in 2001, many facts of violation of requirements of environmental legislation as well as violation of pits closure projects were found out. It leads to a need to introduce moratorium for pits closure. Instead budget subsidies should be given for modernisation of production, rational use of resources and utilisation of waste (waste dumps, pits methane, pits waters).

### **1.5. State of Ukrainian Legislation Reforming after Aarhus Convention Ratification**

42. After Aarhus Convention ratification, process of elaboration and implementation of environmental policy became more transparent. Some progress was made in wider public informing on the state of the environment and activities of industrial enterprises and regulative institutes. For example, the Ministry of the Environment and Natural Resources of Ukraine has opened its web-site. Some steps were made towards providing more transparency for the public in environmental decision-making process. The Public Council was established under the aegis of the MENRU. Its activities are directed towards facilitation of parity co-operation among NGO representatives and the Ministry. However, this co-operation is limited to bilateral informational exchange, and public is not involved in the process of decision-making.

43. The fact of ratification the Aarhus Convention by Ukraine in 1999 to a large extent is a formal act. Since then, no environmental legislation act was adopted, taking into account statements of the Convention, especially concerning public informing at early stage of decision-making and public participation in it. By now, Ukraine did not elaborate and even is not elaborating new regulations on public participation in environmental decision-making.

44. Implementation of statements of the Aarhus Convention is going quite hard. There is no practice of independent learning of such documents by the state officials. Popularisation of knowledge on the content of the Aarhus Convention in Ukraine is done mostly by public forces with financial support of the world community. There is a need to conduct campaign on studying statements of the Aarhus Convention with the support of state bodies for state



officials as well as for NGO representatives, business structures, scientific institutions etc. Reforming Ukrainian legislation in the field has just started. Experience of the countries, which have harmonised their national legislation with statements of the Aarhus Convention (Lithuania), shows the need of introduction of significant changes (as large as hundreds thousands pages) into laws, decrees, edicts, institutional documents. In the same time, some law-makers (for example, the MENRU in the project «Statements on Informational Provision») are still trying to narrow existing rights and opportunities of public. Many other ministries and institutions even do not know what the Aarhus Convention is.

45. One of the examples of difficulties, which the public is facing in its attempts to take part in environmental decision-making is a campaign for organisation of public hearings on project of construction on Khmelnytsky and Rivne Nuclear Power Plants (K2/R4). It was initiated by the Coalition «For Energy Safety, Awareness and Rights of Citizens» in 1998–1999. Public hearings were conducted in 13 cities of Ukraine. All the hearings showed negative attitude of people to projects of completion of the Nuclear Power Plants, which are done with numerous violations of laws of Ukraine and standards of nuclear safety, without environmental expertise and technical and economic background. Resolutions of public hearings were sent to the government and the Verkhovna Rada of Ukraine, heads of the EBRD and company «Energoatom», but no reaction was received. Each new government of Ukraine continues to adopt decision on installing the reactors and makes agreements on foreign crediting of such construction.

### **Petrol Station Construction**

In Chortkiv town of Ternopil Oblast, during 2002-2003, public is opposing activities of the two petrol selling companies, close corporations «Avias-plus» and «Terra-petroleum». The Chortkiv Town Council has preliminary agreed to place a petrol station in residential district due to the situation of threats and violent pressure on opponents of the station construction. It was done with numerous violation of the Law of Ukraine «On City Self-Governance», environmental legislation, standards of sanitary safety, especially building codes 360-92, Laws of Ukraine «On Air Protection» (Article 19), «On Especially Dangerous Objects», «On Planning and Building at Territories» (Article 8, 18), and «On General Scheme of Planning at the Territory of Ukraine» (Chapter 3, Article 3). Negative public opinion to plans of the construction of a petrol station, supported by more than 1,000 signatures of citizens and NGO appeals, was ignored. Office of a Public Prosecutor rejects to appeal against illegal actions of the state authorities.

Most of the 14 petrol stations, including the ones in the centre of a residential district, in Olexandria town of the Kirovograd Oblast, are built violating environmental standards.

Zakarpattya is covered by «an epidemic of petrol stations», initiated by G.Moskal, the former Head of Oblast State Administration. It did not lead to better prices on petrol, as it was promised, but air pollution in many cities has increased significantly.

On the basis of illegal approval of the Kyiv City State Administration, in September 2002, around 100 secular oaks were cut for construction of a petrol station in the «green zone» of Kyiv, at the territory of a protected area «Teremky». National Academy of Sciences of Ukraine, which owns this territory, and a number of environmental NGOs have appealed to the Administration of the President of Ukraine to stop violation of the environmental legislation. Construction of the petrol station is currently stopped. Investigating agencies are clarifying the issue.

46. The public has initiated development of such forms of its participation in elaboration and implementation of environmental policy, as workshops and consultations on environmental issues, in which representatives of authorities, environmental inspectors, journalists and environmental NGOs take part; public hearings on contradictory issues. Such forms of public participation in elaboration and implementation of the environmental policy, as public participation in regular and temporary working groups, environmental commissions; joint actions, related to the analysis of the most significant environmental issues, elaboration of legislation and environmental activities planning; joint inspector control of the environmental and branch institutions were not developed. The main barrier for it is corporate character of authorities, which try to avoid transparency in their activities.

### **1.6. Ukraine's Place in Transition towards Sustainable Development**

47. Ukrainian society of the end of 21 century had a chance to become a leader in the process of elaboration and practical implementation of the sustainable development principles. Driving forces for such leadership are quite high level of education in Ukraine, relative «softness» of destroying of old totalitarian model of power, public readiness to understand environmental risks, having experienced liquidation of the impacts of the Chornobyl catastrophe. Theoretically, in Ukraine it should have promoted establishment of new ideological values, which would correspond to the main principles of modern social development of the world, directed towards integration of economic development with environmental protection (the principles of such development were stated in 1992 at the World Conference in Rio in its document Agenda-21). Clear structural deformation in the Ukrainian economics, which were inherited from the «planned» economy of the Soviet Union, and deepening of the economic crisis during the first years of independence of Ukraine should have played a role of clear stimulus to principally new model of economy and strategic planning.

48. First strategic decisions of authority of the independent Ukraine, namely a policy to build a democratic state with socially-oriented market economy, voluntary refusal of nuclear arms, declaration of neutral military-political status, moratorium on completion of the old-fashioned and not safe Nuclear Power Plants, joining European and world interstate structures, constitutional reforms in the field of approximation to the European legislative standards gave a hope. National and world community understood them as a proof of beginning of deep modernisation of the Ukrainian economy and society.

49. The initiative to elaborate National Strategy of Transition towards Sustainable Development, declared by the state in 1992, was a quite logical step in this process. It seemed that authorities in Ukraine are seriously directed towards reforms, grounding on the principles, collectively agreed by civilised humanity in the form of the Program Agenda-21 – towards a new state of the Ukrainian society, fully corresponding to realities of XXI century, its historical place in the world and peculiarities of national resource potential.

50. In conditions of immature structures of civil society, the state became a leader in the process of elaboration of the reform strategy. The principle, emphasised many times in the report of the UN World Commission on the Environment and Development «Our Common Future» (report of the Brundtlandt Commission, 1987) should have played a crucial role in this process. It is a principle of partnership and co-ordination of actions of authorities with all sectors in the society, first of all with NGOs, business and scientific institutions.

51. First step towards transition to the sustainable development model should have finished in 2002 by adoption of «National Sustainable Development Strategy». Today it is obvious that a shift towards sustainable development almost has not start yet. The state proved itself incapable of activities at strategic directions of development and national safety. Dependence of the government in Ukraine, frequent changes in its leaders and permanent political bargaining for its key posts influenced the quality of its work. During the last years, Ukraine was not capable to overcome negative tendencies of its previous development. Instead, irrelevance of interests of the country and its economy, which is oriented most at production of raw materials, has increased. Use of resources, costs and level of environmental threats of the Ukrainian economy have even increased. For example, value of resources consumption and different kinds of environmental pollution per GDP point of the country are increased. Industrial growth in Ukraine, starting from 2000, in that form it takes now leads to self-sufficient growth of raw materials branches. Ukraine urgently needs to modernise many technologies, which are used, and to change them to more environmentally-safe ones, especially taking into account old style and deterioration of the industry. Ukraine is becoming a resource and industrial 'appendix' of the developed countries, having the most polluting enterprises. Ukraine should try to avoid such a «perspective», because it has experienced the Chernobyl Nuclear Power Plant accident, which is the greatest failure of industrial civilisation with its extensive and anti-environmental development.

52. The National Sustainable Development Commission of the Cabinet of the Ministers of Ukraine was established only in 1997, with 3-year delay (according to its international obligations). Its goal is to «define national strategy of the society, which is based on sustainability of economic, social and environmental components». The First Deputy Premier Minister of Ukraine was appointed as a Head of the Commission. The Commission involved mostly representatives of different state authorities (following their posts). In the same time, in contradiction with the practice of the developed countries, it does not include any NGO and industry representatives. Such an approach contradicts to the UN decisions, which envisages wide public and business participation in the decision-making process and in practical activities in this field and considers active participation of all sectors of society at parity basis in this process as a one of key premises of success.

53. The National Sustainable Development Commission should play a role of all-national body, which should unite existing different interests and elaborate consensus strategy of the country's transition towards sustainable development, reflecting interests of the society as a whole. However, during the past years, the Commission did not become such a body, which would unite state officials, specialists in the field of sustainable development, business representatives and NGOs in order to elaborate such a strategy and to consolidate attempts of the society for its practical implementation. No results of work of the Commission show incapacity of this dead-born authority, and it proves again Soviet administrative traditions. Experience of work of similar structures in developed countries shows that the National Commission should be first of all an instrument for dialogue between the state and different stakeholders, which fully corresponds to democratic practice of decision-making of all-national significance.

54. National Sustainable Development Strategy, which the Verkhovna Rada should adopt no later than 2002, is not elaborated yet. The document prepared for adoption by the Verkhovna Rada of Ukraine under the title «Sustainable Development Concept in Ukraine» can be heavily criticised for its ideological background, language and spelling. It is natural that such a product of the National Commission is criticised to the same extend by some of

its members, Ukrainian NGOs and many scientists. It could not and cannot be adopted by the Verkhovna Rada of Ukraine.

55. Competent co-ordinating body and specialised working groups on strategic planning are not established; social dialogue is not arranged yet; wide propaganda of basic principles of sustainable development among the population is not organised; process of the development of local and regional action plans are not initiated. State institutions do not advocate content and statements of the main international documents, defining sustainable development principles and showing directions of their implementation. Such an advocating is not implemented by the channels of administrative regulation at the level of governance as well as at the level of educational and awareness-raising organisation, among the public. The public got informed about Agenda-21 by itself from its colleagues. Main information concerning sustainable development was provided to Ukraine by NGO way for grant money.

56. The similar conclusions are made in the text of «National Report of Ukraine on the State of Implementation of the Statements of Agenda-21 for Decade Period (1992–2001)». It was prepared by the Council of National Safety and Defence of Ukraine and the Ukrainian Institute of Research on the Environment and Resources. For example, the National Report states that «strategic planning of the transition towards sustainable development in Ukraine did not get still formal characteristics of systematic policy», «due to many reasons, the National Commission did not become a strategic centre of implementation of sustainable development policy...», «modern social-economic state of Ukraine shows that national economy did not change yet radically extensive type of development and provide rational use of nature...».

57. NGOs, acting almost in autonomous regime, and institutional resources, which do not let to become a leader in this process, did not become successful in such conditions. However, some of their contributions at the background of clear inactivity of authority can be appreciated. A good example of it is effective informational-publishing program of the All-Ukrainian NGO «Ukraine. Agenda 21» and the Institute for Sustainable Development. At present, only active public fully perceived the main idea, that it is impossible to solve environmental problems without solution of economic, political and social problems.

58. Process of preparation to the World Summit on Sustainable Development in Johannesburg (2002) promoted the increase of public attention towards sustainable development issues. For example, initiative group of environmental NGOs representatives have prepared a document «Priorities of Sustainable Development Strategy of Ukraine: NGO view», which was presented at the National Conference on Sustainable Development (November 20–22, 2002, Kyiv). This document also was discussed at the Third All-Ukrainian Conference of Environmental NGOs (November 29 – December 1, 2003), where NGO initiative on preparation of such a document was supported. It was decided to propose to the state authorities to use this document as a basic one during the elaboration of the National Sustainable Development Strategy.

# Chapter 2

## Environmental Management

Compiler: **Tetyana Tymochko** (All-Ukrainian Environmental League)

The chapter includes the materials and suggestions provided by:

**Svitlana Belyaeva** (Cherkasy Oblast Organisation of the All-Ukrainian Environmental League),

**Yuriy Golik** (Poltava Public Environmental NGO Council),

**Petro Grytsyshyn** (Public Environmental NGO Council in L'viv Oblast),

**Nina Dmitrieva** (All-Ukrainian Environmental League, Makiyivka town, Donetsk Oblast),

**Volodymyr Yesyp** (Green World, Rubizhne town, Lugansk Oblast),

**Ivan Zaets** (Member of Parliament of Ukraine),

**Serhiy Ivko** (Friends of Nature Union, Tokmak town, Zaporizhya Oblast),

**Ivan Karagodov** (Deputy Head of the State Department of the Environment and Natural Resources in Donetsk Oblast),

**Vyacheslav Lysov** (Azov Sea Protection Association, Mariupol City, Donetsk Oblast),

**Victor Melnychuk** (National Ecological Centre of Ukraine, Kiev)

**Nadiya Polukhina** (Environmental Guard All-Ukrainian Children's Union, Antratsit town, Lugansk Oblast),

**Galyna Protsiv** (All-Ukrainian Environmental League, Berezhany town, Ternopil Oblast),

**Andriy Pundyk** (Ternopil Oblast Branch of the All-Ukrainian Environmental League),

**Valeriy Saliev** (State Environmental Inspector of the Makiyivka Regional Environmental Inspection, Donetsk Oblast),

**Oleg Sydorkin** (Green World, Uman' town, Cherkasy Oblast),

**Svitlana Chernykh** (Ukrainian Society for Nature Protection, Lugansk).

## 2.1. Activities of State Authorities

1. Examples of poor (crisis) state of environment in regions of Ukraine show that executive system in sphere of environmental protection and use of natural resources is not very effective. They also show indifference of major part of officials to environmental problems, timidity and low determination of environmental NGOs. State authorities:

- do not provide to full extent implementation of the existing legislative regulations;
- do not much contribute to formation of such cultural, ethical and moral values and relations among people that would create favourable living conditions for people in Ukraine;
- slowly elaborate and introduce such methods of development of education, culture and economy, which would prevent and do not allow deterioration of biological diversity, degradation of soil, air and water pollution, artificial drainage of marshes or irrigation of steppe lands.

In the system of state management, some officials do not show their own political will in respect to solution of environmental problems.

2. The effectiveness of system of state management, particularly in sphere of protection of the environment and use of natural resources, depends greatly on:

- the adequacy of distribution of authority and responsibility between state structures at different levels;
- readiness of state structures to accept and introduce environmental policy concerns into sectoral policies;
- relationship between state structures and specially authorised central executive body in matters of environment and natural resources, which now is the Ministry of the Environment and Natural Resources of Ukraine (MENRU).

In such a way, the system of environmental management and place of the MENRU in it become very significant. Professional skills and experience of managers of these structures play a decisive role in the effective functioning of such a system.

3. Besides MENRU, the following institutions are to some extent involved into activities connected with environmental protection, use of natural resources and provision of environmental safety: Committees of the Verkhovna Rada of Ukraine, Ministry of Health, Ministry of Emergencies and People's Protections against Impact of Chornobyl Catastrophe, State Committee of Ukraine on Land Resources, State Fishery Committee, State Forestry Committee and State Water Committee. Relevant duties are imposed on some departments of branch ministries, and departments of the Ministry of Economy and European Integration of Ukraine, Ministry of Foreign Affairs of Ukraine, Ministry of Industrial Policy, etc.

4. In accordance with the duties, imposed on it, and in accordance with the legislative regulations, the Ministry of the Environment and Natural Resources of Ukraine:

- organises and conducts the state environmental expertise;
- provides environmental monitoring;

- in accordance with legislation exercises, control and enforcement of standards and regulations in sphere of use and protection of natural resources;
- acts as a single client for the state contract for increase of natural resources supply;
- provides transfer of proven deposits of mineral resources for further industrial use;
- in accordance with established procedure, approves standards and regulations on environmental protection, rational use of natural resources, environmental safety, waste management, hydrometeorological, topographic-geodesic and cartographic activities;
- analyses their practical implementation, issues licenses for mineral resources exploration and exploitation of natural resources supplies;
- approves or agrees in accordance with established procedure limits and quotes for use or extraction of natural resources of state importance, emission of contaminants, production and disposal of waste;
- provides development of nature reserves, conservation of biological and landscape diversity, establishment of national ecological network;
- establishes international co-operation in the sphere indicated in the Ministry Charter (Statute);
- presents and advocates interests of Ukraine in relevant international organisations, performs other duties and functions, envisaged in the Ministry Charter and existing legislation;

5. MENRU performs its duties directly and through special authorised executive body on the environment and natural resources in Autonomous Republic Crimea, State Departments of the Environment and Natural Resources in regions, and in cities of Kiev and Sevastopol. Besides it, the following organisations are included to the MENRU: State Geological Service, State Service of Geodesy, Cartography and Cadastre, State Hydrometeorological Service, State Service of Nature Reserves, State Environmental Inspection, State Inspection of the Black Sea Protection, State Inspection of the Azov Sea Protection, unitary state-own enterprises, state geological enterprises, enterprises of land-survey, cartography and cadastre, scientific-research institutions.

6. In performance of its duties, the MENRU interacts with Committees of the Verhovna Rada, other central and regional executive bodies, the Council of Ministers of Autonomous Republic Crimea, local institutions, relevant bodies of other countries and international organisations. State Departments of the Environment and Natural Resources in regions, and in cities of Kiev and Sevastopol play an important role in practical implementation of national environmental policy at local level.

7. So we can conclude (and this is a positive moment!) that during the period of independence of Ukraine, a system of state management in sphere of environmental protection and use of natural resources was established. Nevertheless, the analysis of the system shows many problems, that negatively influence the quality of its work.

8. State authorities, that perform certain functions in sphere of environmental protection and rational use of natural resources, as well as the executive system in this field are constantly reorganised (transformed). Their frequent reorganisation and reorganisation of other central state bodies complicates co-ordination and makes decision-making process slower and less transparent.

9. Permanent re-organisation significantly worsened the cadre potential of the MENRU. During the last three years, the Ministers were changed three times. Frequent movements of experts from one department to another, which follow organisational changes, disorganise work for a long time and weaken professional potentials of the Ministries as well as the system of state management as a whole. Introduction of the Secretary of State position led to confusion in distribution of authorities and responsibilities between ministries, secretaries of state and their deputies. It led to additional complications in administration of individual Ministries, as the entire system of state management in this country.

10. At the end of 1999, by the Decree of the President of Ukraine, the Ministry of the Environment and Natural Resources of Ukraine was established, which should combine its function of environmental protection with the function of management of all natural resources. Some work was carried out to separate functions of state management from the functions of economic regulation with the last ones being excluded from competence of the Ministry. The mechanism of realisation of power of Minister to manage and co-ordinate activities of the State Forestry Committee, State Committee of Land Resources, and State Water Committee was developed. Despite the fact, that these committees were not included in Ministry organisational structure, according to the decree of the President of Ukraine, their activities were directed and co-ordinated by the Minister of the Environment and Natural Resources. The Ministry was the main manager of financing for the committees. All that created great opportunities for establishment of effective system of land, water, forest and other natural resource cadastres. This would really help to assess their state, to make their complex and accurate assessment. It would be impossible to implement effective state control without cadastre system, because such control would ultimately be confined to sporadic inspections of some individual environmental law violations.

11. However, in 2001, with next change of the Minister, active processes of disintegration of the Ministry and its contacts with State Committees began. A number of Ministerial departments became state structures. At present, the MENRU is a Ministry with unclear functions in sphere of natural resources management. It did not become a unified body of state management in sphere of environmental protection and natural resource use with common strategy. On the contrary, it is a conglomeration of autonomous structures.

12. Today in the sphere of environmental protection, a departmental approach exists: each natural resource should be managed by separate central executive body, with regulative, economic and inspection functions. Such irrational system and parallelism in exercising of institutional authorities resulted in poor co-ordination of actions of different state management organisation, that perform certain functions in sphere of environmental protection and natural resources use.

13. Unclear demarcation of authorities and responsibilities among state bodies of power leads to parallelism of their authorities and functions, irrational use of financial, technical and material resources. Lack of co-ordinated interdepartmental contacts leads to the closure of access to information, including monitoring data, which is of vital importance for managerial decision-making process. It also leads to scattering of technical and personnel resources, dissipation of financial resources, including budgetary one. Main types of violation of environmental legislation are as follows:

- illegal cutting and damage of trees, violation of standards of fire safety in forests;
- making «fires» at the lands, which belong to private agricultural enterprises and agricultural farms;



- illegal destruction of green protected zones, violation of rules of forest restoration and growth;
- illegal cutting and selling of early-blossoming plants and herbs;
- violation of hunting rules (shooting without proper permit, over-shooting of birds, late return of used licences, absence of reports on their use, hunting with the use of head lamps of cars, etc.).

14. Professional level of the employees of the Ministry does not secure proper execution of all its functions. The following directions of organisational work (activity) of Ministry do not meet modern requirements:

- introduction of up-to-date system of document processing and control, using appropriate hard and software;
- introduction of systematic planning of the Ministry activities and regular reporting on fulfilment of plans and tasks;
- securing completeness and compliance with the existing legislation of all organisational-normative documentation, prepared and adopted by the MENRU.

15. For almost three years, the problem of demolition of building, in which the MENRU is based, remains unsolved. The issue about its resettlement remains open. During this period, no kind of refurbishment works was conducted. Poor state of electric wiring leads frequently to power supply interruptions and shut down of computers. Conditions of work of employees of the Ministry, equipment and technical supply of offices and work places are poor. Naturally, it all negatively influences the effectiveness of work of the Ministry.

16. Another factor, which negatively impacts the MENRU activities, is the insufficient budgetary financing. So, in budget 2002, UAH 2,621,609.2 thousands is provided for the Ministry of Defence, in 2003 – UAH 3,361,311.4 thousands; for Ministry of Internal Affairs in 2002 – UAH 1,690,038.2 thousands, in 2003 – UAH 2,071,358.6 thousands, for Ministry of Education in 2002 – UAH 251, 036.2 thousands, in 2003 – UAH 277,172.5 thousands, for the MENRU in 2002 – UAH 664,582.2 thousands, in 2003 – UAH 89,763.5 thousands. As we can see priority directions of the state policy are clearly defined. Conservation of natural and cultural heritage does not belong to its priorities.

17. Insufficient co-ordination of activities among regional State Departments of the Environment and Natural Resources and the central office of MENRU. Thus the MENRU delegates its authority defined by legislation in sphere of environmental management to local and regional levels through its regional state departments. It should have contributed to decentralisation of management and increase of its effectiveness. But today regulation instruments and economic instruments of implementation of national environmental policy, standards and regulations of their use are elaborated at national level without active participation of regional state departments. Besides, along with the delegation of numerous functions to regional state departments, no proper financing is given to them for execution of such functions. It in its turn limits the scope of activities of the mentioned bodies at regional level.

18. Activities of local environmental authorities are under the great influence of local State Administrations. Appointment of the Head of the local environmental authority should be agreed with the Head of the State Administration in the region. There are institutional mis-

understandings between regional state departments of the MENRU and regional authorities, caused by parallelism of their powers and functions. For instance, Regional and City Public Administrations have their own departments for environmental protection.

19. There are no proper instruments for involvement of main target groups (business structures, research institutions, NGOs, general public) into the system of state management of environmental protection and use of natural resources and into the process of elaboration and implementation of environmental policy. Even, if the public tries to influence the decisions of state authorities by means of Public Hearings, and even if these decisions will lead or might lead to negative impact on the environment, state authorities can not and do not want to react adequately upon such decisions. For instance, participants of Public Hearings that took place in 2001 in cities of Marganets, Nikopol, Energodar, unanimously declared their flat refusal to allow to use nuclear waste disposal facilities at Zaporizhya Nuclear Power Plant, but state authorities disregarded the will of their citizens. It caused great concerns to the inhabitants of these cities.

20. Efficiency of the MENRU activities as well as the whole system of environmental management in Ukraine is hampered by low financial discipline of the MENR and other state authorities, especially of the Ministry of Finances, the Cabinet of Minister of Ukraine and over-politization of the process of budget adoption, etc.

21. Different environmental bodies are responsible for issuing licenses and permits. State administration and control over land use are distributed between the MENRU (environmental aspects) and the State Committee of Land Resources (economic aspects). The State Committee for Fishery Resources is responsible for setting standards, necessary to maintain fish reproductivity in rivers and lakes, as well as for issue of licenses to fish-breeding farms. State Committee of Construction is responsible for setting of construction norms and rules in civil engineering. Main sanitary and epidemiological inspection of the Ministry of Health is responsible for setting standards for air, potable water, etc. Licenses for use of water, continental shelf resources and marine economic areas are issued by regional state departments of the MENRU. Level of co-ordination of activities of all these organisations is insufficient, and as a result, license issuing is aimed not on pollution prevention, but on the control of pollution at the end of pipe. Beside ELVs, licenses and permissions rarely include requirements for self-monitoring, reporting and informing in case of accident. Large number of regulated pollutants makes system of licence issuance very complicated for industrial enterprises as well as for nature protecting bodies. Some permits for pollutant discharge are made per each component of the environment (air emissions, discharges to water, and waste disposal).

22. Effectiveness of work of inter-departmental commissions and co-ordinating boards, in particular the Sustainable Development Commission, Co-ordinating Board on National Ecological Network Establishment, Interdepartmental Commission on Implementation of the UN Climate Change Framework Convention and other commissions still remains low. Problem of training qualified experts (state officials) in the field of environmental management is still not solved. There is a deficit of qualified specialists – environmental managers.

## **2.2 Activities of State Control Authorities**

23. The main task of state control authorities is to find, monitor and remedy the consequences, caused by violation of environmental regulations. State control of compliance with the law concerning use of land, mineral resources, water and ground water, air, forests, fauna, sea and its natural resources is exercised by regional state departments and inspections of

the MENRU. The right to exercise state control is also given to other central executive bodies – the Ministry of Health, the Ministry of Agricultural Policy, the State Committee of Forestry, the State Committee of Water Resources and State Committee of Land Resources. In some matters, the above mentioned organisations co-operate closely with the Ministry of Defence, the Ministry of Internal Affairs, with local executive bodies, with local autonomous bodies, with the Offices of Public Prosecutor and courts. The existing mechanism of state control in sphere of environmental protection and use of natural resources in Ukraine is rather complicated. One of the reasons of its ineffectiveness is that a number of Ministries and departments control their activity independently, and the common integrated system of state control in sphere of environmental protection does not function.

24. The control-supervisory bodies in Ukraine have large legal powers and wide choice of instruments of law enforcement. But they are weak in comparison to municipal administrations and industry. They have no possibility to make independent and unbiased decisions, they cannot perform their functions to full extent. It is so due to following reasons: weakness of existing legislation, shortage of governmental inspectors, and improper material support. Work of many environmental inspections is not financed properly. For instance, environmental inspection of Antratsite region does not have its own chemical laboratory, transport and properly functioning telephone. Staff of this organisation consists of three persons.

25. There can be noticed a very low level of skills of employees of state regional departments of the environment and natural resources and other state control bodies. For example, spot measurement of radiation field, generated by mobile communication antenna of «Kyivstar GSM», Ltd., situated on Medova St., 2, in Ternopil, which was conducted on 18.11.2002 by regional sanitary-epidemiological station (with participation of Deputy of Town Council and NGO representative) showed methodical incompetence of people, who have formal right to perform such check measurements. To make the parallel examination, regional state departments of the environment and natural resources do not have system and methods of impact assessment of physical factors on the environment.

26. Sometimes environmental institutions and state control bodies take wait-and-see attitude and do not react on numerous injuries from population. For instance, in 1997, Prime-Minister P.Lazarenko ordered to burn 60 tons of prohibited pesticides in town Rubizhne, Lugansk region without agreement with health service, environmental institutions and local authorities. The prohibition decree on burning of chemicals in Rubizhne town by the corporation «Barvnyk» (which even does not possess necessary equipment) was issued by municipalities of Rubizhne (once again), Severodonetsk, Lysychansk, Kreminne towns and Regional Council of Lugansk. Government and power structures do not react to that. Kharkiv Interregional Environmental Centre presented «basic data» without any kind of examination and proper calculations. On the base of this data, the planning institute developed the project without state and public environmental examination made. Only mass demonstrations of citizens of the four cities compelled municipal authorities and government to cancel the decree and to exclude the enterprise «Barvnyk» from the list of the enterprises, which are allowed to carry out neutralisation of pesticides.

### **27. Unsatisfactory work of state control bodies leads to following effects:**

- despite general decrease of volume of production, the number of cases of exceeding of effluent limit values, relating to air emissions, discharge of wastewaters, and soil pollution increases;

- there is an increase in the number of violations of fishing and hunting regulations;
- nature management regime is not observed at some protected areas;
- standards and proper technology of forest cutting are disregarded;
- target parameters of ionising radiation sources are exceeded;
- excessive radioactive waste accumulation is allowed.

Influence and authorities of state control bodies are also undermined by the lack of support from judicial system of this country.

28. Until now, practice of providing environmental information by state bodies to NGOs and to vast masses of population do not function very well. As a rule, heads of environmental inspections rarely give interview to local mass media, do not meet with local NGO representatives. Examples of close co-ordination between NGO and state authorities did not become a usual practice in activity of state authorities.

### **2.3. Environmental Monitoring System**

29. Environmental monitoring functions are distributed between Hydrometeorological Service (in the MENRU system), which is responsible for environmental quality monitoring, and sanitary-epidemiological institutions (in the system of the Ministry of Health), which exercise water and air quality monitoring in inhabited localities. Beside this, there are monitoring subdivisions in separate regional state departments of the environment and natural resources, and monitoring laboratories at industrial enterprises. There is no general environmental monitoring system.

30. The existing monitoring system is ineffective because of low quality of laboratory and monitoring equipment. Some laboratories are at breaking point. Many laboratories do not have the simplest equipment and reagents. It is due to the fact that financing and technical support of monitoring system was reduced drastically.

31. At present, monitoring is performed practically only on small part of contaminants, and responsibility for monitoring (and correspondingly for reporting) is imposed mainly on enterprises. Volumes of pollutants emissions are calculated on the basis of technical specifications of the plants, and reports are examined by state control bodies only from time to time.

32. Institutional reforms aimed at simplification of collection and processing of environmental data develop slowly. Besides, monitoring is often exercised as a goal in itself. State authorities do not use these findings for elaboration and implementation of environmental policy. As a result, scarce financial, personnel, and technical resources are used ineffectively. It decreases effectiveness of the existing monitoring system.

### **2.4. State Environmental Expertise**

33. State environmental expertise is an effective instrument for prevention of negative impact of human activities on the environment, violation of environmental regulations, securing compliance with environmental safety measures in economic and industrial activities. State environmental expertise is performed by expert subdivision or by special committees of the MENRU. Relevant state authorities, representatives of scientific-research and designing institutes and other institutions and organisations, academies and community,

experts from international organisations can be involved in the process of state environmental expertise.

34. The existing requirements to exercise environmental expertise of practically all new projects and lack of the necessary institutional potential lead to:

- serious workload on public administration bodies;
- failure to concentrate on the most important projects and elaborate proposals, directed on strengthening of requirements for the preparation of environmental impact assessment;
- failure to allow to introduce democratic procedures by means of public hearings.

35. Today, the process of environmental expertise is closed for the public control. It is difficult to involve public to the implementation of state environmental expertise because of the lack of mechanisms of its involvement and lack of trained cadre.

36. Practically speaking, there was no state environmental expertise made in respect of existing environmental law, regulations, Decree of the Cabinet of Ministers of Ukraine, nor in respect of any general scheme of development of cities of Ukraine. First of all, it is necessary to exercise state environmental expertise of the Laws of Ukraine «On Conduction of Economic Experiment at the Enterprises of Mining-Metallurgical Complex of Ukraine» (1999), «On Further Development of Mining-Metallurgical Complex of Ukraine» (2002), Decree of the Ministry of Ukraine of 28.04.1999, # 715 «On Conduction of Environmental and Economic Experiment in Kryviy Rig, Dniprodzerzhynsk, Mariupol and Zaporizhya cities», Decree of the Ministry of Ukraine of 28.12.2001, # 1779 «On Amendments to the Order of Calculation of Charges for Environmental Pollution and Collection of the Charges». The last Decree cancelled fivefold fine for enterprises for exceeding of air emissions limits. This Decree of the Cabinet of Ministers of Ukraine led to decrease in environmental funds of Donetsk region by 10 million hryvna per year.

37. Up to now, «Standard Regulations on Expert and Advisory Councils of Environmental Expertise» are not elaborated. There are no such regulations, applied in regional state departments of MENRU and in NGOs. In Donetsk region, only one Public Environmental Expert and Advisory Council at Donbas Regional Department of the International Academy of Sciences of Ecology of Human Safety was founded.

38. There are state, public and other types of environmental expertise in Ukraine. Findings of the state environmental expertise are obligatory to implement. Findings of public and other types of environmental expertise are of recommendation character and can be taken into consideration during exercising of state environmental examination and in decision-making process concerning the further activities of the object of state environmental expertise. State environmental expertise is conducted, using documentation package with substantiation of environmental impact assessment (EIA part), submitted to expert organisation. In it, environmental impact assessment is considered per media (air, water and groundwater, lands). In that way, only impact on quantitative and qualitative characteristics of natural resources is assessed, but not on the environment as a human habitat.

## **2.5. Activities of Local Administrations in Field of Environment**

39. Power and authorities of local councils, executive bodies and administrative bodies of local councils in sphere of environmental protection are defined in Articles # 17 and 19 of

the Law of Ukraine «On Environmental Protection». But in reality, many local executive committees and regional state administrations do not employ any expert ecologist or even have a specialised department. Lack of trained personnel negatively influences efficiency of environmental activity of local administration.

40. In many regions and towns of Ukraine, Programs of Environmental Protection, Rational Use of Natural Resources and Ensuring Environmental Safety are developed and approved. However, these programs are implemented ineffectively because of poor financing.

41. Sometimes, self-government bodies discuss issues and make decisions that negatively effect the environment. For example, in 1991, the Cabinet of Ministries of Ukraine introduced, and in 1999 with the active lobbying of the Ministry of Fuel and Energy of Ukraine, cancelled Moratorium (decree #307-p of 19.04.1999) on implementation of environmentally dangerous and economically unsubstantiated project of Tashlyk Hydro-Accumulating Power Station (THAPS) as a part of the South-Ukrainian Nuclear Power Plant. Decree of Mykolayiv Regional Council on 16.01.2001 there has cancelled previous decree of this council on stopping THAPS construction (on 16.10.1990) and the resolution was taken on urgent putting into operation of first facilities of the THAPS.

42. One of ways to influence on decision-making process of municipal administration is to take part in public hearings. For instance, on 19.03.2003 on initiative of Berezhany Regional Organisation of All-Ukrainian Environmental League and Berezhany Municipal Administration, public hearings «Environmental Problems of the Berezhany Town and Ways of Their Solution» were conducted. The most acute problem of these hearings was the state of recreation areas, forests of first category and forests of Berezhany district in the whole. Participants of the hearings have submitted 86 proposals and recommendations to state authorities and city councils, implementation of which would improve considerably environmental situation in the town. On 28.03.2003, on the special session of Berezhany District Council, items on the Agenda were «On Use of Mineral Resources» and «Program of Liquidation of Consequences of Flooding during the High Water in the Town and Villages of the District».

# Chapter 3

## Impact of Economic Activities on Environment

Compilers: **Olga Lysenko** (Ukrainian Branch of the International Union «Human Ecology»),  
**Yuriy Tyshchenko** (Ukrainian Society of Sustainable Development).

The chapter includes the materials and suggestions provided by:

**Olexandre Alioshyn** (Department of Secondary Resources of JSC «UkrAPchormet»),  
**Olexandr Bagin** (NGO «Green Movement of Donbas», Gorlivka town, Donetsk Oblast),  
**Volodymyr Berezin** (Environmental & Cultural Center «Bakhmat», Artiomiivsk town, Donetsk Oblast),  
**Victor Veremeyenko** (Green World Ukrainian Environmental Association, Lugansk),  
**Oleg Derkach** (Head of the Public Council of the Oblast Department of the Environment and Natural Resources in Mykolayiv Oblast),  
**Iryna Verbytska** (Ukrainian Society of Sustainable Development, Kyiv),  
**Vadym Dyukanov** (Ukrainian Society of Sustainable Development, Kyiv),  
**Victor Zhovtiansky** (State Committee of Energy Saving),  
**Volodymyr Isayenko** (National Aviation University, Kyiv),  
**Olexandr Ledenjov** (Scientific and Technical Centre «Koro», Zhovti Vody town, Dnipropetrovsk Oblast),  
**Georgiy Lysychenko** (Green World Ukrainian Environmental Association, Kyiv),  
**Olexandra Lysychenko** (Ukrainian Branch of the International Union «Human Ecology», Kyiv),  
**Iryna Popova** (Independent Agency of Environmental Information «EcolInform», Kkarkiv),  
**Iryna Khoroshko** (Green World, Kryvy Rih City, Dnipropetrovsk Oblast),  
**Svitlana Chernykh** (Ukrainian Society for Nature Protection, Lugansk).

### 3.1. Production and Consumption Patterns

1. Harmonious development requires maximum economy of natural resources, sustainable developments of households and refusal to over-consume. Conservation and rational use of natural resources use depend on readiness of the authorities and society to use some of resources for environmental well-being, balance of the environmental policy, public participation in it, level of competence of the state officials and environmental culture of citizens.

2. All developed societies use part of their national product for protection of the environment. However, in national accountings, expenditures on environmental protection and rehabilitation are automatically accredited not to field of consumption, but to investments. So, they are included into gross domestic product (GDP). As a result of it, a paradoxical situation arises under which it becomes «profitable» for a state to invest money into large scale actions aimed at liquidation of man-made and natural catastrophes and «unprofitable» to make investments into preventive measures and those aimed at resources and energy saving. For example: an accident with an oil tanker causing all kinds of environmental and economic damage associated with the need to remove the consequences of such accident will influence GDP growth more than use of the oil transported by this tanker. The longer distances transportation vehicles have to travel (causing, at the same time pollution of the environment) for delivery of products from their producer to their consumer the higher will be income part of the budget. The more forest is cut, the more soils and water bodies polluted – the higher will be rates of economic growth. Such examples can be continued.

3. Expenditures for environmental protection should be included into structure of consumption, since it will be «subtracted» from production. This is a principle of environmentally sound economy, which should change traditional models of economy in order to provide good conditions for further living of mankind. Shifting of the economy to environmentally sound one requires considerable efforts and changes in legal, economic, political and social spheres. It also requires radical changes in developed during many years approaches. It demands another social and individual psychology, instilling of environmental way of thinking to decision-makers and environmental awareness to the society at large.

4. In open society it is impossible to use command (administrative) methods in economy. Action of regulative mechanisms should be provided on the basis of transparent market measures. Although some activities towards «ecologization» (environmental policy integration) of the system of production and consumption can be successful in the framework of different economic systems, the most effective in protection and restoration of natural resources and their rational use are countries with social market economy (Scandinavian countries, Germany, Canada). Such countries have created conditions for development of civil society, which plays key role in directing economy towards conservation of natural assets, stimulates the state to improve environmental legislation, develops environmental awareness of the nation, and forces politicians to define environmental problems as priority ones.

5. Taking into account cultural and historical premises, the best model for mentality of the Ukrainian society is European economic model. Such model of production and consumption meets the requirements of the environmental imperative to the greatest, currently possible, level. Unfortunately, Ukraine has created an opposite in its essence economic model, peculiar to the majority of the post-soviet countries. This model can be called a nomenclature-



oligarchic symbiosis existing under conditions of unprecedented for the European countries, property ownership differentiation of the society.

6. Today the Ukrainian economy combines certain features of the market economy of liberal-oligarchic type with rudimental features left from the times of state planning economy. Political and economic mechanisms in Ukraine are not separated, and it shows itself in the form of hypertrophied mechanisms of the executive power, established practice of the «handy management» of the economy and finances, strict fiscal policy and ineffective tax legislation, «telephone» right, non-transparency of privatisation processes, political intrusion into decision making process relating to economic affairs and others. By definition, oligarchic capitalism cannot exist without «non-formal» connections with the State. Combination of market conditions with administrative ones creates conditions for total corruption and unlawful system of interdependence between the people. For environmentally sound economy such model is the least suitable, because both production and consumption are only interested in single moment satisfaction of their requirements, but not in sustainable development. It makes it possible to state that at the present time in Ukraine there is no economic basis for full-fledged rational utilisation of natural assets, including its renovation.

7. The biggest problem of the national economy is shadow sector of economy, at which, according to different estimations, circulating is 40–60% of the capital, which is not accounted for at GDP of the country. The concern is caused by the fact that alongside economic growth in Ukraine, observed in the recent years, the scales of the shadow economy have also grown up. At this situation, expenditures and tax obligations of profit making types of business, which are hidden in the shadow are transferred to legal businesses. It worsens the financial state of the legal enterprise and does not stimulate it to work according to the provisions of current legislation.

8. Political and economic model existing in Ukraine, is oriented on self preservation and is not interested in transition to more developed forms. GDP growth is not properly reflected at the well-being of the population, because it is archived not due to development of the branches of economy, but mostly due to increasing of extensive exploitation of current potentials. As a result, deterioration of main technologies has reached its critical point. Technical underdevelopment of production has increased. The level of unemployment does not increase, the resource deficit becomes even higher and available resources are not sufficient to cover social obligations of the state. Indebtedness of the state in funding of the principal directions of its social policy, guaranteed by the law, such as education, science, health protection and culture makes up UAH 36 billion. Actually, consigned to oblivion is an innovation model of development, because under conditions of chronic shortage available resource, subjects of the economy are deprived of a possibility to invest capital resources into modernisation and development of production and the state budget is not capable satisfactorily fulfil investment function. Purchasing capacity of the population is mainly spent on purchase of the food stuff – 65.6%. Existing model of the structure of production is also primarily directed at «eating out» all available resources and natural resources.

9. Chronic shortage of financial resources needed for introduction of environmentally friendly technologies, poor development of the systems of environmental protection – are consequences of the model of production and consumption, which is in Ukraine. This model is not compatible with the strategy of sustainable development of the state. Insufficient level of development of the civil society, its «swallowing» by the state, which serves the needs of several the most rich families, do not give ground for optimism not only as to rapid improve-

ment of environmental situation, but also for containment the further worsening of the current quality of the environment.

10. Possibilities for transformation of unbalanced economic model, which was developed in Ukraine, are related to its integration into the world economy. At present, Ukraine is more of object, than a subject of economic integration and globalisation. However, passive role of Ukraine in the processes of globalisation and integration threatens to lead to even faster transformation of it into a resource and raw material donor, all important internal and foreign problems of which will be decided upon abroad. Active intrusion of Ukraine into geopolitical processes does not look possible in the future. In this situation, search for alternative ways of development does not help. For example, in the model of post-industrial (information) society, which is actively proposed today, no attention is paid to the fact that economically and politically powerful countries shift material production and processing natural resources to less developed countries, leaving for themselves a right to provide these countries with donor assistance for rehabilitation of the environment. Therefore, in modern society, the model of environmentally friendly economy, which is based on development of information technologies, can be implemented only in some (strong) societies at the expense of other (weak) societies.

11. Possibilities for growth of consumption in the modern world are limited. Despite it, no tendencies for freezing or, even more, reduction of the level of consumption in rich countries has been observed so far. So, with the background of ever growing size of the population of the Earth, a tendency may start, which will be oriented not to meeting principal material and social needs of the people, but to reduction of the demands in majority of the countries. Globalisation may result not in economic equalization, but in even wider gap between developed and developing countries. Investments not only facilitate development of economies at the recipient countries, but also increase of the natural resources flows for meeting excessive consumption requirements in the countries – investors. Such dangerous tendencies could not be avoided without transformation of the structure of production and consumption.

12. Today's ignoring of environmental problems, further postponing of their radical solution till the future time will lead to depletion of economic resources and ultimately to complete loss by Ukraine of any perspective for civilised development. Currently microeconomics experts reached clear understanding of the fact that real potential of a country is defined not by its today's potential, but its ability to regenerate and multiply this potential. Therefore, investments of capital in order to secure high quality environment, recreation and restoration of resources actually is not a loss, but a gain from the point of view of the future perspectives.

13. The proof of the fact that funding of environmental protection measures does not negatively influences competitive ability of producers can be demonstrated by the fact that the countries with the strictest environmental standards have at the same time the highest indexes of economic development. For example, Japan, United States and Germany have the highest indexes of production growth in environmentally dangerous branches, such as chemical, production of plastic materials, dyes. Establishing high environmental standards, these countries also think about the future of their economies, because more stringent environmental standards compel businesses to carry out improvements of the technological processes in order to secure further development of environmentally safe production. By increasing today's expenses and even getting some losses in the international trade, the companies of these countries will gain considerable advantages in the future as owners of technologies and know-how.

14. The priority task for Ukraine is not only protection, but also increment of scientific potential. To achieve this goal would be impossible without solution of the problem of funding provision for science. If expenditures for science make up less than 2% of GDP, process of destruction starts not only in the science itself, but also in economy and society as a whole. For example, in Israel, allocated for science are 3.5% of GDP, in USA – 2.05%, Japan – 2.75%. In Ukraine, unfortunately, this figure in the recent time does not come above 0.3–0.4%

15. Perspectives of Ukraine in the field of legislative regulation of impact of production and consumer expenses on the environment are connected first of all with the adoption of the Law on «Sustainable Development Concept» and other normative and legal acts, and their filling up with real content and understanding of the fact that:

- sustainable economic growth, by itself, is not obligatory condition for progress
- integration and globalisation of the world economy is far from being beneficial for everybody and does not automatically leads to economic growth
- international investments do not always facilitate progress and do not always work for development of strong economies

16. Principal factors, which limit or make impossible implementation of the measures aimed at provision of environmentally safe future for Ukraine include:

- absence of consolidated nation, aware of its own values;
- structure of economy, which is developed in the framework of unified economic complex of the former USSR and which does not meet modern needs;
- lack of clear cut orientation marks for development, which would, on one side, lead to growth of well-being and, on the other side, to protection of the environment and rehabilitation of natural resources;
- prevalingly unsatisfactory and frequently catastrophic state of the environment practically at all territory of Ukraine;
- use of outdated, poorly efficient, nature damaging technologies, which cause constant degradation of the environment, as well as low quality and high self cost of the products and unaffordably high material and energy costs;
- lack of priority given to education, science and national culture in the social – economic development of the country;
- lack of political will of the leaders of the state in relation to implementation of democratic principles, freedom, humanism and rule of the people, declared at the Constitution of Ukraine;
- high level of criminality and corruption (Ukraine occupies the third place in the world, according to this index), which leads to constant deepening of the gap between the poverty of the prevailing majority of population and wealth of oligarchic top few.
- underdevelopment of the legal base, which leads to arbitrariness of bureaucracy, law enforcement authorities, puppetness of judicial authorities, further destruction of the natural environment and depletion of the natural resources;
- practical absence of the influence of the civil society, including public Organisations, on formation and implementation of the state policy.

17. According to expert assessment, natural and resource potential of Ukraine, in structure of which land and mineral resources are prevailing, is one of the highest in the world. One of the most important tasks of the state policy is to secure sensible use of this potential in the interests of the increasing of well-being of its citizens, to establish and develop Ukrainian nation. It is necessary to give up illusions about our unlimited natural resources, to start learning to rationally develop such strategy and tactics of life, which promote stable, long-term sustainable development.

### 3.2. Sources of Threat to the Environment

18. Of 603,700 km<sup>2</sup> of the territory of Ukraine, about 80% belong to zones of high risk of occurrence of extraordinary situations. Anthropogenous pressure on the natural environment is in 4–5 times higher than the similar index in developed countries. Principal environmentally dangerous facilities and sources of man-made pollution of the environment are in agriculture, power engineering, heavy industry and transport. The media of environment, which are most subject to their impact are soils, land relief, surface waters and habitats. In urban agglomerations, it also includes atmospheric air and at intensive agriculture lands also aquifers.

19. Percentage of eroded lands in Ukraine makes up 57.4% of the total area of the country. Main cause of considerable development of erosion process is high level of agricultural development of the territory. Annual increment of the area of eroded lands in Ukraine makes up 60,000–80,000 hectares. About 20% of the territory of Ukraine is in unsatisfactory state due to oversaturation of soils by various toxic compounds. Every ten years content of humus is decreased by 0.1% and today its content is no more than 3%. Increasing rates of soils degradation lead to annual loss of humus, the value of which makes up 0.6–1 tone per hectare (according to estimations of the Ukrainian Academy of agrarian sciences). Pollution of agricultural lands by pesticides is of rather complicated nature. Moreover, considered as dangerous factor is availability at these pesticides of stable organic pollutants. 20% of surveyed farmlands are polluted by DDT or by products of its decomposition and about 4% of lands are polluted by hexachlorocyclohexane.

20. Potential source of threat for the environment is developed system of trunk and other pipelines. Total length of oil pipelines is equal to 7,103 km, that of gas pipeline – 34,000 km, ammonia pipeline – 810 km, chlorine pipelines – 44 km. Number of accidents at facilities of that branch of industry makes up 1,500 accidents every year.

21. In industrial sector principal pollution load on the environment is generated by enterprises of chemical, metallurgical and mineral resources abstraction industry. Considered as sources of increased danger to the environment should be more than 1,700 industrial facilities, which store or use in their production activities more than 300,000 tones of hazardous chemical substances, including chlorine and more than 190,000 tones of ammonia. Located in Ukraine are 2,664 of facilities, which produce or use strongly poisonous substances, 308 mines and 7 open-pit mines, 6 high capacity oil refineries, each of which contains from 300,000 to 500,000 tones of oil and its products, energy capacity of which is equal to 3–5 megatonnes of trinitrotoluol. Every day only railroads transport more than 220 different types of poisonous, explosion and fire dangerous cargoes. Total area of possible accidental pollution by strong poisonous substances may be equal to 64,000 km<sup>2</sup> with population of about 18 million people.

22. Special problem is large-scale pollution of ground waters and soils with oil and chemical products. Today 133 of 197 large water intake facilities are located in zones subject to impact of potential sources of oil and chemical pollution. So far, polluted were more than

150 water supply sources in human settlements. The area of polluted zones exceed 30,000 hectares. Practically each of 43 military airfields is a source of intensive pollution of the environment by light hydrocarbon fractions.

23. As for the year 2002, at the territory of Ukraine, there were in operation 4 (earlier 5) Nuclear Power Plants with 13 (earlier 17) nuclear reactors, 2 research nuclear reactors. 2 enterprises dealing with production and reprocessing of uranium ores and about 8 thousands of enterprises and organisations which used radioactive substances (of which more than 5,000 enterprises generate radioactive wastes).

24. Mining and ore enrichment enterprises operate 2,700 of various dumps which contain 3.6 billion m<sup>3</sup> of gob and there are also 300 large tailing dumps and slurry ponds with combined capacity of 2.5 million m<sup>3</sup>.

25. About 7,541 technical facilities are potentially unsafe. Among them is «Radical» plant in Kyiv and ammonia pipeline, which crosses considerable part of the territory of Ukraine. About 1,500 of such facilities create real danger to the country and its citizens (these are chemical production facilities, pesticides storages, and others). About 144 of them require implementation of urgent actions (e.g. storage facilities for temporary storage of radioactive wastes at the Ukrainian State Plant «Radon», some tail dumps at the Zhovti Vody town). Urgent prophylactic servicing is required for 300 facilities, accidents at which may lead to critical deterioration of the state of environment at the whole territory of Ukraine (e.g. «Shelter» facility and units of the Chornobyl NPP, dams at the tail dumps, of which 300 have individual storage capacity for containing toxic substances of more than 106 m<sup>3</sup>, and others).

26. Problems of prevention of occurrence of extraordinary situations in Ukraine, actually are not solved. The system of integrated environmental monitoring of the state of environment, analytical centres for collection, processing, analyses and forecasting of environmental monitoring data hardly exist in Ukraine. In fact, no work is being carried out in respect to modelling and forecast of emergency situations, assessment of maximum zones of impact and evaluation of possible damages. Risks to health of population, posed by different sources of negative impact and danger operating at the areas inhabited by this population. So far, unsolved remain problems of social protection of the population living at zones of extreme environmental situations, associated with operation of dangerous facilities (e.g. in towns Zhovti Vody, Kryvy Rih, Dniprodzerzhinsk), and others.

27. Main reasons for unsatisfactory state of the environment in Ukraine are:

- absence of economic stimuli and material resources for modernisation and «ecologization» of outdated and resources consuming technologies at the majority of enterprises. Inefficient technologies and physical wear out of main assets of enterprises of heavy industry ( such as coke and oil chemistry, ferrous and non-ferrous metallurgy, hydro and thermal and nuclear power engineering, ore enriching facilities and, partially, machine-building), which input into pollution of the environment is the greatest one, as well as use of poor technologies in agriculture, forestry, transport lead to accumulation of great volumes of waste, excessive air emissions and permanent increased risk of occurrence of emergency situations with environmental consequences of various degree.
- inefficiency of existing system of regulation in the field of environmental protection:

- Poor co-ordination and declarative nature of environmental normative base
- lack of laws of direct action
- lack of efficient normative and legal mechanisms for regulation of hazardous types of activities
- actual absence of usage of economic mechanisms of environmental protection activity, which contradicts the law of Ukraine «On Protection of Natural Environment»
- absence of permanent (monitoring type) control over quality of environment at the sites of accumulation of waste as well as unsatisfactory financial support of the environmental protection measures
- environmental nihilism of the authorities and population:
  - equally low level of environmental awareness at the authorities and citizens
  - approach by the authorities, under which environmental problems are solved at the last resort and lack of possibilities for general public to influence authorities
  - lack of environmental world outlook, inherent in the Ukrainian mentality

### 3.3. Consequences of Chernobyl Accident

28. As a result of Chernobyl accident about 50,000 km<sup>2</sup> of the territory of Ukraine with population with more than 3.5 million people were subject to radioactive pollution. Approximately the same areas were polluted at the territory of Russia and Belarus. All these territories were mainly polluted by radio nuclides Cs137 with activity level exceeding 37 kBk/m<sup>2</sup>. «The black spot» area of which exceeds 2,000 km<sup>2</sup> forms so called «Chernobyl Alienation Zone» (CAZ), which has such levels of radioactive pollution, which make impossible the life of people at this zone. Availability at CAZ stable transuranium radio nuclides exclude this area from the economic use for the next thousands years.

29. Principal Chernobyl problems, which are still very urgent, include:

- problem of the «Shelter facility»
- problem of burial of medium and low active wastes
- rehabilitation of the productivity of considerable areas of natural and the former agricultural lands, which is complicated by the peculiarities of the distribution of radioactive pollution of the territory
- serious deterioration of health of great number of people, as a result of impact of radiation, primarily of children, who live at polluted and adjacent to them territories or obtained excessive doses of radiation during the first days after the accident. According to the forecast of Ministry of Public Health of Ukraine, included into the group of people with the risk of getting disease of thyroid gland could be 1.5 million children. Parents, who suffered from this accident, gave birth to 500,000 children, of which 100,000 were suffering from various development deviations;
- problems of maintenance of CAZ, management of forest and water resources of the zone, prevention of pollution spread behind zone borders, protection of the flood plane of the Pripyat river and its tributaries against floods, protection of ground waters against pollution by Strontium-90;
- problem of unlawful settlements;
- problems, connected with the town of Slavutych;

- problems of environmental monitoring.

30. In 2001, officially declared was the total amount of expenditures for liquidation of the consequences of the Chernobyl accident – more than USD 13 billion. If this figure is true to life (it is equal to average annual budget of Ukraine or to 15% GNP), then a reasonable question arises as to efficiency of usage of allocated money. Financial resources, which are given by the international organisations, are used inefficiently. There is no system and priority setting for works, financed under «Program of liquidation of the consequences of the Chernobyl accident and social protection of citizens». However, the most important is the fact that there is no scientific and expert assessment of the results of the works, combined with control of purpose oriented use of allocated financial resources.

31. According to the Decree of the President of Ukraine, on December 15, 2000 an Act of Closure of the Chernobyl NPP has been committed. Station terminated generation of energy and connected with it economic activities and was shifted to funding only from the state budget. By the decision of the government (dated April 25, 2001, No. 399) this station has been excluded from the network of the National Atomic Power Generation Company «Energoatom». Instead, on the basis of Chernobyl NPP, created was specialised enterprise «Chernobyl NPP», principal task of which is bringing the station out of operation and transformation of the «Shelter facility» into environmentally safe system.

32. Solution of Chernobyl problems is regulated by the laws «On the status and social protection of the citizens, who suffered as a result of the Chernobyl accident», «On legal regime of the territory, which was subject to radioactive pollution as a result of the Chernobyl accident», «Concept of the Ukrainian National Program for liquidation of the consequences of the Chernobyl accident and social protection of citizens for the period of 1993–1995 and for the period up to 2000» and by other normative and legal acts. These legal acts should be viewed as acts, which identify breaches of the environmental rights of citizens and regulate compensation of damage inflicted by the state to the citizens. However, introduced into these laws were numerous amendments. Those amendments, which related to the articles, regulating social protection, gradually downgraded to zero real compensations, to be provided to participants of the Chernobyl accident liquidation campaign.

33. With every passing year, number of persons, which became invalid as a result of diseases, directly or indirectly connected with the Chernobyl accident, grows up. During 1991–2000 their number increased from 2,000 to 19,000 people. In Ukraine appeared such disease, which had never practically existed here before the accident. First of all, it is cancer of thyroid gland at children, manifestation of which started to be registered back in 1990. Number of cases of this disease constantly increases. It is practically unknown, how consequences of the Chernobyl accident influence the state of health of that part of the population, which illegally lives at the alienation zone (squatters).

34. There is a concern that in connection with the closure of Chernobyl NPP the alienation zone will remain to be a storage site for radioactive wastes. This problem could have been solved by building at the alienation zone of the Central (National) geological storage facility as is envisaged by «Comprehensive (state) program of management of radioactive wastes during the period to 2005». The need for such storage facility is quite urgent also from the point of view of the need to store radioactive waste generated by the currently operational nuclear power station (in Ukraine, there are at least 0.5 million tones of radioactive wastes, which should be stored in deep geological formations). During last 10 years discussed are

problems of selection of the site for construction of such storage facility. Proposed are different alternatives: to build it in geological formations, such as granites, and, in particular, at the zone of unconditional alienation, or to locate it in uranium or iron ore mines or to locate it in clay formations at the Trans-Carpathian area or even at used salt mines near Artemovsk. From the point of view of the academician of the National Academy of Sciences of Ukraine E.V. Sobotovych, geological storage for radioactive wastes should be located just in unsuitable for life «plutonium» zone (area about 900 km<sup>2</sup>).

35. The most environmentally dangerous Chornobyl facility is the Shelter. This «Sarcophagus» contains about 100,000 tones of highly radioactive, 200,000 tones of medium radioactivity and about 1 million tones of low radioactivity wastes. In addition to it, at the territory adjacent to it located are 5,000 tones of highly radioactive, 21,000 tones of medium radioactivity and 600,000 tones of low radioactivity wastes. So far, there is no scientifically justified strategy for transformation of the Shelter facility into environmentally safe system. In 1997, the governmental commission approved strategy, which envisages withdrawal from the Shelter of all fuel containing materials, their conversion into safe material, location at temporary storage sites and then in geological storage facility. These works are planned to be carried out by the year 2010. But there is no answer to the question: where should one get few millions of containers required for storage of fuel containing materials withdrawn from the Shelter? How much will it cost? Who will manufacture these containers? How many storage sites would be needed to accommodate all of them? What would be the impact on new liquidators and how many of them would this work require?

### 3.4. Nuclear Power Engineering

36. Nuclear power engineering causes the greatest concern for population of the country, which has to carry the burden of the Chornobyl accident. Today nuclear power engineering of Ukraine should be considered as a heritage of the Soviet time, one of the attributes of the former greatness. Extreme risk to the health of population and environment at all stages of the nuclear cycle is an invisible component on nuclear power engineering as a whole. These risks are incompatible with implementation of the environmental rights of the people declared in the Constitution of Ukraine. Lack of sufficient resources of the nuclear fuel and lack of possibilities to independently utilise waste nuclear fuel lead to economic and political dependence of Ukraine from other countries. Such dependence increases the above risks, in particular, during transportation of radioactive waste through the territory of Ukraine.

37. In Ukraine potential and actual danger of all nuclear power engineering facilities increases due to crisis situation of all national economy, aging and poor prophylactic maintenance of nuclear reactors as well as due to ungrounded wishes of the nuclear specialists to prolong the time period of their operation. Nuclear power engineering in Ukraine functions under conditions of permanent system crisis, typical features of which is low financial efficiency, failure to implement development programs and programs for renewal of the main assets, under funding of the works on securing proper safety standards, observed during many years, and finally reduction of the number of the scientific researches.

38. Alongside with system reform of all power engineering branch there is a long awaited need to carry out integrated reform of the «Energoatom» company. However, it is doubtful that such reform may take place in the nearest 1–2 years, because Ukraine, so far, does not have any program for development of nuclear power engineering. Despite the fact that the



National power engineering program was adopted in 1996, analysis of the measures, approved for its implementation by decisions of the Cabinet of Ministers in 1997–2002 shows that it has declarative character. The absence of strategic directions of the development of power engineering is unthinkable for the country, which wants to develop stable economic system and maintain required national security. At the same time, such situation creates favourable conditions for flourishing of non-competence and corruption of the bureaucratic system.

39. Operational resource of the NPP generating units has been used for more than 50%. After 2011, there would be a need to put out of operation those units, whose service time expired. The Fund for putting out of operation nuclear reactors, which has been planned for establishment, so far is not there. Storage sites for used nuclear fuel are putting to operation as a temporary storage sites. Implementation of the program for management of radioactive waste has been practically failed due to lack of required funding. The number of employees at the Ukrainian NPP is greater than at the Russian NPP by about 40% and in addition to it, labour productivity in Russia is considerably higher. Personnel structure of NPP should be reviewed and optimised. In Russia, repair works at the nuclear blocks are carried out by outsourced companies, in Ukraine the «Energoatom» company carries out such work independently, but employs for this purpose 11,500 workers.

40. Official state structures do not give answer to the question whether in general Ukraine needs nuclear power engineering? What would be the share of the power generated by a nuclear power Plants? Why nuclear power engineering branch — potentially stable source of income for the budget — at the present time has UAH 5 billion as a debt? In connection with this numerous decisions of the state authorities concerning reforming of the nuclear power engineering in the country are perceived as an empty sound and actually are not implemented.

41. Ukrainian people do not accept continuation of the development on nuclear power engineering during «post-Chornobyl era». Subject of contradiction between environmental organisations and pro-nuclear circles, both in Ukraine and in Europe, for long time is the project aimed at construction of two nuclear reactors at Khmelnytsk and Rivno new NPPs. General public insists on carrying out transparent court hearing of the question of the completion of the blocks at Khmelnytsky and Rivne NPPs, construction of which is carried out with break of appropriate legislation (e.g. without approved environmental expertise). Worry is also caused by selection of the region for already operational blocks and for construction of industrial sites, because this is karst dangerous area. Main aquifers here are not protected from infiltration, coming from the land surface and these aquifers are sources of water supply, which are associated with the largest province of fresh underground waters in Ukraine.

42. Clear example of confrontation between public environmental movement and nuclear lobby concerns one more well known project — intention to complete the Tashlyk Hydro-Accumulating Power Station (THAPS), belonging to the South-Ukrainian NPP, for which it will be necessary to fill up the Olexandrivske in-channel reservoir in the Mykolayiv region. Arguments for completion of the Tashlyk HAPS include the need for existing shortage of flexible power generating capacities without which joint power system of Ukraine operates at the brink of emergency. But for this one should pay the price which is destruction of the part of natural and historic landscapes at the Southern Bug river valley at the section between villages Mygiya and Olexandrivka. Located here are the last genuine landscapes of the Zaporizhska Sich — sacred place for the Ukrainian people and natural objects, protected by the Law of Ukraine on «Natural and landscape fund of Ukraine», such as

regional landscape park «Granite-steppe Pobuzhia» (canyon of the Souther Bug with a length of 50 km), as well as natural monuments of local importance — Bird Reserve «Buzsky», «Kremenchuk Rock» and «Gyrlo of the Bakshala River.» For protection of unique historical and natural monuments environmental public categorically demands official concealment of the plans for completion of the THAPS.

43. In general, position of environmental public can be expressed in the terms of the following demands:

- To raise in the Parliament of Ukraine a question about cancellation of the Resolution of the Parliament, adopted on May 15, 1996 (#191/96-BP) «National Power Engineering Program till the year 2010» as not expressing existing realities of the present day Ukraine;
- To start development of a concept of national strategy of power engineering branch development with participation of all stakeholders (representatives of legislature, executive power, academic and economy branches research institutes, general public) and involvement of international expert assistance.
- To take measures aimed at reduction of the energy consumption volume in GDP of the country, which currently is a few times higher than in the European countries.
- To stop support of development of nuclear power engineering by the national budget of Ukraine; to shift emphasis from investments into nuclear power engineering to investments into alternative energy projects, development and introduction of energy saving technologies and low energy consuming production technologies.
- When estimating self-cost of electric power, produced by nuclear power Plants taken into account also should be: costs of production and transportation of the uranium fuel, costs of utilisation of nuclear wastes, dismantling of nuclear reactors after termination of their service life, use of water and other resources, rehabilitation of damaged territories and protection of NPP against acts of terrorism, estimations of associated risks;
- To carry out environmental audit of all NPP with involvement of representatives of the public and local authorities; to secure transparency of all phases of the nuclear cycle for population;
- To establish, at the expense of the recipients of licenses, funds for insurance of risks associated with certain stages of the nuclear cycle and funds for financing works on bringing nuclear facilities out of operation;
- To demand urgent court decision prohibiting building of the 2-nd block of the KNPP and 4-th block of the RNPP due to lack of positive conclusions of the state fire, sanitary-hygienic and environmental expertise;
- To cancel construction of the Tashlyk HAPS.

### 3.5. Energy Saving

44. Situation which has been established in the Ukrainian fuel and energy complex (FEC) in the recent years poses potential danger to national security of Ukraine. The level of environmental security at the majority of the enterprises of FEC absolutely does not meet normative requirements. According to expert assessment, enterprises of FEC of Ukraine generate 45% of pollutants emissions into air, and about 25% of effluent water discharges into the surface water bodies, more than 26% of solid wastes and about 65% of total emission of green house gases . In addition to it, this branch is permanently subject to various disturbances: electric power supply in the country is frequently cut-off, which causes stoppage of

hundreds of enterprises, partial termination of transport services, millions of the Ukrainian citizens do not have elementary required conditions for life, due to : frequent cut-offs of electric power and natural gas supply, poor level of house heating;

45. During the period of 1990 to 1998 reduction of the volume of GDP in Ukraine was in 1.5 times higher than the rate of decrease of electric power production, and energy consumption in GDP increased from 1.39 kg of conventional fuel per UAH 1.0 up to UAH 1.93. In general, energy consumption component of GDP in Ukraine is in 5–6 times higher than in developed countries. It increases the level of energy dependence of Ukraine, which even now is too high, considerably reduces competitiveness of the majority of Ukrainian products at the world market and reduces the living standards of the people. Therefore, the point of view that for successful social and economic development of Ukraine required is growth of electric power production is not justified. Energy policy development should be started from analyses of the energy consumption by end-users, but not from supply side of energy policy.

46. In many Western countries, energy saving long ago has become not only an element of economic and environmental activities, but also an element of general culture. For Ukraine, under conditions of chronic lack of financially secured demand for local and imported energy resources, the question of energy efficiency of the production and energy saving in general, is the question of economic independence, raising standards of life, and termination of the practice of environmental nihilism.

47. Unsatisfactory situation with provision of energy resources in Ukraine is directly connected to orientation of the local FEC on use of traditional resources, availability of which in Ukraine is limited. The resource base of power production in Ukraine is composed of coal, natural gas and oil. But the level of provision of Ukraine by main types of locally produced fuels makes up less than 30% of totally required. Also, threat of environmental crisis, resulting from pollution of the environment by energy production wastes, primarily by emissions of green-house gases, grows up as well. Therefore, thoughtful and rational use of energy resources is a pre-condition of securing national and environmental security of Ukraine.

48. With a background of chronic non-payments for used electricity, spreading is its deficit in electric power grids. In Ukraine, the regional power distribution companies (Oblenergo) continue to solve this problem by applying the most irrational for the national economy, approaches which are also cynical in respect to the population – cut-off of electricity supply from consumers. Such practice contradicts the idea of energy saving, which in itself, precludes the use of approaches leading to lowering down the level of provided services, inflict considerable damage to economy, and facilitate raise of social discontent in the society.

49. Currently, technological losses of electricity in the power grids make up 20% and grow up with every passing year, because the system of power grids of the «Ukrenergo» company so far has not been modernised. Without renovation of power transmission lines, further introduction of new generating capacities will not bring proper effect. As for today, remain unimplemented are measures of organisational and technical character, aimed at reduction of this losses. What is meant here is the use of proper software, new approaches to construction of power transmission lines, use of modern equipment and materials, and other measures.

50. Economically feasible potential of energy saving, estimated on the basis of comparison of efficiency of technologies used locally and at the majority of the developed countries,

makes up about 50% of the current total volume of energy consumption. However, by adopting the Law on «Energy saving» Ukraine so far has not developed efficient economic mechanism for its practical implementation. Practically not introduced are also administrative instruments of energy saving (eco-audit, energy and eco-management). Needed is a review of old approaches to implementation of energy saving strategy, which do not take into account currently existing tendencies. Realisation of energy saving projects faces such obstacles as lack of infrastructure for energy saving, energy servicing companies, local producers of energy saving equipment, system of financial support and insurance of investments into energy saving projects. Ukraine also faces shortage of qualified personnel in the field of energy saving, and there are very few information campaigns devoted to this subject. Advertising of energy saving, economic benefits, resulting from introduction of energy saving technologies is also absent in this country.

51. At the same time, it should be pointed out that the Ukrainian enterprises produce practically all required devices for metering of gas, water, electricity and heat consumption. Such locally made meters are as efficiently working as those produced abroad. Already, there are examples of introduction energy saving technologies, which was carried out with international support (EBRD, EEC UN). Existing «Energy Saving Company» proposes to business entities implementation of certain energy saving works and as a result guarantees considerable saving of energy used by such businesses. Financial resources used for modernisation and replacement of equipment are compensated to the involved business entity through reduction of energy-related production expenses. Abroad, there are thousands of such service companies. They are also available in Ukraine. But majority of them are only called energy-saving services providers. In fact, they do not have either sufficient funds or access to credit resources, and, what is the most important, serious work experience in this field.

52. In accordance with comprehensive «State Program of energy saving for the period up to 2010» Ukraine should reach 8% mark of usage of alternative sources of energy of the total volume of energy consumption (in some countries this figure varies from 2% to 60%) . In Crimea, currently operating are few wind power stations. In the southern regions of Ukraine it is possible to successfully use solar energy for electricity production, but in the field of application of photo elements for conversion of solar energy into electric one, practically no actions were undertaken so far. Better situation is with use of solar collectors for production of heat energy. Such units are currently used in many sanatoriums of Crimea.

53. Such energy source as mining methane gas is hardly used in Ukraine. Resources of this gas in Ukraine are in the range of 1–20 trillion m<sup>3</sup> (depending on the depth from which it is extracted)). Perspectives of its use are quite realistic. Technologies of its usage are needed for Ukraine, but so far they are considered as economically unprofitable. In USA, where extraction and use of the methane gas from mines is organised on commercial basis, used are numerous stimuli without which a business entity, which would like to apply such gas, would not survive economically.

54. Small boilers for production of steam for heating very often are in the most neglected state. In small-size energy production sector, energy sources usage is in 1.5 times higher than at the enterprises of the «large» energy production enterprises of this sector. However, at the systems of district heating due to the need of using long (dozens of kilometres) heat transmission lines about 30–40% of generated heat energy is lost. Supporters of the «small» energy production sector are sure that it is feasible to use efficient mini-boilers, which do

not require any heat transfer pipelines and are easily managed: switch on, when needed and switch-off, when there is no need! However, the experience of Denmark and other countries, for example, shows that even large district heating systems can also be highly efficient. But it is possible only when modern technologies are used for generation and transportation of heat. For this also compulsory is the use of co-generation approach – combined production of heat and electricity. Efficiency of electricity and heat production under such approach may reach 80–90%. For comparison, efficiency of electric power generation at generating facilities of the Ministry of fuel and energy of Ukraine makes up only 33%, but if transportation losses are accounted for, this figure falls down to 25%.

55. For long time there is a need for a change of structure of generating capacities for provision of required level of flexibility of their operation, stable frequency of generated electric current, increase of safety and reliability of NPP operation, improvement of stability and service life of production and transportation facilities of energy sector (e.g. hydro-engineering structures, oil and gas pipelines, oil terminals, trunk electric power transmission lines).

56. Energy saving is not priority direction of the state policy of Ukraine. The necessity of its introduction is hardly indicated in strategic plans of economic development. There is no comprehensive financial, organisational and information support on behalf of the state as well as no co-operation with scientific, environmental and international organisations, no propaganda of energy saving among population, any economic stimulation, including by taxation, investment, credit or other types of benefits.

#### 3.6. Mining Industry and Environmental Safety

57. Ukraine is a unique country from the point of view of availability of mineral resources. At its territory found are 20,000 deposits of mineral resources. Of them opened and evaluated are more than 8,000 deposits for 97 types of mineral resources. According to the size of resources of some minerals (iron ores, manganese, uranium, coal, titanium, beryllium, coaline, mercury, graphite and decorative stone), Ukraine occupies leading positions in the world. Prospecting, mining and processing of mineral resources accounts for about one third production assets, 20% of labour resources and 25% of GDP of this country.

58. Due to intensive extraction of iron ores, coal, oil and gas during the time of existence of the Soviet Union used was considerable part of the available resources of coal, oil and gas. Existing coal mines have complicated conditions for mining of coal, low capacity of productive layers of coal which are located at very deep locations. These factors complicate mining conditions. Usual phenomenon is accidents at mines of Donbas, which result in heavy loss of life. The number and scales of accidents do not go down, despite all undertaken preventive measures.

59. At the present time, mining industry is prevailing in the structure of GDP of Ukraine, but in USA its share is only 2.6%, Germany – 1.1%, France – 0.8%, Japan – 0.6% of respective GDP. Environmental problems, associated with the mining industry in Ukraine are not limited only by high accidents rate in the process of coal mining and breach of the labour safety rules. It also concerns use of outdated technologies and equipment, use of environmentally dangerous technologies, non-compliance with designed rules of operation, ignoring requirements as to rehabilitation of abandoned mining sites. At many enterprises, no assessment of impact on environment and environmental expertise is performed. These typical violations are extremely spread at enterprises of mining industry, which causes consid-

erable loss of non-renewable natural resources, chemical pollution of air and water resources, change of natural regime of surface and underground waters, destroying of habitats, putting out of usage and losses of land resources.

60. Therefore, state policy in the field of provision of environmental security in the process of mineral resources mining does not meet current requirements. Possibilities for minimisation of negative phenomena can be realised: through adjustment of legal and economic mechanisms in compliance with international norms, securing priority for environmental concerns, strengthening of control functions of the authorised state bodies, high quality scientific support and involvement of wide circles of the population.

### 3.7. Wastes

61. Ukraine belongs to countries with the highest in the world, both in absolute and relative terms of waste generation. Main part of wastes in Ukraine is generated by the enterprises of mining, chemical, metallurgical, machine building, fuel and energy, building, pulp and paper, and agro-industrial complexes of the national economy. Even under conditions of economic crisis and radical decrease of production volume, annual volume of industrial and domestic wastes generation makes up 600–700 million tons. These wastes are accumulated in form of waste heaps, dumping sites, sludge storage sites, various landfills, total number of which is estimated at 2,700. They occupy about 160,000 ha of land. This area increases every year by about 3,000 – 6,000 ha. As for to-day, total volume of accumulated wastes is estimated at about 25 billion tons, of which 4.4 billion tons are toxic wastes, including some of the most hazardous, such as heavy metals, oil products, unfit-for-use pesticides. Annual volume of toxic wastes generation makes up about 100 million tons.

62. It can be pointed out that some wastes could be referred to as secondary resources and to use them in national economy instead of the primary and natural raw materials. This is clearly confirmed by the experience of many developed countries where problem of shortage of natural raw materials stimulates re-use or recycling of about 65–80% of secondary resources. For example, in the USA, Germany, Japan and France use of secondary raw materials account for production of 20% of aluminium, 33% of iron, 50% of lead, 44% of copper, and so on.

63. Catastrophic situation has arisen in Ukraine in relation to the enterprises of the uranium production and processing industries. Typical for production of uranium is the fact that all production wastes – waste dumps, mine waters, gas and aerosol emissions from the mines are sources of pollution of the environment by radioactive elements. Waste rock dumps (so called tail dumps) not only occupy large areas of land but also cause degradation of land resources and also are sources of radioactive pollution of environment and potential irradiation of the personnel and population at large. The problem is aggravated by the lack of reliable data about the number of such tail dumps and scale of their impact on radioactive pollution of the environment and formation of the irradiation dose for population living at the adjacent territories. There is a necessity for development of state program of survey of such facilities and assessment of their impact on the environment.

64. Besides enterprises of the nuclear fuel cycle, in Ukraine there are more than 8,000 different facilities and organisations, activity of which results in generation of radioactive wastes. Collection, transportation, processing and storage of such wastes is carried out by the Ukrainian State Plant «Radon», which has 6 special facilities, of which 5 have their own storage facilities for radioactive wastes. Today, technical equipment of the interregional spe-

cial facilities (which were built in 1965–1970) and designed for service time of 30 years as well as equipment of various radiation deactivation stations does not meet current requirements of radiation security.

65. Accumulation of unfit-for-use and prohibited for usage pesticides started in the end of the sixties. This process has been caused by disproportion, developed at the time of unlimited, both in quality and quantity, ordering of pesticides, their bringing to the territory of the farms and their application by the farms themselves. As a result of it, pesticides were accumulated in great volumes at storage sites, which were not suitable for long term storage of these pesticides. The amount of such pesticides, accumulated so far at agricultural enterprises, reaches 20,000 tones. In the recent years, this problem became quite dangerous due to absence of the appropriate officials, responsible for decision making as to the future use of such chemicals, which was a result of transition of collective farms property to other owners.

66. About 35 million m<sup>3</sup> of solid municipal waste are annually generated at towns and urbanised villages. These wastes are utilised at 770 municipal landfills and at 3 waste incinerators in Kyiv, Kharkiv and Dnipropetrovsk. For management of these wastes used are 7,500 waste collection trucks and about 35,000 employees. Nevertheless, currently the problem of industrialised processing of the domestic wastes still remains practically unsolved. Landfills and dumps for domestic wastes storage function with breach of the requirements of the environmental security. The most widely used approach to utilisation of such wastes by their burial at the landfill does not meet requirements posed by the need for protection of environment and causes opposition of rural population.

67. One can hardly say that legislation of Ukraine does not pay attention to problems of waste management. Recently adopted were laws of Ukraine «On Wastes», «On Toxic Wastes» as well as Comprehensive program of management of radioactive wastes and other legal acts. By issuing a series of various normative acts, introduced were additional guidelines, regulating generation, storage, transportation and utilisation of radioactive, toxic and other wastes. Anyway, extremely dangerous situation, which exists in the field of waste management, becomes more and more urgent with every passing year.

68. Situation with waste management in Ukraine poses great concern to environmental public. In their activities, NGOs constantly emphasise attention of the society, state authorities to the need of fastest possible solution of this problem. As an example of the fight of Ukrainian NGO for establishment of optimal conditions for reliable and environmentally safe storage of the various wastes categories, especially radioactive and toxic ones, sited can be meeting of «greens» near headquarters of Ukrainian State Plant «Radon».

69. The best method for minimisation of accumulation of wastes at the territory of Ukraine is introduction of wasteless and low waste technologies. Therefore, it is necessary to speed up elaboration and adoption of required legal acts, which would stimulate economic activities in the field of management of the secondary resources. Moreover so, that it is envisaged by an article of the law of Ukraine no. 30 73, dated 07.03.2002. Development of wasteless and low waste technologies should become a strategic direction of further development of industrial and agricultural production.

### 3.8. Impact of Military Activity and Military Facilities on the Environment

70. In the twentieth century, competition of social and political systems lead to total militarization of Ukrainian economy and resulted in extreme concentration of military – economic potential at the territory of our country. More than 25% of military industrial complex of the USSR was located in Ukraine. The greatest number of such enterprises was concentrated in Kharkiv, Lugansk, Dnipropetrovsk, Kyiv and Mykolayiv. The largest military units were located in the Crimea and in Khmelnytsk, Lviv and Chernigov. The inheritance, received by Ukraine from the Soviet Union is high concentration of operational, conserved and abandoned military facilities the mere fact of existence of which poses threat to environment and health of population.

71. Military facilities are closed systems, inside which very often breached is environmental legislation, and control over its enforcement both by the state authorities and general public is complicated due to various reasons. Military activities very negatively influence environment even in peaceful time. The most typical breach of environmental legislation by the military is illegal cutting of trees, illegal dumps, burning down of the vegetation, spillage of fuels and lubricants as well as of chemicals into water bodies. As a result of long repeated breaches of the environmental legislation, in particular that one, which relates to maintenance and operation of the Air Force and Navy basis, firing ranges, tank ranges, training centres, bases and storage facilities for fuels and lubricants, military repair and construction enterprises, fleets of combat and road transport vehicles, military farms and supporting facilities, facilities for heat, water and electricity supply, discharge and treatment plants, sites for collection and utilisation of wastes as well as due to breach of the requirements of the environmental security during combat and operational training exercises for military training of army and navy, subject to pollution were and still continues to be principal environmental media, such as: soils, surface and ground waters and air. Negative impact of the military activities in the peace time is also connected with increase of number of technical accidents involving the military, such as, for example, missile strike of the house in the Brovary town, shutdown by the Ukrainian anti-aircraft defence unit of the TU-154 plane, belonging to Russia, as well as catastrophe of military fighter SU-27 during air show, which took place in Lviv.

72. Majority of wastewater treatment plants, belonging to the Ministry of Defence of Ukraine require repair. Every year, the military, practically in uncontrollable way discharge into rivers and seas more than 10 million m<sup>3</sup> of untreated wastewaters and they also discharge more than 100,000 tons of hazardous substances. Only 20% of the parking lots for military machinery and vehicles have connection to sewage system, only 10% of boilers, operated by the troops are equipped with devices for filtering gas and dust. About 90% of military storage facilities do not meet environmental requirements. Pollution created by the military exercises and military facilities did not also spare nature reserves, such as Medobory Reserve (Ternopil region), Black Sea Biosphere Reserve, and others.

73. In 1996, all nuclear warheads were brought from Ukraine to Russia in exchange for nuclear fuel for nuclear power Plants. On October 30, 2001 liquidated was the last of 46 missile launching silos for intercontinental solid fuel rockets of the SS-24 type. Independent Ukraine had not too solve the problem of disposal of the components of the rocket fuel. More than half of 5,000 tones of heptile fuel, which was left after utilisation of 111 inter-



continental ballistic liquid fuel rockets of the SS-19 type, was sold to Russia. More than 2000 tonnes of heptile are stored in an assumedly reliable storage facility at the Shevchenko village of the Kharkiv region. Number of experts, representing different ministries, express opinion that products of decomposition of rocket fuel buried in the 1970s in Mykolayiv region were the cause of the epidemic of toxicodermia, which took place in 2000. Located in the territory of Ukraine are storage sites for rocket fuel, which had been built before the last war, and which pose potential threat to environment and health of people. According to the data, provided by the civil defence headquarters, located at the territory of Ukraine are not less than 200,000 tonnes of strongly poisonous substances (chlorine, ammonia, nitrogen acid and others). On April, 8, 1999 decision no. 568 «On approval of the state program for utilisation of liquid components of the rocket fuel and other toxic and technical substances for the period 1999–2001». However, funding for implementation of that program has not been practically provided (for example, in 2000 allocated were only UAH 450, 000).

74. Frequent are cases when after liquidation of a military unit left are without any proper control military storage facilities and firing ranges. (e.g. Uzyn, Lutsk, Ovruch, Bila Tserkva), which become a serious threat also to environment. It is remarkable that no military high official was actually sued for it in court. Still existing are underground storage facilities of fuel (Solotvyn, Zakarpatska Oblast), near Myrgorod and Lubny (Poltava Oblast). Existing in Ukraine are about 100 military air-fields, some of them close to human settlements. For example, in Lutsk and Mukachevo the level of acoustic pollution makes up more than 120 dB, but acceptable level is only 55 dB. A lot was said and written about poisoning of underground waters at the sites of location of military aviation, but no changes took place so far. Pollution of water areas of the Sevastopol bay exceeds norms by a number of parameters in 2,000 and more times. Among environmental problems, associated with the military, mentioned also should be radiation, produced by radars, as well as «space» pollution and forest fires, caused by military activities alongside with numerous breaches of the status of nature reserves and systematic breaking of rules of storage of highly toxic and radioactive wastes, and many others.

75. Pre-conditions for successful implementation of efficient environmental policy in the military services and in the process of conversion of military-industrial complex are;

- carrying out scientific research and scientific and technical developments for assessment, improvement and stabilisation of the state of environment in the areas where military establishments and facilities, including foreign one are located.
- introduction in the armed forces of Ukraine environmental passportization of the military facilities, establishment of the system of environmental monitoring of the military camps and enterprises of the military industrial complex and inclusion of this monitoring system into general system of state monitoring of the environment.
- Imposition of personal legal responsibility for breach of the environmental laws by military officials including foreign ones, who are temporary serving at the territory of Ukraine, as well as on officials of the military oriented enterprises.
- Development and implementation of «comprehensive program for provision of environmental security of the activities of the armed forces of Ukraine
- Solution of the problem, connected with division of the Black Sea fleet and its coastal infrastructure
- Compensation of the damage, inflicted as a result of temporary location of foreign troops at the territory of Ukraine

- expansion of openness and increase of the level of objectivity in information about environmental problems of the military defence activities in the mass-media of Ukraine.
- Adoption of the law of Ukraine «On public control of the activities of the armed forces of Ukraine».
- Development by the Ministry of Defence of Ukraine and implementation of the «Guidelines for co-ordination and agreement upon undertaking planned military exercises», at which envisaged would be the agreement procedure for undertaking military exercises, other military actions with local authorities, state environmental protection authorities in order to identify possible damage, including environmental one, and the ways to minimise such damage and information of the population about it.

76. Environmental component of the armed forces activities becomes the reason for conflicts between public and state (military interest). In Ukraine well-known became the case relating to liquidation of emergency situation, which have arisen at the territory, occupied by the former military unit near village Chervona Gora (Donetsk region). In cases of pollution of environment or technical accidents caused by the armed forces there are examples when representatives of the military hide or distort environmental information. Till present time the military remains the most closed institution, from the point of view of information of the public as to real situation with environmental safety in relation to potentially dangerous military facilities.

# Chapter 4

## Environment and Health

Compiler: **Polina Mykhailenko** (Scientific & Information Centre «Ecology, Woman, World»)

Participating in preparation of proposals for this Chapter was the Working Group of Ukrainian NGOs on «Environment and Health» and other interested NGOs and persons, including:

**Svitlana Aleshchenko** (International Charity Fund «Christian World», Kremenchuk city, Poltava Oblast),

**Borys Vasylykivsky** (EcoPravo-Kyiv Environmental NGO, Kyiv),

**Antonina Galkina** (Mykolayiv Club of Support to Sustainable Development «Joint Actions», Mykolayiv),

**Yuriy Golik** (Public Environmental Council of Poltava Region, Poltava),

**Vadym Honcharuk** (NGO «InterEco», Vinnytsia),

**Ganna Gopko** (Journalist NGO «Western Ukraine Fund of Environmental and Tourist-Educational Information (WETI), Lviv),

**Volodymyr Yesyp** (Green World, Rubizhne town, Lugansk Oblast),

**Oxana Kiselyova** (Liberal Society Institute, Kyiv),

**Andriy Kovalchuk** (Carpathian Environmental Club «Ruthenia», Uzhgorod),

**Mykhaylo Kuryk** (Ukrainian Institute of Human Ecology, Kyiv),

**Victor Mykhailenko** (Ukrainian Section of European Institute of Ecology and Cancer, Kyiv),

**Leontiy Sanduliak** (Green World of Bukovyna, Chernivtsi),

**Olexander Stepanenko** («Doctors initiative», Chortkiv, Ternopil Oblast),

**Olena Turos** (All-Ukrainian Environmental Public Organisation «Mama-86», Kyiv),

**Serhiy Usenko** (Youth Association of Medical students of Ukraine, Kharkiv),

**Serhiy Fedorynchyk** (Ukrainian Environmental Association «Green World», Kyiv),

**Nataliya Cholovska** (NGO «Ecoterra», Lviv),

**Roman Khimko** (All-Ukrainian Committee for support to UNEP, Kyiv),

**Svitlana Shmeliova** (Center of Environmental Knowledge «Green Light», Dnipropetrovsk).

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*«Public health remains to be main criterion of feasibility and efficiency of all, without exception, fields of human activities»*

*UN General Assembly Resolution, 1979*

#### **4.1. Principal State Documents on Environment and Health Policy**

1. It is recognised that policy and practices applied in the field of public health and environment protection should secure access to healthy environment based upon principles of justice. This principle is used as a basis for «European Charter on Environment and Public Health Protection». This Charter states that each person has right for such environment which would secure the highest possible level of his health.

2. The European Union (EU) recently adopted the Program of Actions for protection of Environment for the period till the year 2010 entitled «Our future, our choice». In this program, actions aimed at protection of environment and public health are considered as one of four priorities for the first decade of the new millennium. It is underlined at this Program that the objective of the EU is to achieve such quality of environment, when pollution impacts, generated as a result of human activities, will not lead to considerable negative increase on human health. The leadership of Ukraine proclaimed as an objective of our country integration of Ukraine into the EU. One of the pre-conditions for joining EU is to demonstrate required level of the environment protection activities and environmental security of the country as well as securing that Ukraine, as a country contending to join EU, should have such environmental legislation which meets requirements of the corresponding legislation of the EU. On the other hand, there are contradictions between declarative statements of the leaders of this country as to the intention to integrate with EU and their real practical actions, which do not comply with their statements.

3. Pollution of environment at many regions of Ukraine reached such a level when it starts to negatively influence public health. Gender and age composition of the population of the country shows decrease of birth rates, excessive mortality rate and short duration of life span of the population. Unprecedented for peace-time is the fact that during recent decade the size of the country population constantly decreases. Negative natural increment of population, which started back in 1991 only in towns of the Donetsk region, currently is typical for all regions of Ukraine. Up to 80% of children possess some deviations from the normal health already at the time of their birth. It can be stated that gap in public health quality parameters for population of Ukraine and that of the EU has a tendency to widen all the time. However, it is health of population, and its protection is a precondition of attainment of economic wellbeing and even existence of Ukraine as a state.

4. The strategy of solution of existing environmental problems of this country is formulated at the «Principal Directions of the State Policy of Ukraine in the Field of Environmental Protection, Use of Natural Resources and Provision of Environmental Security». Another document, specifying the above «Principal Directions...» is the «National Environmental Hygiene Action Plan (NEHAP)». It has been developed in compliance with obligations of Ukraine taken under Helsinki Convention (1994) and the Presidential Decree, dated 31.12.1998, № 1420/98. The objective of the NEHAP is to improve the state of public health by preventing those negative consequences to human health (diseases and bad feel-

ings), occurrence or spreading of which are result of negative impact of the environmental media pollution. The draft NEHAP was agreed upon by 27 ministries and state committees and approved by the Decision of the Cabinet of Ministers of Ukraine on January 14, 2002. (Decision #14). Also approved was Inter-ministerial program «Health of Nation». That indicates that legislative and executive branches of power confirmed their political readiness to develop and adopt programs and plans aimed at prevention of negative impacts on the environment and health of population.

5. However, in this country there is a very long and difficult road between development and approval of programs and plans and start of their actual implementation. Vague priorities of that or another environment or public health protection program or plan implementation or their incompetent or non-transparent determination, especially under conditions of limited funds availability, negatively influences the quality of implementation of such programs or plans. Priorities should be defined on multilevel basis. Macro level envisages giving higher priorities to provision of funding resources to those actions, which are aimed at protection of the environment and public health and lesser priorities to other state supported activities. At another level, identification of priorities is connected with distribution of the budget resources, allocated for the environment and public health protection at the regional level. The third level requires prioritisation of that or another specific actions. Also, essentially important for our country is the need to secure transparent process of priorities identification.

6. As an example of drawbacks in prioritisation of actions mentioned can be low level of attention to preventive measures relating to air quality at work and living premises. Urban population of Ukraine makes up about 70% of total. Urban population spends major part of its time at premises of air of which contains such concentrations of pollutants which are much higher than in the ambient air. But, the examples of researches of quality of air at the interior of the premises and developments of required preventive measures are quite limited. Decisions on preventive measures and securing public awareness on this issue are absent in general.

#### **Public Participation in NEHAP Development**

Starting since December 1998 the Ukrainian environmentally concerned public took active part in elaboration of NEHAP even before it had been adopted by the Government of Ukraine. As a result of the initiative of the «Mama-86» NGO created was a Co-ordination Council, which included regional partner organisations, such as «Eco-Pravo» NGO Network and the «Bakhmat» Environmental & Cultural Centre. For discussion of the NEHAP document invited were also representatives of about 600 organisations and experts who represented various sectors of the society: environmental and female groups, NGOs acting in the field of social and health protection of population; scientists; businessmen and governmental officials. During January and February 1999 held were 5 regional seminars and discussions of the NEHAP draft document. More than 700 comments and remarks were collected as a result of it. This public consultations process successfully enabled to prove to the officials in charge of formulating environmental and public health protection policy of the country, that public organisations are capable to make deeply considered input into development of a document of national level of importance.

7. During the recent decades, world public health protection is acknowledged as a priority in activity of governments, international and non-governmental organisations. Many countries have developed strategies for protection and improvement of the health of their population, which are aimed at prevention of diseases, disablement and mortality of population and which are provided with required funding for their implementation. In Ukraine, however, both at the level of state and public awareness, observed is the lack of understanding of the need to recognise as a priority of the state policy support of the actions aimed at protection and improvement of the health of population.

8. Proof of the situation that protection of the environment and public health is not a priority of the environmental policy of this country, is, inter alia, the way how funding of proposed actions using financial resources of the National Environmental Fund. For example, at the report of the Fund for the year 2000 as well as at the proposal for future funds allocation, contained in Section VI of the report, allocations to be provided under expenditures item « Implementation of measures for reduction of the impact of the environment pollution on health of population», which is one of 14 expenditure items, are eloquently stated as equal to absolute zero. At the same time, according to the State Audit Chamber of Ukraine, the Ministry of Environment and Natural Resources of Ukraine does not provide legally approved level of financing for state programs using finances of the Environmental Fund. Of total UAH 1,03 million of the Environmental Fund resources, allocated by the law for funding environmental programs (and which the Fund actually had at its disposal) only UAH 97,000 were actually used for this purpose, which makes up only 9.4% of funding volume to be allocated for such programs.

9. Existing practices indicate that legislative and executive authorities do not have clear idea as to the level of priority of that or another problem. This can also be confirmed by the «National Report of Ukraine on progress of implementation of requirements of Agenda-21 for the period of 10 years (1992–2001), prepared by the Ukrainian Institute for Research of Environment and Resources under the auspices of the Council for National Security and Defence of Ukraine at which coverage of issues relating to population health is minimal. Among integrated indexes of the level of sustainable development not mentioned are those which characterise natural rate of population growth, reproductive losses caused by the falling of the birth rate. There are no indicators of risks to population health, caused by impact of negative parameters of state of the environment, indicator of average life duration after reaching the workability age etc.

10. In the process of assessing negative impact of bad environment on the health of population or individual person concept of risk is usually hardly used. Very limited is also usage of economic analyses for estimation of the efficiency of planned actions. This, in its turn, complicates quantitative assessment of the damage inflicted to the health of population and identification of priority actions aimed at reduction of such damage.

11. Between Ministry of Public Health, Ministry of Environment and Natural Resources and other ministries and committees nearly non-existent are any efficient co-ordination mechanisms which would focus efforts to solve such problems as quality of air, water, foodstuff, safe management of wastes, traffic, labour conditions in mineral extracting industry, agriculture and other problems. Also observed is poor co-ordination of actions of undertaken by national, regional and local authorities. Lacking is also an understanding that achievement of the objectives of the NEHAP is possible only when it will be implemented not as a series of individual projects under the framework of various measures, but when it will be

implemented as a systematic, objective-oriented state policy in the field of the environment and public health protection.

12. Implementation of the tasks of the NEHAP requires development of local action plans EHAP (LEHAP). Their development will be carried out in few stages, which would secure transparency and due account for local conditions. So far LENAPs were developed and approved only for Kyiv, Sevastopol, Nizhyn and in some other towns. In the same time, according to Decision of the CMU #1556 on 13.10.2000, Council of the Minister of the autonomous republic of Crimea, Kyiv and Sevastopol City State Administrations should elaborate and approve such LEHAPs for the period 2000–2005, taking into account regional and local peculiarities during six months after adoption of the LENAPs.

13. The necessity of supporting activities aimed at implementation of the NEHAP was confirmed again by the resolution of the joint board meeting of the MENRU and Ministry of Public Health of Ukraine devoted to discussion of the issues relating to environment and public health, which took place on 03.07.2001. However, this resolution of the boards of two ministries so far has not been fulfilled. The NEHAP was actually downgraded to the status of the ministerial program to be implemented by the Ministry of Public Health. Repeated requests of the public and experts forwarded to the Head of the Inter-ministerial Committee on Implementation of NEHAP, Minister of Environment and Minister of Public Health did not change this situation and not resulted in introduction of transparency into implementation of the NEHAP as is required by the European Plan on environmental hygiene.

14. It may be concluded that the Decision of the KMU, dated 13.10.2000 (No.1556) concerning implementation of NEHAP and LEHAP and provision of the support required for it at all levels of authority is not being fulfilled in a proper way. Analyses of the efficiency of implementation of the actions, stipulated by the NEHAP is not carried out. Still not defined are indicators to be applied for monitoring of the progress of the required actions implementation and for checking occurrence of diseases, caused by the pollution of the environment. Information of the public as to the progress of the NEHAP implementation is not carried out at all.

15. At the same time, priorities identified at the NEHAP are still remain to be priorities urgent for Ukraine. Implementation of the NEHAP is extremely important from economic, environmental and medical point of view. Its implementation will not only reduce the spread of diseases, caused by poor environmental quality, and improve the quality of environment in this country, but also will facilitate higher involvement of population into constructive activities in this area. Moreover, as was mentioned earlier, development and implementation of the NEHAP is one of preconditions for Ukraine to join EU.

16. The public can initiate and encourage co-operation between state, scientific and business circles aimed at development of LEHAPs as well as local environmental plans (LEP), which include issues relating to the environment and public health. Such direction of activities should be actively supported and further developed. So far, active and wide scale information of the population about the risks for human health and the environment and possible preventive measures to avoid them, has not been provided. MENRU, Ministry of Public Health and Ministry of Emergency Situations do not carry out joint information campaigns relating to these issues.

## 4.2. Impact of Quality of Environment on Public Health

17. The quality of the atmospheric air in Ukraine has improved recently due to stagnation of the industry, which is principal source of air pollution. Despite the fact that since 1990s total emission of some pollutants into air has decreased, concentrations of the pollutants in the ambient air of all major cities of Ukraine exceeds allowable levels.

18. In addition to the risk to human health posed by emissions from stationary sources of pollution, in large cities such risk is also caused by transport activities. In some cities air pollution, caused by mobile pollution sources makes about 60 – 90% of total pollution load. This does not include pollution caused by work of vehicles with diesel engines. But it is clear that their emissions also negatively influence human health. Decision of KMU dated 01.10.1999 (No 1825) envisages gradual elimination from usage of leaded fuel in Ukraine by the year 2005, but it is still used by a large number of transportation vehicles. It is necessary to carry out inventory of diesel-engine transportation vehicles and to speed up elimination from the usage of leaded fuel.

19. In 1998, the draft of « National program on Elimination of Leaded Fuel Usage in Ukraine» was considered. This program is a part of the project, undertaken by the UN/EEC Task Force and aimed at elimination of leaded fuel use by the year 2005. However, implementation of all measures aimed at elimination of use of lead from fuel in Ukraine faces organisational difficulties, lack of interest from business community and low purchasing power of the population.

20. Essential source of air pollution is old cars, imported to Ukraine. According to the law of Ukraine on « Introduction of the changes into legal acts regulating car market» starting from January 1-st, 2003 import and sale at the territory of Ukraine of cars not equipped with catalysers for neutralising hazardous fractions of emission gases from cars. Another adopted regulation prohibits from the same date use of the cars, which are already registered in Ukraine, but which are not equipped with such catalysers. However, majority of population of Ukraine having no sufficient income continues to buy and will buy old cars. This problem can be solved only when standard of life of the population will grow up and when the Ministry of Environment and State Traffic Inspection will secure efficient control of this process.

21. EIA for new roads is performed by the Ministry of Environment of Ukraine, but assessment of the state of the roads is carried out by the Ministry of transport of Ukraine. Assessment of potential impact of that or another state of roads on human health is not carried out at all. Noise monitoring is also not carried out. One may have an impression that information on road accidents and the risk associated with them on human health is not used at any level of state power. The National Report on Transport Impact on Health of Ukrainian Population and Action Plan on Introduction of Environmentally Safe and Sustainable Transportation also does not exist so far. It shows that the authorities are not interested in carrying out systematic state policy aimed at reduction of negative impact of transport on the population of Ukraine.

22. In those areas of Ukraine which have high level of air pollution occurrence of immunodeficient type of diseases. Taking into account the fact that one third of the population of Ukraine is subject to impact of excessive air pollution, such situation may to a certain extent



to explain the reasons for spread of infectious diseases such as diphtheria, tuberculosis and others as well as absence of required effect of vaccination of population. The number of cases of chronic bronchitis and bronchial asthma is also growing up. Bronchial asthma is widely spread disease in Ukraine and has been well registered. During last 15 years (1987–2001) the number of its cases grew up from 2.5 cases per 1,000 of population up to 4.58 cases. As for 01.01.2002 Ukraine had more than 225,000 of people with bronchial asthma. Majority of bronchial and lung diseases, in particular, bronchial asthma are caused by pollution of air with nitrogen oxides (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>) as well as by presence in the air of suspended solids and secondary pollutant – ozone (O<sub>3</sub>).

23. One of indicators of air pollution impact on human health is availability in air of solid particles with a size of below 10 microns (respiratory fractions, concentration of which in air is not measured in our country). In large cities of Ukraine total concentration of suspended particles in the air (of which 50–80% are respiratory fractions) is high and their average annual value makes up 100–400 micrograms /m<sup>3</sup>. About 16% of air emissions in Ukraine are of mutagenic nature. At the same time, monitoring of air quality is not capable to assess impact of such type of air pollution on human health due to limited nature and inefficiency of the existing monitoring system.

24. According to data of the Ministry of Public Health of Ukraine frequency of occurrence of cancer diseases, among which prevailing are tumours at the respiratory system, grows up. It was found that among 19 cities of Ukraine having different level of air pollution, the lowest expected duration of life (both for men and women) is observed at the cities with developed metallurgical and chemical industry as compared to the cities having no such industries and consequently lower level of air pollution.

25. In Ukraine, all indicators of oncological diseases relating to practically all tumours localisation are high. There is State hygienic normative « List of substances, products, production processes, domestic and natural factors, which are carcinogenic for humans». This list is subject to regular review and updating upon obtaining new scientific evidence. This document is for use by public health and environment protection authorities and organisations as well as public organisations. It should be used in the process of organisation and implementation of measures for prevention of occurrence of carcinogenic tumours, certification of workplaces, passportization of production facilities as well as for an expertise of whether

#### **Air Pollution in Kyiv caused by Transport Vehicles Emissions**

In Kyiv, local authorities till the recent time did not control establishment of new private bus passenger service routes. Private entrepreneurs defined their routs themselves basing on getting maximum possible profit, but not on basis of the interests of citizens or the city as such. In addition to it, all these passenger buses use diesel fuel, but not gas. Since all these bus routes cross the centre of the city where located are the most valuable historic and cultural monuments and citizens of Kyiv and its visitors like to rest, observed is the highest level of air pollution. One can not say that the local authority does not notice this problem. As a result, for example, Kyiv municipality took a decision to approve Kyiv wide program on « Ecology of transport» according to which about 55 thousand of transportation vehicles will be converted for usage of gas as their fuel, which would enable to reduce air pollution load by 10–13%. Also envisaged is establishment of natural gas filling stations across the city.

obtained oncological disease is of the occupational diseases type. It also is used for assessment of normative documents and production and products. Unfortunately, maximum allowable concentrations are still not specified for all such substances included into this List. Also, those substances for which MAC were established are not obligatorily indicated by the sanitary-epidemiological authorities even at foodstuff products.

26. Unsatisfactory conditions of technical facilities of the housing fund and high level of air pollution as well as wide use of household chemical goods and domestically used natural gas contribute to negative characteristics of the in-house ambient quality both for living houses and public or office premises. Total level of in-house pollution of air by chemical substances generated as a result of use during construction of synthetic building materials and application of detergents and other substances is 2–4 times higher than the level of pollution of the ambient atmospheric air and < for some substances, this figure may be even higher – up to 10 times. Besides, it is necessary to point out that existing building and hygienic norms and rules do not sufficiently well take into account existence of natural and climatic differences at different regions of Ukraine.

27. Very frequently, state of ventilation systems in houses and buildings is not satisfactory. It concerns, first of all, kindergartens, schools, medical establishments which all practically never have air-conditioning systems. As a result of increase in number of children in kindergarten groups and school classes, which was quite intensive in the recent years, quality of air in these types of establishments has sharply deteriorated. Relevant authorities, starting from the Ministry of Public Health and ending with the Ministry of Education of Ukraine so far has not developed appropriate inter-ministerial programmes aimed at solution of this problem.

28. Domestic and working premises have increased levels of pollution caused by operation of equipment generating electro-magnetic fields, radio frequencies, 50 Hz frequency electric and magnetic fields as well as static electricity fields and vibration acoustic impacts. In the recent time, observed is a tendency to increased UV load on humans. This is facilitated by wide usage of new sources of UV radiation not only at medicine and production, but also its domestic usage. Air pollution by freons, nitrogen oxides, aerosols, emissions of products resulting from partial burning of fuels cause depletion of the ozone layer and consecutive increase of natural ultraviolet radiation at near the earth surface layer.

29. Increased levels of noise have negative impact on human health and quality of life of people. It causes stress, sleep disturbance and can lead to increased risk of heart and vascular diseases. Adopted should be such a legislation, which would oblige local authorities to develop municipal noise maps and to take into account noise impact factors in the planning process.

30. About 23% of buildings in Ukraine have such levels of radon contamination, which exceed 100 Bq/m<sup>3</sup>, and 0.3% houses have the level of more than 200 Bq/m<sup>3</sup> and there is a great difference in this value at different regions of the country. However, there is no support from the state to implementation of measures aimed at reduction of risk for those who live at the territories or buildings subject to high level of radon radiation. Proper information of householders and population about the risks to health related to pollution of ambient air at living and workplace premises. Information on the need of preventive measures, such as aeration and ventilation of premises, should be accessible to population living at the high risk territories.

31. Combustion products in living premises become a special threat to health of children. Children, who were subject to impact of such combustion products, suffer from bad lungs, prone to more frequent respiratory diseases and juvenile forms of bronchial asthma. At the grown-up age they are subject to a risk of getting leukaemia and lymphoma.

32. Water supply to population of Ukraine is not equally distributed around the country. The highest deficit of drinking water is felt by the population of the southern and eastern regions of this country. Quality of water resources of Ukraine, and drinking water in particular, is regulated by Water Code of Ukraine, Law of Ukraine on «Provision of Sanitary and Epidemiological well-being of population», dated February, 24, 1994, Law on «Local governance in Ukraine», as well as by a number of other legal acts and regulations. According to the Decree of the Cabinet of Ministers of Ukraine on «Approval of Rules for state monitoring of the environment», dated 30.03.1998, #391 control over quality of water resources, within limits of their authority, is exercised by Ministry of Environment, Ministry of Public Health, Ministry of Agricultural Policy, State Committee for Water Resources Management, State Committee of Construction. Assessment of water quality is carried out in compliance with normative documents specifically for each type of water usage. At the present time, there is a draft of the Law on «Drinking Water» which is being currently discussed for possible approval.

33. Principal control of the quality of drinking water supply in Ukraine is carried out by a network of the offices of the Sanitary-epidemiological Service (SES) of the Ministry of Public Health. As for January, 2001, the SES controlled 21,216 centralised water supply facilities and 132,288 facilities of decentralised water supply. There is a difference in quality of water supplied by centralised and decentralised water supply facilities. So, the quality of water, supplied by decentralised water supply facilities, is worse (about 30% of water samples did not comply with existing quality standards as compared to only 5.7% of such samples taken at the centralised water supply systems). The principal cause for it is the fact that 55.2–60% of the decentralised systems do not have sanitary protection zones around the their water abstraction source and 27% of them do not have water disinfecting units. About 9% of centralised water supply systems and 29% of decentralised water supply systems do not meet requirements of standards regulating content of microbes in water. Rivers, water reservoirs, lakes and man-made ponds are subject to impact of effluent water discharges from 2,350 facilities, of which 40% discharge their effluents and waste waters without any pre-treatment or such treatment level, which does not meet standard requirements.

34. High level of infectious and parasitic diseases, outbursts of diseases, caused by water-borne agents demonstrate the need for improvement of the efficiency of measures, undertaken in order to prevent microbiological contamination of water supply systems. Special attention should be paid to analyses of water quality according to its virology parameters and impact on occurrence of virus infections, caused by such water. Lack of the required number of virology laboratories does not make it possible to carry our regular monitoring of circulation of pathogens of viral infections and efficiency of measures undertaken to treat the water against such pathogens. Only in some regions carried out are more or less regular analyses of drinking water as to availability in it of antigen of hepatitis A. Positive results of such analyses are observed in 6–7% of cases.

35. Level of information about chemical pollution of water is limited. Sanitary-epidemiological services at the district level do not have required equipment, therefore, samples are

forwarded to regional offices of the SES. However, it is done only in cases when there were special requests to make such analyses or in the cases of emergencies.

36. High level of drinking water mineralization which is observed at the southern districts of Ukraine, leads to increase of diseases of gastrointestinal tract, including such diseases as gastritis, urolithiasis, etc. Quality of water in the Rivne region, at Pollisia, as well as in the Carpathian and Near-Dniestr and other regions of Ukraine where observed is a shortage of microelements (I, Cu, F) also influences occurrence and spread of diseases. Studies of the impact on human health of drinking water with low content of microelements or excessive mineralization or other quality deviations, which are caused neither by chemical nor microbiological pollutants, are not funded and, therefore, are not carried out. Lacking in Ukraine is scientifically based programme, aimed not only at control and prevention of water pollution, but also at bringing drinking water quality, at the regions which are endemic according to availability of some microelements or level of water mineralization, up to proper physiological standards.

37. Positive development is signing by Ukraine on June 17, 1999 of the «Protocol on water and health» to the Convention on protection and use of transboundary water courses and international lakes» (1992), which was adopted at the 3-rd Ministerial Conference «Environment and Health» (London, 1992). Key obligation of the parties to the Protocol is identification of the specific indexes characterising access to drinking water and provision of its sanitary well-being as well as elaboration of a programme for achievement of these indexes. Obligations of the parties to the Protocol to this or another extent coincide with measures which are envisaged by the key normative and legal acts and documents of the state policy of Ukraine in the field of human health and environment protection. Slowing down of pace of activities aimed at preparation of the Protocol for further ratification is a very worrying phenomena. Such ratification could have become another important step to adaptation of the Ukrainian legislation with that of the EU.

38. Systematic measures aimed at securing safety of food stuff products are carried out by various organisations, though in a rather limited scale. Level of control of food stuff quality varies from region to region and access to information about the quality of food stuff products is limited. The Hazard Analysis and Critical Control Points System so far has not been introduced in Ukraine.

39. Ukraine does not comply with the requirements of the Universal Declaration and Action Plan relating to food stuff, which calls for governments and other sides to adopt and strengthen comprehensive measures aimed at control of quality and safety of food stuff products for protection of consumers. As a result, Ukraine did not elaborated and implemented any National strategy for securing safe food stuff. As for to-day, it may be surely stated that in Ukraine exists uncontrollable use of soy concentrates, isolates and fodder additives at poultry farming, milk processing and confectionery industries and consumers are not informed about this usage.

40. Ukraine has a very limited legal base for treatment of genetically modified organisms. Consumers and environment are not protected against influence of trans-gene organisms. It happens at the time when EU already in April, 1999 imposed moratorium on expansion of new species of genetically modified organisms, justifying it by the assertion that their safety for human health has not bee so far proved. The Government plans during this year to finance development of criteria for assessment of a risk of usage of genetically modified organisms. The draft law on «State system of biological safety during implementation of

genetic engineering works» was subject to the first reading at the Parliament of Ukraine, but due to considerable drawbacks this draft law was rejected.

41. Problem of storage and utilisation of industrial and domestic wastes, outdated and unusable pesticides is one of the most urgent in the area of the human health and environment protection. Majority of industrial and municipal wastes storage sites does not meet sanitary-hygienic standards. Major part of the hazardous wastes is stored in inappropriate conditions, including at overloaded storage sites. For securing safety for the environment and human health it is necessary to change approach to waste management. First of all it is necessary to carry out a policy aimed at prevention of wastes generation. Next priority should be given to wastes recycling, regeneration and burning. Burial of wastes should be considered as the last way of wastes disposal.

42. Every year the volume of wastes accumulating at towns and villages makes up 40 million m<sup>3</sup> (0.8 m<sup>3</sup>/per capita). These wastes are stored at 700 municipal landfills, 80% of which do not have facilities to prevent pollution of underground waters and air. The largest concentration of landfills is in the Dniepropetrovsk Region (140 ha), Donetsk Region (330 ha), Odesa Region (195 ha), Zaporizhzhia Region (153 ha). Operated currently are 4 waste incinerators, but their technological equipment does not meet modern environmental standards.

43. The number of enterprises, which collect hazardous wastes, makes up more than 2,500. Total volume of hazardous wastes accumulation is equal to 4 billion tons. Special group of toxic wastes is made up of unfit for use or prohibited for use chemical means of plants protection. Their volume in Ukraine makes up about 13,500 tons. They are stored all over the territory of Ukraine, often in unsuitable storage facilities or casual premises as well as under open air.

44. There are 109 centralised pesticides storage facilities, which are under control of the local authorities and about 4,000 of pesticides storage facilities owned by agricultural farms. Considerable majority of these storages pose serious threat to the environment and human health due to high toxicity of the components and inadequate conditions of their storage.

45. Soils are the biggest wealth of the country and the most difficult media from the point of view of its treatment against pollution. Chemical pollution of soils becomes secondary sources of pollution of air and water and high level of land ploughing becomes a source of air pollution by dust. In case of soils pollution by especially stable toxic substances to clean them required are complicated and expensive systems of soils treatment using sorbets, extractions and evaporation. The problem of regeneration of polluted soils is poorly elaborated from scientific point of view. This problem remains unsolved also in the cases when there is a need to carry out large scale soil regeneration measures.

46. Natural landscapes with protected biological cover guarantee rapid and complete transformation of pollutants, which negatively influence human health. Natural landscapes facilitate maintenance of good level of psychological health of people. The number of landscapes with preserved natural habitats during the recent decades have radically changed in Ukraine. High level of land ploughing (55%) and urbanisation of the territory of Ukraine (developed about 92%) cannot secure optimisation of the health of population of Ukraine. Absent are comprehensive programs for actions aimed at considerable reduction of the area of ploughed lands, rehabilitation of natural or quasi-natural landscape complexes and expansion of the use of natural landscapes for recreational purposes.

47. The Chernobyl Nuclear Power Plant was closed on December 15, 2000. However, there still remains a danger of further pollution of the environment. Shelter, built over the fourth block of the station, only partially closes remnants of the nuclear reactor. Due to extreme of works, it was built very quickly and not very carefully. The shelter is used for a long time. It is hard to conduct a good research inside the shelter due to high levels of radiation. Therefore, it may be subject to damage as a result of an earthquake or terrorist act thus creating further pollution of the southern and, possibly, other regions of Ukraine. In order to solve the problem of the Chernobyl NPP required is political will and considerable financial resources, which are limited today.

48. Direct impact of the consequences of the Chernobyl NPP accident on human health is expressed in external and internal exposure to ionisation radiation as well as in changes caused by stress and resettlement. To considerable extent this impact has been demonstrated in three groups of people: those who took active part in works on decontamination of the territory during the first two years; population living at the territories with high levels of radioactive fallout; people who were compelled to urgently leave their houses with the aim of avoiding impact of radioactive exposure. High level of diseases and low parameters of immune system were found at liquidators and their children (especially during the first year after the accident) as well as at re-settlers and their children. Major number of children have hyperplasia of thyroid gland, the nature of which is not completely clear. Studies aimed at identification of impact of stress, current infections, digestion and other disorders on general picture of disease are not carried out.

49. One of the factors of radioactive pollution remains to be mining of uranium and production of nuclear energy. Reservoirs located at the coal mining areas of the Kirovograd and Dniepropetrovsk regions contain about 60 million m<sup>3</sup> of radioactive water, which poses threat in particular to water bearing aquifers of the area. Information on conditions of these reservoirs and their safety is hardly accessible for population.

#### **Lviv Regional Programme for Management of the Unfit-for-Use Pesticides**

In the Lviv region, there are 750 tons of the unfit-for-use pesticides, often stored in contradiction to the requirements of the environmental legislation. In order to reduce their danger to health, the Lviv regional council approved for the next three years the regional programme on measures for safe management of the unfit-for-usage pesticides in agriculture. Such programme is the first in Ukraine. It was proposed to concentrate all such pesticides in one storage facility. For this purpose selected was the Ozhydivsky base-type pesticides storage facility, belonging to JSC «Agroservice», Busky village, storage capacity of which is 4,000 tons of pesticides. However, this storage facility will require some reconstruction. At the same time, population of Ozhydovo are worried by the decision to use this storage facility for storing all such pesticides of the region and started active protests. Head of the regional environmental department – Mr. Bogdan Presner assures the citizens that there is no danger in location of this storage facility near the village: «When this storage facility will be repaired and made to meet sanitary requirements, it will pose no danger» he said. If population of the Busky district will agree, the district will get additional 600,000 UAH as a compensation for location of this pesticides storage facility at the district territory. One of the alternatives is to store such pesticides at reinforced concrete containers. In general, this programme is for four years and its budget makes up 2.5 million UAH. However, the authorities currently wait for decision of the population of the Ozhydov village..

50. Assistance in normalisation of health caused by physical accidents has always been more efficient than attempts to eliminate consequences of psychosocial character. Therefore, with an assistance from UNESCO established was a network of consultative clinics. However, for majority of people still remaining as an urgent one is the need to develop and implement at the state level actions aimed at elimination of psychosocial disturbances. Current medical services do not provide such kind of assistance.

51. Survey of the sites formally used for military facilities, including sites where nuclear weapons were stored started in 1996. Some data were obtained, but understanding of the mechanism of the assessment of the impact of the former military sites on human health will require further studies. At present, in Ukraine there is no officially published list of chemicals, which were stored and currently are stored at military bases and there is no legally approved procedure for assessment of a risk of storage of such chemicals and their wastes to the health of people and environment. Ministry of Defence of Ukraine is responsible for implementation of the program «Rehabilitation of the territories polluted as a result of military activities during the period 2002–2015». However, implementation of this program is inefficient also due to lack of funding. The level of information of population as to the progress in implementation of measures envisaged by this program is unsatisfactory.

52. Extremely important is systematic information and education of population in the field of environment and human health. There is no comprehensive approach to future development of environmental awareness of population in Ukraine. The issues of environment and human health belong to those issues, which concern everybody without any exception. By carrying out education work at these area it may be possible to achieve considerable changes in peoples attitude towards protection of environment and thus, for protection of the health of the nation.

#### **«Improvements» of Legislation concerning the Environment and Health**

It is surprising and worrying that in April 2000, members of Parliament of Ukraine have initiated amendments to Laws of Ukraine, which disconnect human health and the environment. In the time, when it is proved that there is a direct dependency between human health and the state of the environment, the statements on the need of assessment of the impact of the object of environmental expertise on human health were excluded from Laws of Ukraine «On Environmental Conservation» and «On Environmental Expertise». Therefore, everything, related to negative impact of the state of the environment on human health were taken out of the competence of the MENR and the State Environmental Inspection. It violates main constitutional rights of the Ukrainian citizens. Such «improvements» of legislation are done not for the people, but companies, which are involved in activities, which can be dangerous for human health. Public appeal to the Constitutional Court concerning the violation by such changes of the right of a person for the safe for life and healthy environment, did not have any results yet because only deputies of the Verkhovna Rada can appeal to the Constitutional Court.





# Chapter 5

## Environmental NGOs

Compilers: **Roman Khimko** (All-Ukrainian Committee for Supporting UNEP, UkrUNEPcom),  
**Victor Melnychuk** (National Ecological Centre of Ukraine, Kyiv).

Materials for the chapter were given by:

**Roman Babko** (All-Ukrainian Environmental League, Sumy),  
**Andriy Kovalchuk** (Carpathian Environmental Club «Rutenia», Uzhgorod),  
**Vasyl Kostyushyn** (National Ecological Centre of Ukraine, Kyiv),  
**Serhiy Koretskiy** (Independent Intellectual Centre, Kyiv),  
**Serhiy Fedorynchuk** (Green World Ukrainian Environmental Association, Kyiv)

Propositions taken into consideration were given by:

**Ryma Ageykina** (Regional Centre of Environmental Education, «EcoDonbas», Horlivka town, Donetsk Oblast)  
**Oleksandr Bagin** (Donbas Green Movement, Horlivka town, Donetsk Oblast),  
**Volodymyr Berezin** (Environmental and Cultural Centre «Bakhmat», Artemivsk town, Donetsk Oblast),  
**Oksana Bilobran** («Mama-86», Kyiv),  
**Borys Vasytkivsky** (Eco-Pravo-Kyiv Environmental Law NGO),  
**Iryna Vykhrystyuk** («Renaissance», Tatarbunary town, Odesa Oblast),  
**Petro Hrytsyshyn** (Ukrainian Department of the World-wide laboratory, Western Centre, Lviv)  
**Serhiy Kolesnikov** (Green World, Voznesensk town, Mykolayiv Oblast)  
**Yuriy Golik** (Public Environmental Council of Poltava region, Poltava),  
**Mykola Korobko** (Green World, Kryvy Rih, Dnipropetrovsk Oblast),  
**Olga Lysenko** (Ukrainian Department of International Association «Human Ecology», Kyiv),  
**Yuriy Masikevych** (Bukovyna Department of National Ecological Centre of Ukraine «Krona»)  
**Halyna Oleynikova** («Mama-86», Artemivsk town, Donetsk Oblast),  
**Ala Pleskach** (Cherkasy Regional Organisation Green World),  
**Galyna Protsiv** («All-Ukrainian Environmental League», Berezhany, Ternopil Oblast),  
**Tamara Radchenko** (All-Ukrainian Charity Fund «Parostok», Kyiv),  
**Yuriy Romanov** (Odesa Administration for Association of Scientific and Engineering Associations),  
**Oleksandr Stepanenko** (Eco-Humanitarian Union «Green World», Chortkiv town, Ternopil Oblast),  
**Valentyn Stetsyuk** («Leo Union», Lviv),  
**Tetyana Tymochko** (All-Ukrainian Environmental League, Kyiv),  
**Petro Khalayim** (Lviv Regional Organisation of Ukrainian Society for Nature Protection),  
**Volodymyr Cherevatov** (Youth Public Environmental Union «In harmony with Nature», Chernivtsi),  
**Svitlana Chernykh** (Ukrainian Society for Nature Protection, Luhansk),  
**Serhiy Shaparenko** (Environmental Group «Pechenihy», Kharkiv).

### 5.1. State and Trends in Public Environmental Movement Development

1. Public initiatives are the base of the public environmental movement in Ukraine, institutionalised in a form of environmental non-governmental organisations (environmental NGOs) and local groups, created for solving certain environmental problems. Environmental NGOs are active mediators between governmental structures for nature protection and general public. By their actions, they wake and inflame public thought, consciousness, activity, they remind the government and all citizens of their obligations toward protection of the environment. They also stress the need of implementation of the idea of sustainable development and building of civil society.

2. Sociological data estimates that a number of people in Ukraine, who actively took part in a work of public organisations (including political ones) for 2000 year, were 20%, and people, who took part in organised public actions for saving environment – only 2% of adult population of Ukraine. Around 48% of adult population of Ukraine wanted in some occasions to take somehow part in a practical nature protecting measures. Thus, the low living level of the majority of population in Ukraine interferes with their public activity.

3. At the time of USSR, in Ukraine, there were two the most active groups: Ukrainian Society for Nature Protection (USNP) and students movement of the Teams for Nature Protection (TNP). USNP was the biggest environmental organisation at the national level. It is 55 years old now. Its activity was stable and effective for a long time due to collection member fees, organisational and financial support from the state authorities. USNP did not have a possibility to influence much governmental environmental policy in USSR. TNPs that existed in 1970–1980s were more independent. They gave a whole constellation of personnel for contemporary public environmental movement. There were around 40 TNPs in universities of Ukraine in different years. They consisted mostly of students of natural sciences faculties and were voluntary and self-organised unlike USNPs. After disintegration of the USSR, activities of TNPs almost lost its social function because new possibilities for participating in nature protection have appeared.

4. Since the time when Ukraine has got independence in 1991, the structure, character and the number of environmental movement has changed a lot. According to the data of «Directory of Ukrainian Environmental NGOs», prepared by the Centre for Support of Activity and Development of Public Initiatives – ISAR-Ednannia, in 2001 in Ukraine over 430 eco-NGOs were registered. Among them – 20 environmental NGOs of national level that according to the demands of Ukrainian legislation have not less than 13 regional branches. All regions of Ukraine have environmental NGOs but their distribution is not even. The majority of environmental NGOs are concentrated in the capital (over 100) and in some regional centres (about 10–20 and more environmental NGOs are registered in Donetsk, Kharkiv, Simferopol, Dnipropetrovsk, Zaporizhya, Mykolayiv, Odesa, Chernivtsi and Lviv). Over 120 environmental NGOs exist in the district centres and villages. In the villages, the biggest quantity of NGOs is placed in Lviv, Chernivtsi, Odesa and Donetsk region.

5. In Ukraine, there are governmental statistics on the staff and number of NGOs, but still it is not very objective regarding environmental NGOs and could not show the real conditions of the public nature protecting activities because it is difficult to distinguish environ-

mental NGO from other NGOs. Several organisations publish directories regarding environmental NGOs (ISAR-Ednannia, Counterpart, etc.). Nevertheless, these directories mention only those NGOs, who gave the information about themselves. These data quickly become old, because, from the one hand, new organisations appear, and from the another hand, due to quite hard financial and legislative conditions of activity, many organisations cease to exist.

6. From 1996, in Ukraine, the Public Council of Environmental NGOs under the aegis of MENRU is working. In different times, it included from 16 to 22 environmental NGOs of the national level. In many regions (as a rule under aegis of regional administrations of the MENRU), public councils, that unite regional and local environmental NGOs, are also established. Activity of the public councils is directed on getting more effective interaction of the MENRU and environmental NGOs in solution of environmental problems and in elaboration and implementation of environmental policy. Thanks to the Public Council initiative since 2000, All-Ukrainian conferences of environmental NGOs are organised. They are organised by the Organising Committee of environmental NGOs and are conducted for co-ordinating of activities and information exchange among representatives of the environmental movement. The members of the Public Council, members of many regional public councils and members of other environmental NGOs are taking part in its work.

7. At present, the majority of environmental NGO activists are engineers, school teachers, scientists, university teachers, students and pupils. Environmental NGOs have various professional staff. Their basis is qualified specialists with higher education (environmentalists, biologists, chemists, geographers, soil, forest and agricultural specialists, journalists, doctors, etc.). In recent years more and more economists, lawyers, IT and management specialists join the environmental NGOs activities. It indicates further professional diversification of environmental NGOs.

**Public Council of All-Ukrainian Environmental NGOs under the aegis of the  
Ministry of the Environment and Natural Resources of Ukraine**

1. «Ukraine. Agenda-21»
2. All-Ukrainian Charity Fund «Parostok»
3. All-Ukrainian Children Association «Environmental Guard»
4. All-Ukrainian Committee for Supporting UNEP (UkrUNEPkom)
5. All-Ukrainian Environmental Charity Fund «Geoeco-XXI Century»
6. All-Ukrainian Environmental League
7. All-Ukrainian Environmental Public Organisation «Mama-86»
8. National Ecological Centre of Ukraine
9. Scientific Technical Association of Power and Electrical Engineers of Ukraine
10. Ukrainian Botanical Society
11. Ukrainian Department of International Association «Human Ecology»
12. Ukrainian Environmental Association Green World (Head – Mykola Korobko)
13. Ukrainian Environmental Association Green World (Head – Yuriy Samoylenko.)
14. Ukrainian Geographical Society
15. Ukrainian Society for Birds Protection
16. Ukrainian Society for Nature Protection
17. Ukrainian Society for Sustainable Development

8. In Ukraine, as representatives of public movement estimate, there are «pseudo-NGOs» among public organisations. They are born by undeveloped legislation regarding NGOs and grant policy of international donor organisations. «Pseudo-NGOs» are legally registered as NGOs, but in reality they are created by governmental officers, commercial structures, political parties for serving their interests in the field of environmental policy, use of natural resources and providing other interests that have no relation to public activity. Pseudo-NGOs often can be consulting structures and different advertising centres, representative offices of some international organisations, funds, etc., whose activity is neither nature protecting nor public. Such organisations work mostly in Kyiv and large cities, where representatives of international charity funds are concentrated.

9. Activities of pseudo-NGOs often cause conflicts in the midst of environmental NGOs and are not approved by independent environmental NGOs. Leaders of local environmental NGOs characterise pseudo-NGOs based in the capital, as the ones, who have powerful support of officials; they are respectable and attractive from donor point of view; they have highly paid staff and office, active project activity. They have wide possibilities to engage specialists for developing professional projects and programs with high level of finance. They prefer to deal with getting grants for mediatorial, information, publishing and sociological work. In connection with decrease of volumes of the international help for environmental purposes in Ukraine, and closing of several representative offices and programs, the amount and activity of such structures have decreased.

10. It was decided to work out and approve «Behaviour Code of Ecologist (Nature Protector)» for declaring common purposes and values of public environmental movement and introducing a system of moral regulation of the activities and relationships between environmental NGOs at all-Ukrainian conferences. Code will be prepared and set for discussion at one of planned conferences.

11. At present, after several stages of development, public environmental movement in Ukraine became quite consolidated and professional. In 1992–1997, there was fragmentation of big environmental NGOs due to competition for spheres of influence and financial resources, fighting for leadership in environmental NGOs by themselves, and also under the influence of political structures in Ukraine. Though, since 1997, due to initiatives of some organisations and execution of a number of common projects, the tendency to unite environmental NGOs in associations, coalitions, work group according to environmental activities (or by regions) became obvious. At present, Ukraine has big unions of the national and local environmental NGOs: Ukrainian river network (over 70 members), Work Group for Global Climate Change Issues (25 members), Association of Carpathian Environmental NGOs, NGO Coalition «Donbas Green Movement» (40 NGOs), «Black Sea NGO Network» (the majority of Black Sea coastal NGOs), «Alter-Eco» coalition (30 NGOs), Azov-Black Sea Ornithologist Work Group and other associations.

12. Consolidating processes in Ukrainian public environmental movement are based on its self-organisation and structure. They are caused by self-consciousness of a role of Ukrainian environmental NGOs, their ambition to co-ordinate own activities for effective introducing the most contemporary world-wide nature protection achievements in the Ukrainian society, understanding of need to form new environmental policy and strategy of appropriate activities. They allow environmental NGOs to act more effectively and to turn to a real force in environmental policy. As a result of this unification, they start to implement common regional and local projects, create general informational space, circulation of knowledge,

skills, and experience. The activity of those environmental NGOs, which have lack of their own resources for solving a special environmental problem, increases.<sup>13</sup> Low financial support of environmental NGOs and correspondingly low payment for participating in the projects lead to the situation, when the most experts and activists of environmental NGOs work simultaneously to implement several projects, having another working place at the same time. It reduces their effectiveness. At the same time, environmental NGOs could not involve experts and activists on regular base. Many qualified specialists do not agree to work for environmental NGOs as volunteers or for low salary and it decreases the potential of environmental NGOs in project activity. Most members of environmental NGOs work for them only in free time.

14. During 1996–2000, processes of politisation of the public environmental movement were taking place. They were caused by eagerness of many political leaders to use environmental issues in their interests before the elections. So, with the initiative of the Green World Ukrainian Environmental Association, at the beginning of 1990s, Green Party of Ukraine (GPU) was created. Due to authority of environmental movement and involvement money of different structures, this party had a success at the elections in 1998. As a result, it controlled the activity of the Parliament Committee for environmental policy. As a matter of fact, there was a moral instability inside GPU and some of its members were businessmen

#### **Examples of Common Actions of Environmental NGOs in Ukraine**

In 2003, the Ukrainian coalition of environmental NGOs «For Wild Nature» have organised a public protest campaign against the construction of a navigable channel «Danube – Black Sea» through the strictly protected territory of the Danube Biosphere Reserve, that was supported by a large number of local and foreign NGOs.

All-Ukrainian association of environmental NGOs «Ukrainian River Network» (URN) in 2000 worked out a program of its activities for 7-8 years and it is actively implementing it now.

NGO Working Group on Global Climate Change Issues actively works and introduces all-Ukrainian informational events regarding the problem of the global climate changes.

Since 1999, a group of public organisations of Sumy and Akhtyrka has lobbied the establishment of the National Nature Park «Trostyanetsko-Vorsklyansky». Today, a positive decision concerning this natural park establishment is being made.

The Parostok Environmental Charity Fund exists as a network of environmental educational organisations and centres. Every year, they involve thousands of pupils and volunteers of nature protecting movement in their activities. It organises or takes part in such an all-Ukrainian events: «Bird of the Year», «Earth, Live», «Alive water», «Toward Clean Springs», «Rivers of My Childhood», «Coastal Protecting Zones», «Learning to Conserve», etc.

In 1996 and 1998, under initiative of National Ecological Centre of Ukraine, two national public environmental information campaigns «Alive water-96» and «Alive water-98» were conducted. Thousands of citizens took active part in it.

Due to initiative of Public Council, the Decree of Cabinet of Ministers of Ukraine #51 «Regarding Annual All-Ukrainian Competition «Toward Clean Springs»» was adopted on the 24th of August 2001. It was the first environmental competition in the independent Ukraine. Its purpose was to extend practical nature protecting activity, aimed at improvement of conditions of springs, rivers and estuaries of Ukraine and rational use of water resources.

and people far from environmental problems. GPU activity was directed towards success in business and towards parliamentary and managerial carrier of its leaders, not to the solving environmental problems and involving the public to that. As a result, at the last elections, people of Ukraine did not elect GPU to the Parliament.

15. Public mostly negatively evaluates politisation of public environmental movement. At the Second All-Ukrainian conference of the environmental NGOs (Kyiv, 2001), the following decisions were made:

- to regard the public environmental movement as a self-supported force;
- do not consider any political party as a political guard of the community of environmental NGOs;
- do not perceive attempts of politicians to use experience and authority of the public environmental movement for their election ambitions;
- to condemn the attempts of political parties to use untrue environmental information as an instrument of elective technologies.

16. Environmental NGOs and political parties are public communities according to the legislation of Ukraine. Though they have principally different aims and objectives (often even contrasting). The majority of Ukrainian political parties does not understand and does not try to understand and introduce ideas of sustainable development and protection of the environment. At the same time, some political parties support nature protection movement. For example, All-Ukrainian Environmental League was created with the help of the People-Democratic Party of Ukraine.

17. In some cases, politisation of public environmental movement negatively influences the relationships among environmental NGOs. At the same time, there is a positive practice, when local organisations of the conflicting (due to political reasons) environmental NGOs of the national level, successfully and effectively co-operate via Public Councils for implementation of common environmental objectives and projects. Ukrainian environmental NGOs are ready to co-operate with all political parties and their parliamentary fractions under condition of their participation in solving a specific environmental problem.

## **5.2. Objectives and Directions of Activity of Environmental NGOs**

18. In democratic countries, NGOs are one of the main structural elements of civil society. All NGOs, including environmental ones, are aimed to represent interests of different groups of the public. They should assist the development of the governmental policy and improvement of the system of the state management, to provide public monitoring of this management, to guarantee of democracy and to initiate processes of public participation in decision-making process.

19. The majority of Ukrainian environmental NGOs regard as the main purpose of their activity the realisation of public control of the effectiveness of environmental activities in the state, keeping its constitutional responsibilities in this sphere for all citizens. The important objectives of NGOs are:

- providing public monitoring of the state of the environment;
- participation in elaboration of local, regional, state, inter-state and global environmental policy;

- participating in control of effectiveness of using the budget money for nature protection purposes;
- participating in practical realisation of measures to solve environmental problems and evaluate its results;
- informing of public about environmental problems and way of their solving;
- promoting of environmental awareness of Ukrainian citizens, spreading of moral bases of nature protection and rational usage of natural resources among the population.

20. To solve these tasks, Ukrainian NGOs worked out the wide range of methodical approaches and modes. Some instruments are essentially different from the ones, used in the governmental and business sectors. These instruments are:

- independent elaboration of draft secondary legislation regarding the environment with its further popularisation and sending to the authorities;
- establishment of consultative bodies for authorities;
- initiate the conduction of public hearings connected with nature protection, organisation of «round tables» and discussion clubs;
- involvement of mass media for highlighting of the nature protecting activity and creating own mass media with environmental content, spreading explanations and comments on the governmental documents and state proceedings;
- formation of public attitude to environmental policy both at the state and regional levels;
- creating of independent experts network, informational centres for different directions of environmental activity, centres of independent public monitoring;
- creating databases of environmental information and information about environmental activity;
- independent educational and enlightening work with different groups of population;
- organisation of campaigns against unjustified and environmentally dangerous projects, and also support of the projects of environmental re-naturalisation;
- providing eco-judicial help for environmental NGOs and citizens;
- involving of private and governmental business money to environmental projects, lobbying nature protection interests in the parliament and at the regional level.

21. Success of the environmental NGOs activity and their influence on environmental policy in Ukraine depends on how they can provide:

- political support and involvement of people and organisations that are capable to influence managerial decisions;
- access to mass media, information sources and official documents relating to the environment and environmental policy;
- enough financial and administrative resources for own activity;
- strategic partnership with the population, nature users, officials, producers;
- public awareness of the importance of an environmental problem and environmental NGO activity related to it;
- working out accessible and real alternative projects;
- conducting independent public monitoring;

- selecting professional chiefs and leaders, who is able to ground conclusions and proposals, operate with information, communicate with the public and other NGOs, use experience of organisation of the nature protecting measures;
- supporting of the population and partnership with business structures.

22. The biggest amount of environmental NGOs works in the following directions of environmental activities: environmental education, expert activity, control of the condition of natural resources, informing and environmental propaganda, environmental actions, etc. The activity of those NGOs that mostly consist of scientists and professional ecologists is directed towards conservation of biodiversity, creating nature protecting territories, preparing public eco-expert assessments, providing public environmental monitoring. Numerous environmental NGOs deal with environmental journalism themselves or interact with mass media. Many environmental NGOs direct their activity on solving problems of sustainable development and rational use of nature, development of environmental law, medical ecology, and energy conservation. A bunch of environmental NGOs deals with publishing. There is a lack of environmental NGOs, working in such directions: legal, environmental manufacturing, waste recycling, eco-philosophy and introducing of ethical bases of sustainable development.

23. The very important role of environmental NGOs of Ukraine is forming a conscious attitude of citizens to environmental problems, to the idea of preserving of the environment as a unique historic-cultural heritage of Ukrainian people, and also providing of environmental educational system. In spite of the weak interaction of NGOs that work in a field of environmental education with the departments of Ministry of Education, the environmental campaigns, actions, and competitions for children, pupils and students are conducted annually. Due to the participation of the local environmental leaders and environmental NGOs under aegis of educational institutions, a considerable amount of ethnological and environmental centres, circles and clubs work. Environmental NGOs try to co-ordinate their activity in this direction.

24. Signing and ratification by Ukraine of the Convention on Access to Information, Public Participation in Environmental Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention) improved a little the situation with informing of the public about state of the environment. However, there is no clear governmental policy in this direction. In fact, all accessible sources of environmental information, special state periodical environmental editions (TV and radio channels, newspapers and magazines) are absent in Ukraine. Ukrainian eco-NGOs, being aware of the level of existing environmental problems and importance of informing the public for their solution, prepare and publish a large amount of publications with an environmental content.

### **5.3. State of Environmental NGO Co-operation with Governmental Bodies, Other Social Institutions and Social Groups**

25. Analysis of interaction among environmental NGOs and state authorities shows that officials in Ukraine insufficiently understand or do not want to understand the peculiarity of activity, functions and capabilities of environmental NGOs, the role of the public. In most cases, NGOs activity that does not correspond to the understanding governmental policy by a certain state body or its head perceives as hostile. Unwillingness of the authorities to take into consideration ambitions, rights and needs of people creates the situation in Ukraine,



when numerous environmental NGOs have not enough ways of influence the decision making, development and implementation of environmental policy, can not fully execute their public functions, and to assist in building of democratic society.

26. In the «Main Direction of the State Policy of Ukraine in the Field of the Environment, Use of Natural Resources and Providing Environmental Safety», ratified by the Resolution of the Verkhovna Rada of Ukraine №188/98-VRas on 03/05/1998, public is not regarded as a partner of a state nature protecting services. From 37 chapters of «Main Directions...», public is mentioned only once – in environmental legislation chapter (chapter 14).

27. At the international and national level, it is said a lot about interaction of environmental NGOs and governmental structures. The authorities actively declare it. At the same time, changes in the Ukrainian legislation, that ratification of Aarhus Convention demands, still are not made. The ways of providing access for public to the environmental information and justice just start to develop. Moreover, it is done mainly thanks to initiative of environmental NGOs, not state authorities.

28. State authorities do not co-operate with environmental NGOs in field of elaboration of budgets for nature protection funding and control over expenditures of the National and Local Environmental Funds. According to many environmental NGOs, allocated money often are not used for the nature protecting measures but to fund works that have not direct relation to them. For example, according to the announcement of environmental NGO «Renaissance» from the Tatarbunary town, Odesa region, today the Head of Environmental

#### **Influence of Environmental NGOs on Decision-Making Process**

In 2000, All-Ukrainian Environmental League (AUDEL) came forward with initiative to conduct parliamentary hearings regarding environmental issues. In the preparation process, the fraction of the People-democratic party in the Verkhovna Rada and AUDEL have conducted 5 workshops regarding environmental legislation, biodiversity conservation, energy preservation, recycling and utilising of toxic waste, soils preservation and renovation, using fossil fuels. From the results of each workshop, proposals for parliamentary hearings were worked out and reference materials were published.

In 2002-2003, eco-NGOs that deal with problems of river protection received the support of UNEP-GEF Program on Dnipro Basin Environmental Rehabilitation. They have got a possibility to work actively in elaboration of Strategic Action Program for Dnipro rehabilitation, which is an intergovernmental document that will regulate activity of governments and public of three Dnipro countries (Republic of Belarus, Russian Federation and Ukraine) concerning problems of Dnipro conservation.

At the same time, the work group of the environmental NGOs regarding the problem of climate changes has own representative in Governmental Interdepartmental Commission on Climate Changes (GICCC). However, they have not possibility to influence on state decisions concerning this problem. Despite declaring participation of the public, recently changed government found itself unable to assign new Head of the Commission and to call a session.

National Ecological Centre of Ukraine has also a representative in the Co-ordinating Council on Establishment of the National Ecological Network. In spite of this, it has no possibility to influence on decision-making in the framework of implementation of «General State Program of Establishment of National Ecological Network of Ukraine for 2001-2015» because session of the Co-ordinating Council has not called yet.

Commission of Regional Council is Mr. Buziyan. Some time ago, abstraction of water resources at Tatarbunary district was managed by his organization. At the same time, he is taking a post of the Head of the Regional administration of water resources and personally approves division of regional environmental funds. The main part of EF expenditures is used to fund activity of the Regional administration of water economy and, accordingly, for implementation of similar works.

29. In spite of fruitful activity of the Public Council of the MENR of Ukraine, environmental NGOs practically have not possibilities of direct interaction with other ministries and agencies, which activity is connected to the environment, such as Ministry of Agricultural Policy, Ministry of Defence, Ministry of Economy and European Integration, Ministry of Transport and with State Committees of Water Resources, State Committee of Forestry, etc. That ministries and agencies perceive the activity of environmental NGOs as interfering with the normal development of economy and important state decision-making.

30. Practical experience of co-operation of environmental NGOs with all-levels nature protecting structures shows, that at the moment only such methods as public hearings, round tables, workshops and conferences are the most effective to influence the authorities and to involve the population in important environmental decision-making. In some regions of Ukraine, there are many examples of conducting the local referendums, carnival manifestations, public demonstration of «green spots» for officials and directors of some enterprises and inclusion of some of them into so called «Black List of Nature Killer», etc. Authorities avoid interactions with environmental NGOs in carrying out such measures in many cases. So, Kyiv city administration did not support conducting the public hearings regarding building additional nuclear reactors on Khmelnytsky and Rivne Nuclear Power Plants. Kryvyi Rih city authority did not help conducting public proceedings of environmental NGOs during actions of environmental NGOs Work Group on Global Climate Change.

31. According to the Law of Ukraine «On Environmental Expertise», public hearings should be conducted in cases of environmental dangerous facilities building and implementations of environmentally dangerous projects. However, today procedures for organisation and carrying out such hearings are defined only for the nuclear power projects, though there is no provision on how to regulate such public hearings and what is legal status of the results of such hearings.

32. NGOs have no right of legislative initiative, so opportunities of environmental NGOs to collaborate with legislative authority structures of different levels plays important role. These possibilities are quite limited, because environmental NGOs do not have enough influence and resources to compete in important environmental decisions lobbying with commercial structures and political communities, with separate deputies and high-level officials. Only few public environmental initiatives find their reflection in legislative authority decisions. Mostly it can be noticed at the local councils level and in such places, where environmental NGOs representatives are deputies. Unfortunately, the Committee of the Verkhovna Rada of Ukraine for environmental policy has never invited members of the Public council of the MENR of Ukraine to participate in its sessions, where law projects and other normative acts were discussed. It was one of the reasons that on 6th of April 2000, the Verkhovna Rada ratified amendments to the Laws of Ukraine «On Environmental Protection» and «On Environmental Expertise», according to which every points, regarding harmful pollution influence on the environment and people's health were excluded from the text of those legal acts. So everything connected with negative influence on the state of the

environment and people's health was subtracted from sphere of the MENRU and State Environmental Inspection activity. This fact broke fundamental constitutional rights of Ukrainian citizens.

33. It is early to talk about effective environmental NGOs interaction with production sector, heads of industrial enterprises and commercial structures. Large and environmental hazardous enterprises are the main environmental polluters and natural resources users. Priority of their activity is not sustainable nature use (that also can bring profit, if planned properly), but getting maximum and quick profit. Often this profit is formed not due to production effectiveness, but intensive usage of accessible natural resources, export of raw materials and economising on nature protecting measures. Such activity of industrial enterprises is a subject to environmental NGOs criticism. Activity of international (joint) ventures, that import out of date or environmental hazardous technologies, especially the «dirty» production facilities, and export raw materials, calls criticism from environmental NGOs side too.

34. Sometimes we can hear speculations of manufacturers and branch ministries, oligarchic structures about national security interests as for example in the point of nuclear power facilities, power-generation capacities, transport infrastructure, etc. They organise supportive actions for environmentally hazardous projects and activities through mass media, often speculate on population patriotic feelings, their willingness to improve life quality. If environmentally dangerous projects have serious financial and power support, NGOs can hardly be successful. For instance, many years, the opposition between the public and authorities concerning the building up of new blocks at Khmelnytsky and Rivne Nuclear Power Plants continues. Ministry of Transport of Ukraine for several years plans to build a navigation channel «Danube – Black Sea» using budget money in a strictly protected zone of the Danube Biosphere Reserve. Only NGO involvement stops this anti-natural project.

35. From the very beginning of environmental public movement, scientific institutions closely interact with environmental NGOs. Lack of financing of scientific institutions often pushes their management to co-operate with environmental NGOs, involving of environmental NGOs representatives in implementation of a range of scientific works. And on the contrary, environmental NGOs often involve scientific institution experts in the process of their projects implementation. At present, collaboration of Ukrainian environmental NGOs with scientific organisations goes better than with any other institutions.

36. Environmental NGOs actively co-operate with mass media. They regularly inform it on their activity. Journalists, as a rule, are always invited to participate in workshops, round tables, conferences, and public hearings for highlighting the mass nature protecting measures, actions. Though, most mass media, especially in large cities, do not intend to publish environmental-oriented information, and information about environmental NGOs activity particularly. Governmental and commercial mass media rarely give environmental NGOs the opportunity to publish their own materials. Local mass media (of a district and small town level) work with environmental NGOs more but the attitude of these mass media to environmental NGOs is defined by local authority attitude to their activity.

37. Environmental NGOs collaborate actively with international organisations and charity funds. However, many donors orient environmental NGOs to implement projects that are more suitable to their activity priorities, than to the priorities of Ukraine and Ukrainian environmental NGOs. A lot of environmental NGOs want to get financial resources for sup-

plying of their own existence direct their activity for donors needs. They do not care of their own policy and social interests.

38. Considerable part of Ukrainian population admit that there are serious environmental problems and it is necessary to solve them immediately, although they do not know enough in environmental policy sphere. According to the result of sociological surveys, 55% of the people were not sure whether their participation in nature protecting activities can be effective and lay down solving of all environmental problems on the state authority. 58% of population only «sympathised» to public environmental movement and environmental NGOs. This data testifies that population is not enough acknowledged with activity of environmental NGOs and there is a low level of general understanding of a public role in improvement of environmental situation in Ukraine. Although the Ukrainian population is willing to live and work in a safe environment, we can often see the conflict of private and public interests, when introduction of environmentally hazardous projects in a certain town is connected with new working places, high salary, manufacturing privileges etc.

#### **5.4. Legal, Social and Economic Conditions of Ukrainian Environmental NGO Activity**

39. In existing Ukrainian legislation, there are some differences in definition of non-governmental organisations. So, the term «citizens community» is the most general and concerns public organisations, professional unions, political parties (Constitution of Ukraine, art. 36). The term «public organisation» determines citizens communities created for satisfaction and protection of their legal social, economic, creative, ageing rights. «Charity organisations» are non-governmental organisations that realise charity activity according to the Law «On Charity and Charity Organisations». The term of «non-profit organisations» is regarded as the most complete and full (in a project of Civil Code of Ukraine for NGOs determination the term of «non-profit organisations» is used). It covers all organisations, mentioned above. Simultaneously the term «public organisations» gradually disappears from legislative acts.

40. Laws and legal acts that regulate environmental NGOs statute, economic, charity activity and taxation not only contradict one to another but are also terminologically intricate. Moreover, a range of legislative norms put NGOs (and environmental NGOs accordingly) in one row with governmental (budget) organisations and institutions, enterprises, private commercial structures etc. Limitations and inaccuracy of statements of legislative acts that regulate activity of NGOs, often their free interpretation negatively impact on NGOs activity. Being underdeveloped in resource, financial and administrative aspects, NGOs hardly can correspond to their activity legal terms proposed by the government.

41. The main and only legislative act that defines a NGOs statute activity in the legal field, is the out-dated Law of Ukraine «On Public Unions» by 1992. Statements of this law do not correspond to other legislative acts that regulate NGOs activity. Many legislative changes regarding terms of NGOs activity were done after 1992; sources of financing were changed, registration conditions, reporting demands, etc. Though new amendments (till 2001) to the Law of Ukraine «On Public Unions» were inserted only into the part that regulates political parties activity and the order of preparing statutes. The brought in amendments have not improved conditions of NGOs activity at all.

42. According to the Ukrainian legislation, governmental structures that get financing from state budget are regarded as non-profit as well as NGOs, because both do not have income.

Though it is clear that these organisations are different. That is why it is incorrect to include them into the same record. As one of the results, data concerning the size of tax privileges given to non-profit NGOs are overstated. Thus, according to the State Tax Administration of Ukraine (STA) data, as for the year 2000, 79,561 organisations are included in record of non-profit organisations. Among them, 2,007 organisations are charity ones (2.5% of all NGOs) and 12,100 – public organisations (15.2% of all NGOs). Total sum of subsidies, received by registered NGOs, formed UAH 1,615 million and non-paid tax from this sum – UAH 425 million. At the same time, the general income of all charity organisations formed UAH 127 millions, and non-profit organisations – UAH 160 million, i.e. less than budget «conditional losses».

43. In 1997, legal condition of environmental NGOs activities became more complicated. Tax privileges from contracts connected to environmental activity were taken off. It was also ratified a new version of the Law of Ukraine «On New Assessment of Enterprises Income» on 05/22/1997 and the Law «On Charity and Charity Organisations» #531.97-VR on 09/16/1997. Adoption of laws became a chain of additional contradictions in the legislation. So, environmental NGOs, which had not a non-profit status, were equalled to commercial structures in the questions of tax obligations and account. Now we cannot clearly define principles of giving tax privileges, in particular, for international technical assistance projects, in cases of transferring NGOs collective members' money fees, sponsors and donors donations. NGO can freely choose their assessment status and not to obtain a non-profit status. In this case, NGO loses possibility to get purpose grants, as far as it should pay value-added tax (VAT) from all financial incomes (excluding VAT, taken into goods and services account).

44. Taxation of all without exceptions judicial persons – financial activity subjects – in Ukraine is regulated by the Law «On Enterprises Income Assessment». The article 7.11 of this Law is dedicated to taxation of those NGOs, who have non-profit status. This legislative norm gives NGOs privileges on VAT, but in fact deprives NGOs the possibility to have income, even if it is not shared between members of the organisation, but used in statute purposes and NGO development.

#### **Problems of NGO Registration**

For example in 2000, during new registration of National Ecological Centre of Ukraine (NECU) as a non-profit organisation, it was a problem with allowing to lead informational and publishing activity, and also conducting mass proceedings – conferences, workshops, action etc. In a letter of STA of Starokyivsky district in Kyiv #4540/10/15-2123, it was mentioned that governmental officers regard these kinds of activity as profitable. However, after long negotiations, the NECU has attained all needed permits to conduct such activities. Though, there is another example. The community of citizens «Public Committee for Preserving Bereznyaky Wild Nature», created in 2000, has got a refusal in a state legalisation because the organisation statute activity purpose did not satisfy Kyiv Administration of Justice. Activities of the organisation include the right of publishing activity, involving volunteers in its actions, possibility to present its activity outside the territory where it is located. The Supreme Court of Ukraine confirmed that such actions of the Administration of Justice do not contradict to the national legislation of Ukraine. The Committee was announced out of law. Founders of the Committee consider these steps of the state structures as violation of human rights. Now this case about refusal in registration of the Committee as a case about breaking the Article 11 of European Human Rights Convention (right for free associations) is accepted to consideration in the European Court for Human Rights (Case #40269/02 «Koretsky and others against Ukraine»).

45. Overburden reporting stays a problem of environmental NGOs, especially small organisations that have no serious income and expenditures. Preparing quarter tax and accounting reports demands many people and financial resources, highly qualified staff and time. Whether having money at bank account and administrative personnel or not, the registered NGO is forced to spend about 2 weeks every quarter for presentation of reports to the tax inspection and different obligatory funds, and to spend money for buying blanks and writing texts on CDs or floppy discs. It is important to take into account that NGOs, which get grant costs, also make a separate financial report for sponsors according to donors' rules.

46. Recording and control structures functions and warrant overlapping has negative impact on the NGOs activity effectiveness. To be registered, an environmental NGO should submit a bunch of documents to the registering structure (Ministry of Justice of Ukraine, Regional Administrations of Justice, State District Administrations): application, statute, institutional assemblies protocols, information about founders, directing structures, Head of organisation (for branches and representative offices), document that confirms presence of juridical address (accommodation leasing contract). State Tax Administration (STA), Pension Fund, Social Insurance Fund, Employment Fund demand the same documents.

47. In Ukraine, due to contradictions in legislative acts, faulty system of giving registration documents, faulty schedule of taxation, and inconsistency of these structures actions, many problems with registration and «legalisation» of statute kinds of environmental NGOs activity and giving tax privileges occur.

48. In Ukraine, there are two groups of NGOs that differ by legalisation procedure, legal status and activity technology. The first ones are NGOs with legal persons status, who have state registration code, right for stamp, bank accounts, estate and personnel. Second NGOs group is communities of citizens, which legalise themselves by announcing the state authorities of their existence, activity purpose and responsible persons. Such NGOs activity is provided for the money of interested persons. These communities are less dependent from state rules of economic activity running, but more unstable regarding possibilities to use citizens' community rights fully. For example, during 2002, a nature protecting citizens community «Public Committee for Preserving the Lake of «Kachyne djereltse» in Natural Condition» (Kyiv) gave all necessary information about their foundation without becoming a legal person to the registration body three times – and three times they have got a refusal! Last time people simply did not have enough money for paying legal services that the registration structure demanded to execute.

49. Another point that negatively impacts on environmental NGOs activity effectiveness is impossibility to receive highly qualified legal advice. Consulting departments of the STA structures cannot consult environmental NGOs professionally though it is their direct obligation. For paid legal advice, environmental NGOs do not have free money. Existing in Ukraine, NGOs network «Ecopravo» that is specialised in environmental law field is unable to react adequately to growing needs of environmental NGOs.

50. At the end of 2000, the Verkhovna Rada of Ukraine adopted the Laws of Ukraine «On Modifications and Amendments to the Decree of the Cabinet of Ministers of Ukraine «On Profit Tax on Citizens», through which the meaning of charity help was changed. Disregarding environmental NGOs and charity organisations opinion during its elaboration, this law caused appearing a number of items in its text, which, actually, prevent environmental NGOs effective work. During conducting the round table, which was organised with

supporting of International Fund «Renaissance» in 2001 in the framework the project for improvement of legislation for the environmental NGOs, it was stated, that this legislative act should be considered not as a single event, but as a tendency, that negatively characterise state attitude to environmental NGOs activity. The adopted Decree is a bright example of non-systematic legislation priority. It regulates not only taxation of citizens, but considerable part of the questions of status of some organisations, and especially charity one. In particular, according to the new edition of the Decree, natural persons already have not possibility to give real money for environmental NGOs and to receive by this enough tax privileges. Earlier, a natural person could transfer charity money up to 1500 non-taxed UAH per year (12 minimum salaries). Now he can transfer 4% of his payment up to UAH 200–300, which is only up to UAH 150 per year.

51. Compare this: donors (physical persons) in the US have right to subtract from taxation base up to 50% of year gross profit, and juridical persons – up to 10% of taxation base. In Spain, donors (physical persons) have right to subtract up to 30%, in Slovakia – up to 10% from taxation base, related to the size of payment on the environmental NGOs account. In Hungary, physical persons have right to transfer 1% from their taxation to the needs of environmental NGOs. Large number of donations, tax-free, in such countries as the USA, Canada, the Netherlands, and Germany has contributed to the creation of massive charity funds, which support non-profit public organisations, including Ukrainian ones.

52. The reason of many problems of environmental NGOs activity is fact that during many years, the work of Ukrainian governments had one clear goal – to receive maximum taxes from every organisation and each individual of any kind and public value of their activity. In it particularly, conscious or unconscious desire of state structures to put under control and to restrict activity of independent environmental NGOs could be traced. Members of environmental NGOs consider it as a humiliation of their dignity.

53. Sociological surveys among environmental NGOs show that lack of material resources and money for statute activity, institutional development and information negatively influence on their activity. Inadequate financial supply of most environmental NGOs and no perspectives of stable financial support make them vulnerable and unstable. In many Europe countries, the main source of financial supply of environmental NGOs activities is state environmental programs (70–80%), charity donations part oscillate from 1 to 12% of their income. According to facts of «Intersection» magazine, in 1999, 21% of environmental NGOs in Ukraine had no financing at all, and 28% of them had income up to UAH 5,000 (about 900 USD).

54. So far Ukrainian funds, which support public nature protecting activities, are not established. The National Environmental Fund has a lot of users. It is managed by many organisations: the MENRU, Ministry of Economy and European Integration, Ministry of Finances, and at the local level by the regional administration only. Money use is not quite clear, and as a result ineffective. NGOs can receive some money from this fund in exceptional cases only. In many cases, environmental NGOs experience persecutions from the Control-Revision Administration for use of the budget money, like for example, it recently happened to the Institute of Ecology (INECO).

55. Today, the state has no political will, desire and possibilities to support environmental NGOs at budget expense. There is no All-State program of assistance of environmental NGOs nature protecting activity. Developed by representatives of environmental NGOs in

1998, «Concept of Nation-wide System of Economic Stimulation of Public Environmental Initiatives «Public initiative» gave principal solution of that questions. It was offered to the President of Ukraine as a basis for making order in this branch, but there was no political will to realise it. It is more advantageous for the state government structures to have a «pocket» («pseudo») environmental NGOs, than to create conditions for effective interaction with environmental NGOs, including accepting of such programs. This program can become the best way to spread the environmental activity in the society. The absence of economical incentives for the enterprises, organisations and physical persons, which could provide financial help for the public environmental movement, makes attracting charity donations problematic. Business activity is forbidden for environmental NGOs.

56. Today, unprofitable environmental NGOs, including environmental ones, are deprived of judicially correct opportunity to receive Ukrainian state budget money, even in conditions of participating in tenders, because it contradicts to the Laws «On Enterprises Profit Taxation» and «On Civil Unions». There are no legislative acts about environmental NGOs participation in the state tender procedures, attracting environmental NGOs to implementation of the state environmental projects and programs, financial state support of the Public council nature protecting activities is absent.

57. There are a number of other problems that negatively impact on the environmental NGOs activity effectiveness, in particular:

- there are no ways of wide informational support and popularisation environmental NGOs activity, particularly via the state mass media;
- intensive information of public and environmental NGOs about state environmental policy implementation and activity in the branches that directly pertain public life, environmental safety and protection of different social groups and separate citizens' interests, is not supported. Already a few years, the MENRU, the state organisation that the most actively co-operates with public, is planning to open an informational centre, intended for the environmental NGOs and citizens, which are interested in environmental problems. But opening and functioning of such centre seems quite impossible because of the lack of financial resources and officials political will. They do not consider creation of such an informational centres in other ministries and departments as well;
- there are no ways and procedures of public monitoring of actions, aimed at elaboration and implementation of the state environmental policy, activities of state environmental authorities at the national and local levels, compliance of the state structures to the obligations, defined by Aarhus Convention on public participation in environmental-related decision-making;
- lack of secondary legislation, which regulate conducting of public hearings, parliamentary hearings, procedures of calling off, by the public decision, the deputies, which assist socially and environmentally dangerous decision-making. Methods of public involvement in the environmental impact assessment, and environmental expertise, etc. are not elaborated.

58. In connection with a number of difficulties in Ukrainian environmental NGOs activities, it would be good to conduct a public information campaign and to initiate conducting of parliamentary-public hearings for environmental NGOs activity conditions improvement.



# Chapter 6

## Environmental education and information

Compiler: **Olena Pashchenko** (All-Ukrainian Children Union «Environmental Guard»)

The chapter uses materials and proposals provided by:

**Olexandr Bagin** («Green movement of Donbas», Gorlivka town, Donetsk Oblast),

**Olexandr Belyakov** (Institute of Journalistic, Kyiv National University),

**Natalia Berdous** (All-Ukrainian Children Union «Environmental Guard», Lutsk),

**Nina Likhota** (Kherson Regional Youth Centre),

**Victor Melnychuk** (National Ecological Centre of Ukraine, Kyiv),

**Olexandr Ostroverkh** (All-Ukrainian Children Union «Environmental Guard», Dergachi town, Kharkiv Oblast),

**Oxana Polivchak** (Eco-Environment, Zhydachiv, Lviv Oblast),

**Tamara Radchenko** (All-Ukrainian Charity Fund «Parostok», Kyiv),

**Svitlana Sykvarova** (Green World, Artemivsk town, Donetsk Oblast),

**Rostyslav Synelshchikov** (All-Ukrainian Environmental League, Donetsk),

**Olga Skirchuk** (Carpathian National Park, Yaremcha, Ivano-Frankivsk Oblast),

**Natalia Sobol** (All-Ukrainian Environmental League, Bylakhivka village, Pavlogard Rayon, Dnipropetrovsk Oblast),

**Oksana Stankevych** (Regional youth environmental association «Ecosphere», Uzhgorod),

**Bohdanna Stefanyuk** (Carpathian National Park, Yaremcha town, Ivano-Frankivsk Oblast),

**Yuriy Tomilin** (Mykolayiv regional branch of the Ukrainian Environmental Academy of Science, Mykolayiv),

**Roman Khymko** (All-Ukrainian Committee for support of the UNEP),

**Lesya Khurtenko** (All-Ukrainian Environmental League, Smila, Cherkasy Oblast),

**Natalia Cholovska** (Ecoterra, Lviv).

### 6.1. Current State and Perspectives of Environmental Education

1. At the present time environmental education is considered as one of the strongest tools, which can secure change of the attitude of the people and society to the environment from destructive and consumer type to careful, saving and rehabilitating attitude. An objective of environmental education is to help formation of such behaviour, which will not cause destruction of the habitat and will facilitate expansion of practical skills required for development and implementation of effective solutions aimed at protection of the environment; provide close ties between the processes of education and real life by applying interdisciplinary approach. This is important instrument of application of the constitutional right of each citizen of Ukraine to such environment which is safe for life and human health as well as the right for free access to information on the state of environment, quality of food stuff products and domestic appliances and the right to spread such information (art. 50)

2. The need to develop environmental culture as a component of the general culture of a person is underlined in the State National Program «Education. Ukraine-21», «National Doctrine of Education Development», «National Up-Bringing Concept». At the same time, development of the system of environmental education and upbringing is not priority of the state policy of Ukraine.

3. The need to develop environmental education and upbringing is caused by the fact that every citizen of Ukraine demonstrates lack of knowledge relating to issues of rational utilisation of the natural resources and protection of environment, low environmental culture, low level of environmental awareness and frequent lack of concern about urgent environmental problems.

4. General negative tendencies, which are observed in the system of education also influence the state of environmental education. The system of environmental education in Ukraine continues to be fragmented, conceptually weak, has declarative nature and as a result is inefficient. Critical state of environmental education and upbringing is caused by:

- long history of prevalence of consumer attitude to nature
- lack of knowledge about and destruction of popular traditions of the rational use of nature
- underestimation of the importance of environmental knowledge in the system of education
- lack of required legal base
- poor responsibility of the bodies of executive power
- lack of control over progress of implementation of adopted decisions
- poor material, technical as well as methodological support of the process of education and upbringing
- inefficient system of teaching and retraining of the personnel
- lack of state support for the activities of public associations, youth organisations and other structures dealing with environmental education

5. Ukrainian institute for study of the environment and natural resources of the National Security and Defence Council of Ukraine and Scientific and Methodological Centre of Higher Education of the Ministry of Education and Science of Ukraine developed a draft of «Concept of environmental education in Ukraine». The purpose is to form environmen-

tal culture of individuals and of the society as a whole, acquirement of environmental knowledge, establishment of habits, environmental thinking and environmental awareness with all these elements used for developing an attitude to the nature as universal, unique value. The concept was approved by the decision of the Board of the Ministry of Education and Science of Ukraine (protocol № 13/6–19 from 20.12.2001). This concept outlines strategic directions and tactical tasks for development of environmental education and declares principles of comprehensivity and continuity of environmental education from the childhood to the very old age. Unfortunately, so far no plan of actions for implementation of principal recommendations of the concept has been prepared.

6. Advanced pedagogical practice has an experience of effective introduction of the elements of environmental education and upbringing. But, the state educational authorities demonstrated the lack of readiness to develop and implement new teaching programmes in the field of ecology, environmental protection, rational use of natural resources. It is caused by deterioration of the public budget funding of the educational system, lack of finance for upgrading its material and technical basis, absence of sufficient number of educational and methodological books relating to environment and valeology, shortage of qualified teaching staff. Unsatisfactory conditions of the environmental education and upbringing system in Ukraine necessitates urgent measures to be undertaken by the state and increased attention on behalf of the public.

7. At the level of child preparatory schools elements of environmental education and upbringing are introduced only by some teachers-enthusiasts. But teachers from preparatory schools do not have either required methodological literature or methods needed for organisation of continuous, but not occasional lessons with children of the pre-school age, aimed at obtaining by these children of basic knowledge in the field of ecology and learning environmental behaviour rules.

8. In 1993, Ministry of Education of Ukraine distributed a programme of the teaching course on «Foundations of Ecology for 8–11 Classes of Secondary School with Environmental Profile and for 10–11 Classes of General Secondary Schools». After this event, started at the secondary schools was a «wave» of active actions aimed at development of environmental education and upbringing of school children. But in the course of the following 5 years the situation deteriorated due to:

- Reduction of the volume of state budget funding for schools;
- Lack of funding needed to upgrade material and technical base of schools;
- Lack of teaching books and methodologies in the field of ecology and valeology;
- Ruining of the system of re-training of ecology teachers at regional institutes of advanced training of teachers (such re-training courses became irregular and non-compulsory);
- Reduction of number of teaching hours, allocated for «optional» re-training courses;
- Increase of teaching load on teachers.

Under such conditions, system of school and out-of-school environmental education can not secure formation in children of a special attitude to nature, life, environment as well as development of an individual with ecocentric world-view, environmental culture and environmental thinking.

9. Very often environmental education and upbringing are mainly oriented at transfer of special knowledge, principally in the area of theoretical basis of fundamental and applied ecol-

ogy, but not at ability to analyse and use acquired knowledge in life. Basic issues relating to environmental problems are presented at school-level natural science subjects such as «Geography», «Chemistry», «Physics», biology relating courses such as «Our countryside», «Biology of Plants», «Biology of Fauna», «Human biology», «General Biology» and «Foundations of Ecology». However these courses provide only theoretical knowledge and hardly ever envisage carrying out any practical exercises through which children can get useful skills for undertaking environmental studies, environment protection actions and to perceive surrounding world. Established is a situation when obtained at school knowledge become separated from daily life and exist by itself.

10. Absence of the systematic view of what exactly should be environmental education and upbringing of schoolchildren also negatively influences the level of their awareness of environmental issues. Upbringing exercises at schools are generally limited by carrying out of the «Environmental weeks», within the framework of which organised are excursions to various natural and nature protection objects, competitions and quizzes, painting contests, relating to environment. These actions are very useful, but not sufficient.

11. One more important problem of the efficient development of environmental education and upbringing is shortage of text-books, manuals, additional teaching materials, popular books, (such as fairy tales, stories, essays), magazines, TV broadcasts, cartoons, feature films, social advertisements which would meet current requirements and helped to establish at schoolchildren ecocentric world-view.

12. Important area of the system of environmental education and upbringing is out-of-school education and upbringing facilities. Such education is carried out at ecology & nature centres, palaces of children and youth, houses of children creativity, young naturalists stations. These facilities provide more varied forms of environmental education and upbringing than those provided at schools. However, at curriculum of the out-of-school education and

### **Out-of-university Environmental Education in Mykolayiv**

At Mykolayiv State Pedagogical University (MSPU) in addition to teaching to students of the principles of ecology during lectures and practical exercises, in the recent years expanded became the practice of the out-of-institute environmental education. Students from different faculties of the university take active part at environmental programmes, undertaken by the specialised departments of the university, primarily by its Scientific & Methodological Centre (SMC) of MSPU, established in 2000. This centre provides scientific and methodological support to implementation of the « University and school level environmental programme of Mykolayiv region for 2000–2003», developed by the MSPU and approved by the Ministry of Education and Science of Ukraine. The objective of this programme is instilling into students and schoolchildren feeling of responsible attitude to nature, native land, social awareness and readiness to active actions aimed at protection of nature. Within the framework of this programme, the Centre managed in 2002 to carry out a programme of the first stage of public environmental monitoring of the state of environment and health of population living at the riparian areas adjacent to the South Bug estuary, near Mykolayiv terminal for reloading of mineral fertilisers. This programme envisages carrying out joint environmental research by scientists – ecologist of the Mykolayiv branch of the Ukrainian Academy of Sciences and scientists from SMC of the MSPU as well as with activists from among students and schoolchildren, living at the settlements close to this terminal.

upbringing still not sufficiently high attention is paid to problems of exhaustibility of natural resources, use of water, search for alternative sources of energy, problems of collection, screening, storage and utilisation of wastes, overpopulation and famine at the planet, problems connected with intrusion, by using methods of genetic engineering, into natural genotypes of plants and animals, production of food stuff containing genetically modified organisms, problems of urban ecology and others. Besides that, such nature study centres are attended by some children who have some specific interest in natural sciences disciplines. So, out-of-school environmental (or more biological) education is of selective character, so far still of elite type and does not have mass spread. Funding for such centres, located at small towns are far away from living quarters, is quite low. It leads to the situation that such centres are hardly ever are attended by children. In many large cities, there are no specialised educational facilities for out-of-school environmental education and upbringing.

13. Today, at higher education establishments faculty taught as an individual subject is «Foundations of Ecology». This subject is not considered as an important one by students, therefore, their attitude to it is not serious one. The cause of such attitude is poor methodological base, formal, academic, and essentially theoretical presentation of the principles of ecology as one of branches general biology. Students, presented with the «Foundations of ecology» course, as a rule do not get principal thing – understanding of interrelations, existing in nature, understanding of their own part in the surrounding them world and sense of responsibility for things they do. Both at institutes and schools poorly provided is environmental education of an individual and formation of the basis of his environmental culture.

14. There are no programmes of environmental education for civil servants of the state. It negatively impacts efficiency of state management, including that of environmental protection and natural resources use in Ukraine. That is why it is necessary to introduce principles of environmental science into all teaching curricula of advanced training arranged for civil servants. Special concern is caused by the lack of educational programmes aimed at training, re-training or advanced training specifically for civil servants working at environment protection organisations. The need for such programmes is caused by low level of training of the staff of these organisations in some subjects including such as environmental policy, environmental law, economic and financial analyses of the environment protection measures.

## **6.2. Public Involvement in Environmental Education Development**

15. For many years representatives of the environmental NGOs work on development and implementation of out-of-school programmes and curricula for environmental education and upbringing, aimed not only at transfer of theoretical knowledge, but more oriented at practical, research-type work, involvement of youth into various environmental undertakings. They develop special environmental training: lessons, exercises, eco-games which help young people to develop eco-centric world outlook. However, the experience gained by environmental NGOs in arranging out-of-school environmental education is not fully used or ignored at all by the state authorities.

16. NGOs, in that or another form, disseminate environmental knowledge, and are engaged into environmental education. Thanks to their activities, considerable part of population acknowledges the existence of environmental problems and the need to their urgent solution, though it still poorly orients itself in issues concerning individual environmentally acceptable behaviour or environmental policy as a whole.

17. Engaged into environmental education and upbringing are also children public organisations, such as those dealing with environmental issues, tourism and study of local lore and countryside. For example, All-Ukrainian Children NGO Environmental Guard permanently carries out work on development and implementation of new programmes in environmental education and upbringing as Environmental Guard Skills, Environmental Guard Gatherings Programme, Environmental Guard of Your Own Future. The School Environmental Leader Programme was created in order to support development of individual capabilities of children and teaching them practical skills for public work. Such schools operate at regional and district branches of the NGO Environmental Guard. In order to form environmental culture of the youth, involve children and young people into environmental movement, search for and support of talented children and young people, develop new creativity trends in the youth activities organised on annual basis is the Fresh Wind Festival of environmental creativity. Participating at this festival are school environmental theatres, sponsored by the Environmental Guard. All-Ukrainian competition, entitled «My voice I give for Nature Protection» has a number of nominations, at which both children and adults can participate, which includes: environmental poster, drawing, poem, environmental story, lesson in ecology, photographs, etc. Organisation and carrying out of the environmental competitions and quizzes, training seminars, environmental excursions, establishment of environmental clubs, centres and creative workshops is an integral part of the Environmental Guard activities.

18. In the town of Gorlivka, Donetsk Oblast, operating during many years is the Children Environmental Centre «The Bee», activities of which expands to the whole region. On the basis of this centre, created in 1997 was the Children Environmental Association «Green Country». This association publishes its own newsletter «The Bee». This newsletter is distributed not only at the region but also at the territory of Ukraine as a whole. The above centre and association have their own programmes of environmental education and upbringing. Young ecologists performed a lot of useful activities such as: survey of rivers, clean-up of sites, where sources of drinking water are located, tree planting, studies, participation in competitions and quizzes, arrangement of environmental camps and expeditions.

19. All-Ukrainian Environmental League develops its own educational and publishing programmes. The book series such as « Environmental education and upbringing», « Nature protection actions», «Play together at the Nature» become of use for teachers and a young leader-ecologist. Such books include proposals as to plans of environmental lessons organisation, extracurricular activities, relating to environmental subjects, recommendations on carrying out practical environment protection actions. Environmental games are used during lessons and in extracurricular works.

20. Regional environmental youth NGO «Ecosphere», Uzhgorod has developed «Programme of environmental education and upbringing of the school age youth «School at the Nature». This programme is being implemented by this organisation during 3 years at secondary schools No. 12, 8 and 19 of Uzhgorod. The programme was taken as a basic one by the municipal department of education and recommended for use by all, without exception, schools, gymnasiums and lyceums of Uzhgorod. Also by the decision of the municipal department of education, established on the basis of the «Ecosphere» Organisation is Little Academy of Sciences of Ukraine (speciality – ecology) at which students can carry out practical environmental studies and pass thesis of their own research papers. Specialists of the «Ecosphere» are invited to deliver lectures and carry out training and workshops for teachers undergoing advanced training courses at the regional Teachers advanced training institute.

21. Donetsk Regional Environmental Association «Green Movement of Donbas» created in 1996 Regional Centre of Environmental Education «Eco-Donbas». Attached to the Centre is a methodological cabinet, creative group of teachers and educators, as well as open is the only one in the region library with books on environmental education and upbringing for children. The centre regularly organises trainings in modern technologies and methods of environmental education and upbringing of children at schools and pre-school establishments. The public centre carries out large scale publishing activities and opened a branch of the department of ecology of the Small Academy of Sciences.

22. One of important functions of the Carpathian National Nature Park is to carry out environmental education and upbringing. Main attention is paid to pupils of schools and to people having holidays at the health & recreational facilities. Environmental education activities are carried out by the department of public relations and environmental education of the park. One of used forms of environmental upbringing, implemented by the park, is organisation of children environmental press conferences. Pupils, in the process of their preparation to such conference study various literary sources relating to ecology issues. After such press conference pupils make a wall-mounted newsletter, devoted to the topic of the press conference.

23. One of the forms of environmental education is eco-tourism. Till the recent time, this important type of activity was not supported by the appropriated legislation. All-Ukrainian Environmental League initiated preparation of required materials needed for the Parliament of Ukraine to consider the draft of Law on « Rural environmental tourism». The objective of this draft law is to establish legal base for establishment and development of eco-tourism at the rural areas, facilitation of creation of organisational and legal as well as economic foundation for investments, population employment growth, development of the allocated recreational territories by securing rational usage of historical and cultural heritage, protection of the legitimate rights and interests of tourists and entities of the tourist business by specifying their respective rights and obligations.

### **6.3. Public Awareness on Environmental Issues**

24. Environmental policy can be also implemented by organisation of information and education work with the major groups of population. The quality of such work, its regularity and orientation to great extent influences state of environment and human health as well as efficiency of natural resources use and as a result of all of it general level of social and economic development of the society as a whole. In the «Principal directions of the state policy in the field of environment protection, use of natural resources and securing of environmental safety» it is outlined that establishment of a system of environmental education, upbringing and information of population is one of the priorities of the state policy of Ukraine in the field of environment protection, use of natural resources and securing of environmental safety. Ministry of Environment and Natural Resources of Ukraine is responsible for preparation and publishing of the annual National Report on State of Environment in Ukraine, which is disseminated to general public, international organisations, scientific and business circles. However, the Ministry of Environment does not publish a report on progress of implementation of the state environmental policy in Ukraine and, in particular, any report on progress in implementation of the « Main Directions...», mentioned above.

25. In Ukraine, level of the population information on issues relating to protection of the environment is insufficient and unsatisfactory because of the following:

- In Ukraine there are no ecology-oriented periodicals with nation-wide circulation, regular environmental TV and radio programmes, used for information of the widest possible circles of the population;
- There is no system of certification of leading officials of the national and local executive power branches as well as managers of enterprises, establishments and organisations as to their knowledge and application by them of the guidelines, stipulated at the Aarhus Convention;
- Introduced into information space of Ukraine are programmes and advertisements which advocate amorality, hatred to people, violence (e.g. «Last Hero», «Weal Link» films), smoking, alcoholism, and negatively influence psychological conditions, psychic and physical health of the people of Ukraine, especially of youth.
- At the legal level there are no conditions created for provision of access to environmental information and no mechanisms exist so far for obtaining such information.

26. Lack or low quality of information become not only the reason for inflicting damage to objects of nature, pollution of water sources, but also frequently are the cause of many crimes. At the state level, degree of information of the population remains unsatisfactory not only because of shortage of radio and TV programmes on environmental education for children and the youth, but also because of lack of desire to inform the public about environmental decision making.

27. Environmental information, delivered by the mass media, society receives mainly in the form of occasional news about environmental accidents, catastrophes, natural disasters or about what «good thing» as for today did the President, Government, individual political party figures or NGO, which have financial resources to advertise themselves, had made for environment. Only some author programs of environmental orientation prepared by few journalists (Vitaliy Gopkalo, Veronika Makoviy) are broadcasted by the Ukrainian radio on more or less regular basis.

28. At the same time, heavily and positively advertised by the oligarchic structures in the mass-media are environmentally unsafe projects. Principal attention is paid to creation of new jobs and consequent promises of high salaries. Such type of advertisement is facilitated by the bodies of power, which quite easily provide various tax benefits to such environmentally unsafe projects and producers. Very often, in order to develop required public attitude used are speculations related to the patriotism of the public and low level of awareness of the citizens. The necessity to implement environmentally unsafe projects is presented from the point of view of the interests of the national security, economic and social necessity. Objective information, results of independent environmental, social and economic assessments of such projects are not made public.

29. At the central TV channels there are very few environmentally oriented programs such as, for example, «Green zone» (STB, financial support of the Green Party of Ukraine), and environmental section of the program «Extraordinary situation» (TV channel «1+1», financial support from the Ministry of Extraordinary Situations). In the recent time, an environment protection section was included into TV program «Parliamentary Gerald» (TV channel UT-1). NGO «Green file» together with a TV studio «TV-Tabachuk» broadcasts environmental journalism TV program «Zelepukha».



30. In Ukraine, functioning are a number of specialised NGOs, which work as information agency and undertake measures aimed at increase of information level of the general public about environmental issues. These NGOs include «Centre of environmental education and information», information and publishing centre «Green Dossier», ISAR-Ednannya, Charity Fund of environmental, Tourist and Educational Information «WETI» (Lviv), which issue regular information bulletins. Environmental NGOs also publish periodical newsletter, such as «Native nature» (Ukrainian Society for Nature Protection), «Green World» (Green World Ukrainian Environmental Association), «Oikumena», «The World in Your Palms» and «Dnipro: Partnership for Environmental Rehabilitation» (National Ecological Centre of Ukraine), «Live Ukraine» (UkrUNEPCom), «Sprout» (All-Ukrainian Charity Fund «Parostok»), «The Bird» (Ukrainian Society for Bird Protection), «Environmental news» and «Environmental physiology and noospherology» (All-Ukrainian Environmental League) as well as «Naturalist» (League for protection of the right for life). The above mentioned sources of information for population have limited circulation. Due to lack of financial resources they are published on irregular basis and some of them are close to extinction.

31. There is also a network of electronic publications, which are devoted to the problem of environmental protection and use of the natural resources. Among them mentioned should be weekly digest «Ecoweek» (Charity Information and Publishing Centre «Green Dossier»), Web-page «Reproductive Health» (Charity Fund «Health of woman and family planning», information bulletin, (ISAR-Unification), «Wild field» (Environmental and Cultural Centre «Bakhmat»).

32. Practically speaking, no library located in small district centres receives periodical publications, from which it could be possible to obtain information about the state of environment of Ukraine (for example, such as the «National Report on the State of Environment in Ukraine» or any other environmental periodicals). These libraries also do not receive any other popular or scientific publications, which at the modern level would cover the issues relating to the state of environment in Ukraine, as well as recommendations concerning sustainable development or rational utilisation of natural resources.

33. Practically speaking, in Ukraine there are no non-commercial, independent thematical mass-media at which NGOs could make public their achievements and intentions, publish there press-releases, problem-oriented materials or to carry out independent discussions. At the same time, regional and local TV stations broadcast video information releases, produced by NGO. Also, local mass-media (at the level of districts and small towns) cooperate with NGO on a much willing basis, because at a small population centres saturation of the information field is lower. Considerable role in policy pursued by local mass-media in respect to NGO plays attitude of the local authorities to the activities of NGO.

34. Level of information of NGOs about possibility of getting state funding needed for carrying out measures aimed at environmental education and upbringing of the youth, as well as for information, in particular by inviting to tenders still remains unsatisfactory. Within the Ministry of Environment of Ukraine there is a department of public relations, but information on possibilities for NGOs to get required funding or to take part at the international projects and programs is either not provided by this department or is provided with long delays.



# Chapter 7

## Management of Natural Resources

Compiler: **Serhiy Tarashchuk** (National Ecological Centre of Ukraine)

The chapter includes the materials and suggestions provided by:

**Olexandr Bagin** («Donbas Green Movement», Gorlivka town, Donetsk Oblast),  
**Antonina Galkina** (Mykolayiv Club of Support to Sustainable Development «Joint Actions»),  
**Victor Demchenko** («Tavrian Nature Reserve Assistance», Melitopol),  
**Valery Denshchyk** (Lugansk Environmental Organisation «Green World»),  
**Oleg Derkach** (Head of the Public Council attached to Mykolayiv Regional State Department of the Environment),  
**Valery Dobrovolsky** (Society «Knowledge», Mykolayiv),  
**Andriy Kovalchuk** (Carpathian Ecological Club «Ruteniya», Uzhgorod),  
**Ganna Kolomiets** (Mykolayiv Regional State Department of the Environment),  
**Mykola Korobko** (Green World, Kryvy Rih, Dnipropetrovsk Oblast),  
**Georgiy Lysychenko** (Green World Ukrainian Environmental Association, Kyiv),  
**Oleg Lystopad** (Coalition «Alter-Eco», Kyiv)  
**Andriy Mygal** (Carpathian Ecological Club «Ruteniya», Uzhgorod)  
**Volodymyr Sesin** (Kyiv Environmental & Cultural Centre),  
**Roman Khimko** (All-Ukrainian Committee for support to UNEP, Kyiv),  
**Iryna Khoroshko** (Green World, Kryvy Rih City, Dnipropetrovsk Oblast),  
**Svitlana Chernykh** (Ukrainian Society for Nature Protection, Lugansk).  
**Serhiy Shaparenko** (Environmental Group «Pechenihiy», Kharkiv).

## 7.1. General Situation

1. In the Ukrainian society the idea that natural resources are the only material reason for existence of any human society, still did not become prevailing idea. Political structure is determined by the economic basis which itself is inherently connected to the quantity and quality of natural resources available for usage.

2. It is necessary to point out that during 1991–2003 a lot has been made in order to improve the efficiency of the state management of the natural resources use in the country. So, a number of instruments of economic regulation and influence on users of natural resources were developed and introduced into practice with a purpose of reduction of negative consequences of their activities on the environment. Expanded was the list of natural resources which are subject to regulation by normative acts, imposing fees for their usage (including, wildlife, fish and other aquatic wildlife species). The level of charges for pollution of environment has been increased. These charges were used as a basis for creation of out-of-budget funds for environmental protection. In the State budget of Ukraine singled out was a separate budget item «Protection of natural environment and nuclear safety». However, introduction of fees for use of water, forest and mineral resources did not secure such level of economic influence on producers at which they would become materially interested in introduction of «clean» production technologies.

3. Established system of management of natural resources use is not efficient. Such situation caused many negative consequences, such as:

- excessive level of regulation of the Dnipro River flow as well as river flow of many other rivers of Ukraine;
- development of the processes of soils and land degradation and under-flooding of territories (at the present time, 30% of soils in Ukraine are partially or very saline; 14% of soils are eroded; 8% have high level of acidity; 5% have excessive moisture content or are subject to secondary bogging processes);
- approval, practically without any alternative solutions, of the project for construction of bridge-type over-crossing at territory of the sacred place for Ukraine – Historical and Cultural Reserve «Khortytsia»;
- construction of water-reservoir and pump-storage hydro-power station at the Southern Bug River within the boundaries of the Regional Landscape Park (jewel of nature) «Granite-Steppe Pobuzhzhia»;
- development of the project for construction of deep-water navigation channel «Danube – Black Sea», crossing the territory of the Danube Biosphere Reserve, which is controlled by UNESCO and by the Secretariat of the Ramsar Convention;
- unjustified cutting of forests;
- Development of industry in such cities, as for example, Mariupol which is located at the coast of one of the most fish-productive seas of the world and in the climatic zone, favourable for development of sanatoria, resorts and tourism;

4. There are very many such examples. It also includes support, at the state level, of ecologically dangerous projects which do not comply with existing legal norms of Ukraine and inflict great damage to natural resources of our country; completion of the Tashlyk and

Dniestr HAPS; building of a canal across the zone of strict protection – Danube Biosphere Reserve; construction of oil terminal directly at the Odesa bay, practically within the boundaries of world-wide known site «Zernov's Field» and other examples. Also mentioned should be protests of coal miners against closure of unprofitable and deadly dangerous mines of Donbas, which are operated with breaking of legal and technological norms, caused by the fact that the miners do not hope for any possible help from the state

5. An obstacle on the way to efficient legal regulation of conservation, use, and restoration of natural resources is the existing system of production, which is irrational and harmful for nature and health of the population. Legal nihilism also has negative impact on efficiency of management of natural resources use. Cause of such nihilism is long-term existence under conditions of the totalitarian society. It is manifested in dictate of the ministries-monopolists, first of all those which deal with management of natural resources (raw materials) and energy resources, which got accustomed to behave like a state within the state and to treat the government as something like «their own co-ordination board of directors».

## 7.2. Biological and Landscape Diversity

6. The World Summit on sustainable development, which took place in Johannesburg in 2002 (RSA), underlined the fact that biological and landscape diversity plays important role in the processes of sustainable development and fight against poverty.

### Completion of the Tashlyk Hydro Accumulative Station (THAS)

Since the USSR times, in 1987, idea of implementation of draft project of enlargement of the Southern Ukrainian energy complex was causing a surge of public protest started in Mykolaiv and he Mykolaiv Oblast. Main demand of the public was to conduct the State Environmental Expertise of this project with involvement of scientists and the public.

Evaluating today the situation with completion of the Tashlyk HAS, it is worth mentioning the following. Each year, there are more factors against completion of the Tashlyk HAS. Project solutions, which were progressive couples decades ago, became regressive. Despite this, in June 2002, the Premier-Minister of Ukraine A.Kinah, who accidentally has turned from regular opponent of the THAS completion to its supporter since his move from Mykolaiv to Kyiv, adopted a decree on its completion. During the last 10 years, it was already a lot of said and published regarding the problems of the THAS completion. A large number of state expertises, round tables, public hearings were conducted since then; a lot of money is spent etc. But as a result, instead of compliance to legislative requirements, including environmental legislative ones, we have «cost-benefit analysis». What is not taken into consideration is the fact that the operation of the THAS and Olexandrivsky water reservoir will connect the Southern Bug and Tashlyk water reservoir, which serves as a cooler for the Southern-Ukrainian Nuclear Power Station. As a result, workers of the plant will probably receive a cheap system of cooling the reactors, more benefit from production and exporting abroad energy due to the use of the biggest river of Ukraine. Probably in the case of the THAS completion, the state authorities in the Mykolaiv Oblast will keep their regular promises, which are made for already 10 years in order to get the support of the public, that there will be no energy short-cuts in the villages around the NPS; a number of objects of social use and a by-pass highway around the Tashlyk water reservoir. But one result will be reached for sure: Mykolaiv population will have the destroyed Southern Bug. Population of Ukraine will lose unique historic places, the last authentic landscapes of the Zaporozka Sich, which is precious sanctuary of our nation. Young Ukrainian democracy will lose also one more hope to build a legal state.

7. In Ukraine preserved are some wonderful, unused territories, especially forests and wetlands, which are nearly ruined or destroyed in the Western Europe. For example, 90% of the central part of the Carpathian Biosphere Reserve are covered with forest, majority of which still remain in unused, precinct state. Preserved at this nature reserve are the most important beech tree species of pre-historic forests of Europe.

8. However, human activities, especially tourism, intensive agriculture, forestry, pollution of air, water and soils, as well as industrial development, production and transportation of energy and other activities had negative impact on biological and landscape diversity. Poverty of the majority of the population of Ukraine also negatively influences biodiversity, because natural resources at such situation are subject to excessive exploitation. For example, poverty and problems with district heating lead to illegal cutting of trees and poaching.

9. Economic and social reforms, taking place in Ukraine, especially processes of privatisation and changes in the structure of agricultural production and forest management lead to degradation of landscapes and ecosystems.

10. Biodiversity is negatively influenced by:

- Low political importance attached to issues of conservation and protection of biodiversity;
- Poor interest in biodiversity protection not only on behalf of the governmental authorities, but also on behalf of business entities and local population;
- Lack of efficient economic and financial instruments as well as other stimuli for protection of biodiversity;
- Slow process of integration of biodiversity protection into policy and programmes of development of economic and social sectors;
- Lack of efficient inter-sectarian co-operation;
- Inherited mentality, relaying on «centralised planning», which often is an obstacle to initiatives and activities at the local level;
- Insufficient information of the public about issues relating to protection and conservation of the biodiversity;
- Lack of effective horizontal co-operation between the sides interested in protection and conservation of the biodiversity;
- Lack of constructive ties between sides, interested in protection and conservation of biodiversity and representatives of economic sector and sector of land use;
- Difficulties in attraction of financial support from bilateral and multi-lateral donors, including international financial organisations;
- Shortage of experienced and qualified personnel, both at the state bodies of power and at local level.

11. However, there are examples of efficient functioning of the system of the state management in this field, in particular:

- Ukraine is a member of international conventions on protection of biodiversity;
- The public, though not sufficiently enough, still is involved into actions aimed at protection of biodiversity;
- Established are legal grounds for conservation of biodiversity and also elaborated and introduced are the «National programme of development of nature conservation territo-

ries», «Concept of biodiversity support in Ukraine», «State programme of establishment of national ecological network for 2002–20015»;

- Ukraine takes part in the Pan-European Strategy for protection of biological and landscape diversity.

### 7.3. State and Perspectives of Nature Reserve Stock Development

12. In Ukraine there are about 7,000 protected areas of Nature Reserve Stock (NRS). The best known of them are protected areas (both of natural and biosphere type), national parks and regional landscape parks. Peculiar group of protected areas consists of zoos and botanical gardens. Some protected areas have quite large area and stuff, with more or less stable sources of funding. But more than 97% of protected areas such as zakaznyky, nature monuments, nature reserves, dendrological parks, parks-monuments of garden & park art do not have administrative bodies (with exception of watchmen) or any sources of funding. As for January 1, 2002 their number was 6,907 and total area, occupied by them is equal to 1,175,668 hectares. Special problem is protected areas of local importance. It raises the question as to how a component of «national heritage» (such is definition of protected areas in the Law of Ukraine «On Nature Reserve Stock of Ukraine») could be, by the same law, applied to similar objects of local importance?

13. During 10 years of independence of Ukraine 5 new protected areas and 8 national parks were established here. It has been done using mainly funds from the budget. In September 1994, the Parliament of Ukraine adopted a programme «Protected territories of Ukraine». According to this Programme, in 1995–2000, volume of funding to be provided for various support to protected areas and natural reserves should have reached US\$ 115,000. However, this figure was not fully achieved (only 40% was actually allocated for this purpose).

14. Considerable input into development of nature reserves in Ukraine was made by Global Environmental Facility (GEF), which provided to Ukraine for development of the Carpathian Biosphere Reserve, grant funding equal to US\$ 500,000 as well as US\$ 1.5 million for development of the «Danube Plavni» Nature Reserve. In 2002 started was implementation of GEF project on «Protection of biodiversity in the Black Sea – Azov Sea ecological corridor», aimed at creation of a number of National Nature Parks such as «Lower Dniestr», «Dzharylgach», «Syvash», «Near-Azov», «Tylygulsky», «Kinburianska Spit» and «Granite-Steppe Pobuzhzhia». Part of them should be established through upgrading of the preservation status of already existing protected areas of local importance, namely regional nature parks (in compliance with the Law of Ukraine on «National programme of establishment national ecological network of Ukraine for the period of 2000–2015»).

15. In Ukraine, there is a problem of protection of protected areas, which do not have management administration. This problem is connected to lack of sufficient support to their protection and guarding regime. This situation is worsened due to poorly regulated process of privatisation of land as well as by the fact that such protected areas often are not included into regional or district land inventories and their borders are not singled out at the locality. Very often, they are simply not guarded.

16. Great number of protected areas, which do not have their own administration, rapidly lose their nature protection importance or already have actually lost such importance. That is, existence of considerable number of such protected areas, under current conditions of

their protection, does not imply appropriate efficiency of biological and landscape diversity protection.

17. Current Ukrainian legislation empowers state environment protection authorities as well as local self-government bodies with very important functions and authority. Unfortunately, even available legal instruments are not used by these authorities to full extent. Their work is not of systematic character, because there is no information base, including, regional cadastres of available natural resources, needed for decision making.

18. The efficiency of management of protected areas is also influenced by the following factors:

- Lack of personal, materiel and financial resources at the regional departments of MENRU,
- Irresponsible attitude of the regional departments of the land resources to inventory of lands, at which protected areas are located,
- Insufficient control over regime of activities at protected areas,
- Low level of environmental education of local people.

#### **7.4. Water Resources and Ecosystems**

19. Ukraine belongs to those European countries, which have the lowest available volume of water resources. Majority of natural water sources are deficit, therefore availability of water resources more and more becomes a limiting factor in location and development of production forces of Ukraine. There is a contradiction between demand for water and possibilities for satisfaction of this demand, both from the point of view of quantity and quality, especially for drinking purposes. Problem of water supply to population and branches of economy in this country became of national importance.

20. Due to excessive man-made pollution load, which has been increased due to consequences of the Chernobyl accident, as well as breach of conditions of water flow formation, which caused lowering of water resources quality, an extremely dangerous ecological situation has been established in majority of river basins of Ukraine and especially in the Dnipro basin, which is the principle source of water supply in the country.

21. During many decades, economy of Ukraine has been developed without taking into account ecological and economic impacts. As a result, very powerful water management complex was established. According to its structure, technologies, level of water use and water protection, it can be characterised as a polluting and highly water consumptive, ecologically dangerous and detrimental to self-restoration capacities of the natural system.

22. Due to ageing and wear-out of water supply and water protection equipment, and its technological out-darting, even under conditions of stagnation of production, the volume of effluent discharges and water use for production increases. Also, the danger of massive technological and environmental accidents, break-down of life-supporting water management systems, and waste water treatment plants is growing up. Development of water supply and water protection systems is carried out with use of old technologies, which leads to radical growth of water consumption and water pollution. Decision-making process, relating to water issues, does not take into account special aspects of water resources formation and their double role as an element of the environment and a renewable resource.



23. One of principle reasons of occurrence of negative consequences of human impact on water bodies is consumptive attitude to this resource. Water, as natural resource, as opposed to oil, gas and coal, is subject to annual regeneration in the process of global water exchange. Therefore, for a long time, water resources were considered and still are considered as inexhaustible and capable for self-purification. Insufficiently effective management of water economy led to deterioration of conditions for water flow formation and water regime maintenance. As a result, it also led to reduction of self-purification capacity of water resources. As a consequence of it, water availability in the rivers, their biological productivity, and water quality were reduced. It led to increase of negative impact of water on land resources and on health of pollution.

24. So far, no efficient and flexible economic mechanism of water relations regulation, which would comply with market conditions, has been developed. Also, so far, state water management enterprises did not get under their control operational management of water bodies and lands of water fund. Today, many of them do not have a real owner.

25. Prior to 1991, no economic sanctions for discharge of pollutants into water bodies had been used. Generally accepted in the world, the «polluter pays» principle has been introduced in our country, only after adoption by the Parliament of Ukraine of the Law «On Environmental Protection». Introduced by this law, a mechanism of imposing charges for pollution of water resources should play positive role as a factor of economic stimulation in strengthening of water protection activity. On one side, using collected charges for pollution of natural (including aquatic) environment, established in Ukraine was a network of out-of-budget funds, which act as an additional source of funding for environmental programs. In addition to it, administrative procedures for imposing, collection and use of pollution charges are developed to certain extend.

26. At the same time, practical results of usage of the system of charges for use and pollution of water resources still are not satisfactory. Level of pollution charges does not make it possible to archive either economic stimulation for implementation of water-protection measures at enterprises or proper arrangement of the sources of funding of such measures or compensation of the damage to national economy, inflicted as a result of water resources pollution.

27. Drawbacks of state management in the field of water use and water protection included the following:

- Water management policy is not realised at the regional level (according river basin principle)
- Mechanisms for enforcement of established norms of water usage are not introduced in practice
- When estimating the size of charges for normative discharges of wastewater, the level of their pre-treatment before discharge into water bodies is not taken into account;
- There is no mechanisms for stimulating (e.g. preferential tariffs) water users to carry out efficient water protective activities;
- Existing levels of ecological charges do not secure compensation of economic damage, caused by pollution of water bodies.

28. The Water Code of Ukraine clearly defines owner of water fund (People of Ukraine through Councils of all levels) and subjects of water use (Article 6, 42). But, at the same

time, it does not specify, who is a management authority of water fund. It results in contradictions between water resources use authorities and authorities, managing water protection. According to the existing methodology of water use permit issuance, conditions of water body are taken into account only at the site, where a water user is located without due account for comprehensive impact of all water users, located in the river basin and dynamics of that impact, transport downstream the river. Such an approach does not enable to full extent to co-ordinate measures to be undertaken in respect to water resources use and protection against pollution. In addition to it, because of unclear determination of the bodies responsible for management of water resources, implementation of measures, aimed at development of ecological balanced water management complex, became complicated.

29. The problem of water protection measures financing remains very urgent. Due to existing economic crisis, this issue acquires a special urgency because in the period of reformation of financial system and its adaptation to market conditions, previous sources of funding for water protection measures were lost. At present, expenses from state and local budgets, allocated for water resources protection, are considerably reduced. It is demonstrated by the following fact. In 1996, expense item of the state budget «Environmental Protection and Nuclear Safety», contained UAH 95.7 million, but actually only UAH 26.2 million were allocated (about 27%); in 1997 UAH 73.8 million were allocated in the state budget for this purpose, of which only UAH 9,6 were used. But even this amount has been used to pay back debts for 1996.

30. It is necessary to point out that the state authorities do not take into account analytical calculations of experts, when they make estimation of the size of charges for use of water resources and their transfer to the state and local budgets. According to the experts' calculations, the volume of pollution charges in 1997 to be included into the state budget should be UAH 341 million. But, actually, allocated in the budget were UAH 237.5 million, of which amount only 51% (UAH 174 million) were made up of pollution charges. In majority of regions, water use fees collection rate does not exceed 40% of planned figures.

31. Wetlands are one of the most vulnerable ecosystem type on the planet. These natural over-moisturised complexes are habitat for many typical or rare species of flora and fauna. They serve as important habitats for aquatic birds during their seasonal migrations. They also serve as regulators and stabilisers of hydrological regime and as a resource of great economic, cultural and scientific importance.

32. Olygotrophic fagous marshes are very rare in the Carpathian region of Ukraine. Therefore, majority of them are included into the Nature Protection Fund of Ukraine. However, analysis of the state of fauna and hydrological regime of these marshes shows, that there is a need for its improvement. The reason for unsatisfactory state of the marshes is poorly thought system of their management. For example, few decades ago, majority of such marshes in the Ukrainian Carpathian region were subject to land reclamation. From that time, the marshes gradually dry up. As a result, magnificent wetland complex «Chorny Mochar» ceased to exist.

33. Carrying out works, aimed at re-naturalisation of wetlands, located at protected areas, is complicated due to the need of getting various agreements and permit, when, in the same time, some local citizens undertake various illegal activities at these territories without any agreements and permits. The illegal activities include mining of peat, burning and cutting trees, collection of medical herbs, littering, hay-harvesting and animal grazing. The closer to

settlements wetland complexes are located, the higher human impact they are subject to and at worse condition they are. It is partially connected with the fact that in mountainous localities, area of land, suitable for agriculture is relatively low. As a result, some local citizens try to use these lands for economic activities despite the fact, whether they are considered to be protected areas or not.

34. Analysing environmental policy in respect to protection of small river basins, it should be noted that:

- There is no effective legal base, securing and regulating activities aimed at conservation and protection of landscape and biological diversity at the proper European level,
- Breach of demands of environmental legislation (Water and Land Codes, other legal acts), aimed at protection of small river basins is quite regular,
- Implementation of planned measures, relating to creation and inventory of the objects of Nature Reserve Fund has failed. In this respect, the example could be still not completed works on establishment of the Priazovsky National Park, the territory of which is crossed by small rivers of the Southern Trans-Azov area,
- Co-operation of local authorities, monitoring organisations, nature resources users, scientific organisations and environmental NGOs is insufficient,
- Environmental awareness and culture of the population is at low level.

35. Only to a limited extend, remained are territories, at which biological and landscape diversity of the steppe part of Ukraine could be preserved. Excessive construction of dams, building of artificial rapids, and other structures led to isolation of some sections of the rivers. As a result, about 90% of lands of the Southern Part of Ukraine are used for agriculture, and majority of small steppe rivers dried up or become just small streams.

### 7.5. Management of Forest Resources

36. General conditions of forests of Ukraine are unsatisfactory. Great damage to them was inflicted as a result of reconstruction of the national economy after the 2-nd World War. Volume of forest cutting for economy needs at that time was in excess of scientifically defined norms which lead to considerable changes in structure of the modern forest stock, deterioration of natural complexes, depletion of forest resources base. Expected results were also not obtained from excessive thinning of forest through controlled forest cuttings and land amelioration measures undertaken in 1970–1990. Productivity of forests, which are used by non-specialised organisations, such as agricultural ones, is quite low at the present time, because their forest plantations are badly organised, damaged by pests and are subject to various diseases caused by their poor management.

37. In structure of usage of forest resources, of great importance is their non-resource function, its ecological functions, such as water flow regulation, soil protection, use of sanitary and hygienic properties of forests. The level of the land forest cover in Ukraine makes up 15.6%, which is considerably lower than scientifically justified level of 22–25%. Forest planting, due to lack of financial resources needed for payment for labour, tree seedlings, machinery, fuel, has considerably decreased in the recent years.

38. Great importance for maintaining proper state of forests plays system of forest resources management. Currently, forests are managed by various ministries and organisations.

Principal forest resources users in Ukraine are forest management enterprises belonging to the State Committee of Forest Management as well as collective agricultural enterprises and state enterprises of some ministries and organisations.

39. In the system of economic relations, great importance is attached to payments for use of forest resources as a basis for compensation of expenses associated with forest economy management. Existing fees for use of forest resources do not fully comply with cost-benefit mechanism of forest management enterprises and does not facilitate their transition to self-financing and self-cost recovery.

40. Cadaster (financial) evaluation of forests is in general not carried out, which does not make it possible to identify forestry share in total volume of production. Prices for forest resources are not sufficiently justified and as a rule are quite low. There is no stimuli for their rational use.

41. Forest economy of Ukraine still remains probably the most neglected branch of economy. The reason for it is not only the fact that the forest economy does not have sufficient potential for reform and reconstruction. The fact is that in this country, not very effective system of economy branch management is used. So Ukraine, which prior to 1991, had not exported a single cubic meter of forest, during recent few years, became one of the largest exporters of forests to Europe. Only in 2000, our country exported about 1,3 million m<sup>3</sup> of timber.

42. High quality wood, sawn materials, made of the most valuable species of wood are exported to foreign countries. Huge oak trees, age-old pine trees as well as many other valuable tree species are ruthlessly cut not only in so called «operational» forests, where their quantity in general remains very low. Unfortunately, the practice, when under cover of forest renewal cuttings of trees, selected are the best individual trees from the forests, become widely spread. Though, these trees fulfil various protection functions and are in the forests, which are officially excluded from economic exploitation. Inefficient work of controlling authorities, corruption and under-developed legislation enable to put such illegal practice on a kind of conveyer belt. For example, in the recently established Yavorivsky National park, constantly fixed are illegal cuttings of protected specie of «genetic» oak trees. At the slopes of protected Goverly area, at the Carpathian National Nature Park, cut were 0.7 ha of mast pine trees of the prehistoric forest, which were used for construction of spring boards for freestyle events. At the same time, it also has been planned to cut much larger area of such forest for construction of hotel complex, suspended cable road, and ski root for slalom. These intentions were prevented from implementation only due to timely intrusion of the public.

43. Even for large forest massives, declared as protected areas, at which any economic and other activities are banned, still allowed and implemented are forest renewal and sanitary tree cuttings.

## **7.6. Economic Activities in Carpathian Region**

44. Analysis of materials of economic, ecological, engineering and ecological, hydrological and meteorological studies of the Trans-Carpathian region, which was carried out by the Council of Study of Productive Forces of Ukraine of the National Academy of Sciences of Ukraine (NASU), Institute of the Carpathian Ecology of the NASU, Institute of Geological Sciences of the NASU, Institute of Regional Studies of the NASU, Uzhgorod State

University of the Ministry of Education and Science of Ukraine, Ukrainian Scientific research Institute of Mountainous Forest Management of the State Committee of Ukraine for Forestry, and other scientific research and educational institutes shows that economic activity in the Carpathian region more and more impacts the environment in negative way.

45. Anyway, there are still some examples of improvement of the situation, but they do not radically change general picture. So, well-known in the region and one of the most powerful in the Soviet Union «Perechinsky» wood processing and chemical enterprise was one of the largest polluters of the Uzh river. At the distance of 5–7 km from Perechin village, one could smell phenols and acetates. At the present, modern equipment used by joint stock company «Perechinsky Wood-Processing and Chemical Enterprise» provides practically wasteless production of ethers. However, there still remains a problem of disposal of acetate and phenol wastes, which were accumulated during the period of more than 100 hundred years at the marsh, located near the enterprise. Total volume of such waste is estimated at 700–800,000 m<sup>3</sup>. Periodically observed is their heating, caused by exothermal reactions, as well as pollution by these wastes of the «Old Domoradz» stream, which crosses the territory of enterprise.

46. There is also no system for planning of development of economy and location of perspective projects at the territory of the region. Example of it can be a history, which happened to the company «Petra Carba Chem» with German investments. This factory was built near Mukachevo with investments about USD 1 million. Evidently, all required permits and agreements, including permit from the regional state department of the MENRU were received. However, a number of questions arises, including the question, how in general could it happen that at the territory of the region, which its administration declared as the region, oriented for tourist and recreational development, decision was taken on construction of this project, which would be used for re-loading of highly toxic compounds (benzyl, toluol, etc.) for further transportation to the Western Europe? The fact, that this enterprise does not cause pollution of the environment, cannot also be considered as a valid justification, because we are talking here about possibility of an accident with unforeseen consequences for the environment. In this context, protests of the Mukacheve public are quiet understandable. It does not want to be a hostage of the local authority ambitions.

47. Other dangerous initiative of the governor of the region G. Moskal, is construction of many dozens of petrol stations, which also caused wide protests of the public. Petrol stations are always potential sources of danger, in particular of danger of air local pollution, because their presence considerably changes directions of road traffic. Problem is that establishment of a network of new petrol stations is not scientifically justified. Regional administration even does not consider projects, aimed at regulation of the movement of loaded trucks via Trans-Carpathian region, which could have positive impact on the state of the environment along major highways and would lead to creation of new jobs, development of the modern system of diagnosis and regulation of engines. In the process of expansion and reconstruction of towns of the region, no bicycle roots are envisaged. But modern Europe and especially its small towns widely use bicycles, which positively influences not only the environment, but also personal expenses of the citizens. It seems that it is not profitable for our authorities, because it will lead to reduction of profit, received from sale of petrol.

48. After new governor G.Moskal came to power, he declared six priority directions of the regional development, but environmental protection was not mentioned among these directions at all. As a result, the same attitude to it was formed among the regional and district

administration personnel. Despite conclusions of many commissions and well-known scientists of the region, one of the state officials of high level literary stated the following at meeting of regular State Flood Control Commission, which took place in September in Uzhgorod: «If the cause of floods is in incorrect cutting of forest, then forest is also cut in unproper way in countries, starting from Germany and ending by India».

49. Another important resource of the region, namely mineral water sources, is used inefficiently. Only at the nature protected areas of the region, there are more than 100 sources of mineral water. As a total in the region, there are few hundreds of such sources, some of which are commercially used. In it clear that such lucrative piece could not be left without attention of criminal and semi-criminal structures. For example, during many years, mineral water was not subject to taxation because it was treated as a medical substance and, therefore, all profit was escaping the budget of the Carpathian region and the budget of the state as a whole.

50. It is enough just to travel by train from Kyiv to Uzhgorod in order to see illegal disposals of litter and waste in district centre Volovets, which, though, has its own sanitary and environmental inspections. The same happens in Svalyava district centre, where wastes are disposed directly near Latoritsa river after they are brought here by carts and tracks. Due to lack of treatment or insufficient treatment of municipal wastewaters, majority of water courses of the Trans-Carpathian region could be considered as polluted or heavily polluted (for example, only Uzhgorod city waste water treatment plant discharges into the Uzh river about fifty thousands m<sup>3</sup> of practically untreated waste waters. We do not take into account «illegal» sources of organic pollution, the number of which in Uzhgorod makes thirty. Only high level of self-purification capacity of our rivers so far enables to avoid environmental catastrophe.

51. There is general attitude of non-compliance with adopted decisions and legal acts, in particular with those, which relate to financing of capital construction, in the field of environmental protection. Such examples include decision on construction and repair of forest roads, decision of funding of flood control measures and decision on funding of state forest management enterprises and national parks. Environmental protection legislation concerning the nature of the Carpathian region requires considerable amendments in order to bring it in compliance with norms, adopted by the EU. We can site the following example. According to the EU norms, any settlement with more than 15,000 people should have waste water treatment plants. Achievement of compliance only with this particular norm can be considered as a serious obstacle to implementation of measures, defined by the President of Ukraine as conditions for joining EU.

52. Among positive aspects of functioning of the existing system of environmental protection management, mentioned should be the fact that in the Carpathian region, the share of the territory, occupied by nature reserves, makes up 14%. About 20% of forests stock of the region is located at the territories of nature reserves of the region. According to these parameters, the region managed to reach average European level. However, resistance from the state authorities, business structures to establishment of such new nature reserves is growing up. In this respect, it is worth while to remember problems, both political and social, which are connected with initiative to establish Regional Landscape park «Zacharovanny Kray» near a small Ukrainian Vulcan «Buzhory».

# Chapter 8

## Financial and Economic Issues

Compiler: **Sergiy Fedorynchyk** (Ukrainian Environmental Association «Green World»)

This chapter uses the materials, provided by:

**Mykhailo Androsov** (Green World, Sumy),  
**Olexandr Bagin** («Donbas Green Movement», Gorlivka town, Donetsk Oblast),  
**Svitlana Belyaeva** (All-Ukrainian Environmental League, Cherkasy),  
**Iryna Vyhrystyuk** («Renaissance», Tatarbunary town, Odesa Oblast),  
**Mykola Vitko** (Green World, Marganets town, Dnipropetrovsk Oblast),  
**Yuriy Ganushchak** (Association of Cities of Ukraine),  
**Anatoly Ljovin** (EcoClub, Zaporizhya),  
**Igor Malakhov** (Ecocenter-K, Kryvy Rih, Dnipropetrovsk Oblast),  
**Olexandr Malytsky** (Green World, Mykolayiv),  
**Alla Pleskach** (Green World, Cherkasy),  
**Olexandr Prymalenny** (UkrUNEPcom, Sevastopol),  
**Valeriy Khmel'nytsky** (Club «Eol», Yuzhny town, Odesa Oblast),  
**Leonid Shafran** (Public Council, Odesa),

The chapter incorporates concerns and suggestions, made by:

**Volodymyr Berezin** (Environmental and Cultural Center «Bahmat», Artemivsk town, Donetsk Oblast),  
**Mykhailo Boyko** («Kherson-Ecocenter»),  
**Vadym Honcharuk** («InterEco», Vinnytsya)  
**Iryna Popova** («Independent Agency of Environmental Association», Kharkiv),  
**Yuriy Lytvynenko** (Ukrainian Society for Nature Protection, Vinnytsya),  
**Valeriy Melnyk** (Public Council, Lutsk, Volyn' Oblast),  
Victor Melnychuk (National Ecological Center of Ukraine, Kyiv),  
**Yuriy Romanov** (Public Council, Odesa).

### 8.1. General Situation with Use of Budget Funds

1. Information on use of budget money is closed. At the meeting of the Verkhovna Rada on 18th of October, 2000, V.Symonenko, the Head of Accounting Chamber said that «talking about publicity and transparency of the budget, one can say, that this transparency has reached the state of «black box» concerning of revenues and expenditures of the budget». He said it despite the fact that the Accounting Chamber of Ukraine has a lot of power and was capable to find serious mistakes in using of state money. What can we say in this case about public informing on use of the budget money? Fragmented information on use of state and local budgets by the state authorities is available for the public just due to Internet-site of the Accounting Chamber of Ukraine (<http://www.ac-rada.gov.ua>).

2. Facts of corruption, existing in Ukraine, negatively effect the efficiency of state expenditures. Establishment of the Accounting Chamber of Ukraine and adoption of the Budget Code have significantly influenced the effectiveness of use of the budget money. However, even today, the situation with its use is not very good.

3. Today, the system of financial and economic provision of state administration in the field of environment and use of natural resources is complicated, not very rational and not transparent. It is regulated by different branches of legislation – environmental, tax and budget laws. Unfortunately, there is no document, where this system would be described fully, systematically, with assessment of its effectiveness and proposals on its improvement. Therefore, it is hard to analyse and evaluate such a system. It created conditions for its ineffective functioning and for violation of requirements of environmental legislation.

### 8.2. Use of Economic Instruments in Environmental Policy

4. Economic framework of nature use and environmental activities in Ukraine are based on the following principles:

- Charge for special use of natural resources (user pays principle),
- Charge for damage to the environment (polluter pays principle);
- Target use of money, received from charges for special use of natural resources and pollution of the environment, for liquidation of sources of pollution, restoration and maintenance of natural resources in proper state.

5. Economic instruments are means (actions, methods) to influence financial state of economic entities. The main goal of introduction of economic instruments in environmental activities and nature use is to stimulate nature users to reduce adverse impact on the environment, to use rationally and economically natural resources and to reduce energy and resource intensity per unit of production. Introduction of economic instruments promotes implementation of such guiding principles of the environmental policy as «polluter pays» and «user pays».

6. Ukraine uses only the following economic instruments in environmental activities and nature use:

- Charges for environmental pollution;
- Charges for special use of natural resources;



- Compensation of damage, caused in the result of violation of the requirements of environmental legislation.

7. Charges for environmental pollution is the main economic instrument of environmental activities and nature use. However, this instrument is mostly an instrument for mobilisation of revenues than an instrument to prevent pollution. It can be proved by the fact that the most money arrives to the National and Local Environmental Funds out of charges for air pollution. At the same time, the most money is used to mitigate the effects of pollution of water resources.

8. Despite a well-developed system of charges for environmental pollution, incentives created by the charges, for change of operation of enterprises-polluters are low. Rates of the charges are made low (it is also related to high inflation). On one hand, such charges do not stimulate to reduce pollution (it is cheaper to pay charges for environmental pollution, than to invest money into actions to control and prevent pollution). On the other hand, the amounts of revenues raised from these charges are smaller, that they could be, especially in those regions, where environmental pollution is high.

9. Such a situation is created due to different reasons. Firstly, many enterprises cannot afford to pay charges for environmental pollution and are not capable to receive subsidies from the state. Secondly, there are cases of charge concessions granted to enterprises, especially in heavy industry, in exchange to their promise to increase the volume of investments in environmentally friendly technologies. Thirdly, tax burden relating to use of natural resources and environmental pollution is very heavy for those enterprises, which exceed emission limits. It is hard for the enterprises to pay the charges, and they are looking for ways to get subsidies or to get charge concessions.

10. Enterprises try to avoid to pay charges for environmental pollution, as much as they can. They do not want to waste their own money for nothing. Employees of such enterprises give such simple reasons for such a behaviour: enterprises can return money, given to the Pension Fund or the Fund of Social Security, in form of pensions, sick leaves and other social payments, but they cannot expect to return even a part of money from the National Environmental Fund (NEF). For example, in the Donetsk Oblast, during 12 months of 1998, enterprises-polluters paid only 8.8 millions UAH (8.1% of the planned amount per year). The amount of environmental charges has significantly increased after transfer of power to collect them to the State Tax Administration of Ukraine. In the research of the World Bank, it is said that «discipline of payment of environmental charges is low in the regions with high level of environmental pollution, and economic entities are under-penalised. Most likely it shows indulgence attitude to the large enterprises-polluters».

11. The Accounting Chamber of Ukraine paid attention to the following: «On the contrary to the provisions of the Article 47 of the Law of Ukraine «On Environmental Protection», if enterprises or organisations have branches, which are not a legal person and are located in other regions, discharge pollutants and dispose waste, charges for environmental pollution are paid not in the place of environmental damage». For example, enterprises of the Gorlivka town in 2001 should have paid for discharge of pollutants into the environment and disposal of waste 2 million 141,400 UAH. But 3 million 681,200 UAH was received. Such «profitable» for the town sum was made due to misunderstanding with locations of enterprises and their registration. For example, the Joint-Stock Company «Donbas-energo» paid 1,461,200 UAH, although the enterprise did not have

sources of pollution directly at the territory of the town. The money was provided by its branches from the entire region.

12. Amounts of charges and fines for environmental pollution, use of natural resources are not always grounded on needs of compensation actions. For example, charge for special use of forest resources does not cover long-term expenses, needed for growing a forest. Due to it, forestry sector constantly feels the lack of money, especially for proper level of fire protection of forestry resources. For example, forest fire at Kinburn Spit in 2002 got large scales due to non-preparedness of fire technology of forestry. The fire was extinguished manually, with high risk for human life.

13. Charges for pollution of coastal waters from ships (Decree of the Cabinet of Ministers of Ukraine on 3rd of July, 1995 #484) are exaggerated in hundreds times comparing with the charges for similar pollution from bank enterprises (Edict of the MENRU #37 on 18th of May, 1995). Control of foreign ships is made in a source of currency revenues. For example, in winter 2000, Novorossiysk ships spilled 9 tons of palm oil during loading. For it, in court order, the Novorosiysk shipping company had to pay half of million of USD. For 49 tons of oil, spilled in 1997 from the tanker «Athenian face», which was under Malta flag, the State Inspection of the Black Sea Protection wanted to get 16 millions of USD as a compensation. However, large amounts of money, got for pollution of coastal waters, are not used fully for liquidation of the sources of pollution, restoration and maintenance of natural resources in proper state.

14. Under-development of bank system, tax system and legislation negatively affects the development and introduction of economic instruments in Ukraine. Reasonable statements of the Article 48 of the Law of Ukraine «On Environmental Conservation», namely stimulation in the field of the environment by the means of introduction of economic instruments are not realised yet.

15. The MENRU does not plan properly, which proper economic background and analysis, collection of charges for environmental pollution to the National Environmental Fund. Calculated amounts of revenues, on the basis of which incomes and expenditures of the state budget are agreed, are systematically lowered. It negatively affects the quality of forming and use of the budget money.

16. At present, the state authorities do not follow the recommendations of experts from the UN European Economic Commission concerning the development of economic mechanisms of nature use and environmental activities, stated in «Review of Effectiveness of Environmental Activity in Ukraine», which was adopted by the Committee of Environmental Policy of the UN EEC on 21st of September, 1999. For example, the recommendation 2.1, stating «researches to define necessary and sufficient economic instruments, which would stimulate the introduction of the principle «polluter pays», should be a priority», is not being implemented.

17. A serious disadvantage, which negatively affects environmental management, is lack of balance between the amounts of money, received from charges for special use of natural resource and environmental pollution, and the amounts of money, directed towards elimination of negative impacts of irrational use of natural resources, environmental pollution etc. On the contrary to requirements of the Articles 46 and 47 of the Law of Ukraine «On Environmental Protection», large amount of collected money is used for the purposes, which are not envisaged by the Law.

### 8.3. Financing of Environmental Activities

18. In conditions of economic crisis, problem of financing of environmental activities became especially important, because in times of reforming of financial system and its adaptation to market conditions, former sources of their financing were lost.

19. Starting from 1992, since the adoption of the Law of Ukraine «On Environmental Protection», the system of financing of environmental activities has been changed. The State budget of Ukraine, Republican budget of the Autonomous Republic of Crimea, local budgets, money of enterprises, institutions and organisations, money for environmental protection outside of the budgets, voluntary contributions and other funds were defined as sources of financing of environmental activities.

20. The State budget is the centralised source of planned expenditures for financing of environmental activities. Since 1994, there is a special chapter in the state budget – «Environmental Protection and Nuclear Safety» (similar chapters are not made in local budgets). This article of the state budget is formed due to charges for use of natural resources. Besides it, the charges for use of natural resources come into local budget, Republican budget of the Republic of Crimea.

21. Another sources of financing of environmental activities are the money of the National Environmental Fund, EF of the Autonomous Republic of Crimea and local EF, envisaged by the Article 47 of the Law of Ukraine «On Environmental Protection». They are formed mostly by charges for environmental pollution: part of money requisitioning for violation of provisions and rules of environmental protection in the result of economic and other activities.

22. According to the Law of Ukraine «On Environmental Protection» and other legislative acts, money from charges for special use of natural resources, charges for environmental pollution, part of money requisitioning for violations of provisions and rules of environmental conservation should be directed towards restoration and maintenance of natural resources in proper state. However, current legislation does not define mechanism of accumulation and target use of money from charges for use of natural resources. As a result, money, received from charges for use of natural resources, coming into income part of the state and local budgets, are not «marked», but «disperse» in them. Correspondingly, expenditures of the chapter of the State budget of Ukraine «Environmental protection and Nuclear Safety» are much lower, than incomes. For example, in 1999, all the budget received 1,303 million UAH, including the State Budget, which received 131.5 million UAH. For environmental activities, which are financed out of the mentioned above chapter of the State Budget of Ukraine, 80.9 million UAH (6,2%) was envisaged, but only 51.4 millions UAH (3.9%) was given in practice.

23. It is important to point out that this section of the state budget of Ukraine finances measures, aimed only at rehabilitation and maintenance of natural resources in proper state. But it does not finance measures aimed at elimination of pollution sources.

24. Therefore, the issue of identification of other sources of funding for environmental protection measures, including those, designed for elimination of pollution sources, became of a special urgency. Environmental funds should be first of all Included into such funding sources. At present, they occupy important place in financing environmental protection

activities in CEE countries. As to Ukraine, their share in total volume of environmental protection expenditures so far is not high enough.

25. Principle source of establishment of environmental funds is use of charges for environmental pollution, which makes up 76% of total financial sources, allocated to the environmental fund (EF). Article 46 of the Law «On Environmental Protection» envisages division of pollution charges between local, regional, republican (Autonomous Republic of Crimea) and National Environmental Fund in the following ratio: 20%, 50% and 30% respectively.

26. In Ukraine, there are about 1,600 environmental funds. This figure makes it possible to conclude that there are too many regional and local environmental funds and only regional environmental fund should be left. This conclusion is also supported by the World Bank experts. It is the fact that due to mainly small volumes of accumulated financial resources by the local EF, their effective management is complicated. It is difficult to concentrate financial resources at EF of local and especially of rural and village level, needed for implementation of large-scale environmental protection measures. At the same time, the above conclusion does not take into account principally important right of each body of self-government to take independent decision as to possible use of environmental fund resources, accumulated at the local level. It is not feasible by using administrative mechanisms, again to create conditions, under which financial resources of local environmental funds will be ultimately withdrawn from local councils and will be directed to regional or the state environmental funds. It is necessary to improve efficiency of EF resources management to establish legal basis for their efficient management and to introduce sanctions for their non-purposeful use and breach of the requirements of environmental legislation.

27. The reason for insufficient use of financial resources of local EF is absence of required normative and legal basis, poor level of co-ordination of measures, taken by local councils, state authorities as well as poor enforcement of punishment for breach of environmental protection legislation, in particular for non-purposeful use of financial resources, allocated for environmental protection. For example, in Donetsk region, despite the fact, that in 1998, Donetsk regional council, regional administration and regional department of the MENRU carried out appropriate organisational work and the guidelines for establishment of purpose-oriented, environmental protection items in local budgets for the year 1998 such budget items were actually approved only in budgets of ten towns from 28 (36%) and in 7 district budgets of 17 districts of the region (41%). Budget items for allocation of financial resources for environmental protection at local budgets for year 1998 were approved only in 5 towns and districts of the regions for total amount of UAH 1.4 million. In 1999, this figure was equal to UAH 220,000. With annual amount of natural resource use and pollution charges, transferred to local budget at amount of UAH 170–180 million to be used, the share of actually approved volume of financial allocations for environmental protection in local budgets is very low (0.8% and 0.12%) respectively.

28. The law of Ukraine «On Economic Experiment at Mining and Metallurgical Complex of Ukraine» authorised that from July 1, 1999 to January, 1 2002 to leave 70% of pollution charges, collected at the enterprises of mining and metallurgical complex, which are included into the experiment, in their own disposal. This money should have been used for implementation of environmental action plans at specified enterprises. These environmental action plans should be approved by the management of these enterprises and agreed upon with local authorities and regional department of the MENRU. As a result of that experiment in

the year 2000, UAH 43.9 million was left at the enterprises – participants. However, considerable part of this money still were not used for implementation of environmental protection measures. So, enterprises of Donetsk and Dnipropetrovsk regions used only 52% of the above mentioned amount left at their disposal (UAH 43.9 million) for funding environmental protection measures. Very often the objectives, envisaged by this experiment, were not achieved. In connection with this, Accounting Chamber of Ukraine made a conclusion that further continuation of this experiment in that part of it, which relates to containment and usage of environmental fund resources as unfeasible. In relation to this experiment, only one positive example is known. Panteleymonivsky plant for production of fireproof materials (Gorlivka) in addition to UAH 27,900 left at its disposal as a result of this experiment, managed to add its own financial resources for reconstruction of settling ponds. As a result, this enterprise had to buy lower volume of technological water and had an economy, amounting UAH 44,500.

29. When taking a decision concerning feasibility of further experiment where part of pollution charges is left and used at the enterprises of mining/metallurgical sector of Ukraine, it is necessary to take into account the need of introduction at the enterprise level (at least at the participating enterprises) of economic instruments for natural resource use and environmental protection which would stimulate resource users to reduce negative impact on the environment, ensure rational and sustainable use of nature resources, reduction of energy/resource consumption per product unit. And only by having complete systematic information and results of deep analysis of the reasons for poor efficiency of implementation of the previous stage of experiment, to take substantiated decision as to the feasibility of continuing this experiment.

30. In the research that was conducted with the World Bank supporting is said: «The total volume of environmental protection costs decreased nearly from 1 milliard USD in 1996 to 600 millions USD in 2000». After incoming of nature resources using fees into State budget of Ukraine, they often do not go for the purpose. For example, from gathered in 1997 1.2 billion UAH fees in nature protection chapter of State Budget it was declared only 73.8 million UAH (6.2%). From these money there were used only 39.8 million UAH on nature protecting activity. In 1998 these figures were 1,3 billion UAH, 69.9 million UAH (5.4%) and 35.4 million UAH (2.7%), accordingly.

31. In the general expenditures of State budget of Ukraine the total sum of give outs on chapter «Environmental protection and nuclear safety» and NEF give outs occupied less than 0.5%. As comparison – Central Europe countries distinguish 2–3% for the same purposes, and Western countries – up to 5%.

32. Financing of important nature protection procedures from State budget of Ukraine, especially for construction the recycling buildings, execution of necessary anti-erosion measures, introducing new technologies of environmentally safe manufacturing etc., are done by the rest principal. It is obvious that some environmental programs are declarative and not supported by financial resources.

33. In the State Budget of Ukraine for 2001 total income was equal to total expenditures, i.e. 41,991 million UAH. Special nature resources using and environmental pollution fees have made 658 million UAH or 1.57% of budget. If only all money were directed for nature resources renovation and keeping in adequate condition, their amount could be compared to the coefficient of Central European countries. However, from those money there were directed only 369 million UAH, i.e. less than 0.88% of budget. So 44% of money (288 mil-

lion UAH) that had to be directed for nature resources renovation and keeping in adequate condition went to a «common can».

34. Insufficient nature protection activity financing attests that environmental protection is not a political priority for government of the country. Anti-legal budget money using – i.e. using its not for purpose – is a manifestation of the parliamentarians and officials legal nihilism.

35. The Cabinet of Ministries of Ukraine Resolution from 17th of September 1996 #1147 «About ratifying a list of kinds of activity that refers to nature protecting procedures» have very important results for administering effectiveness in the field of environmental protection, nature resources using and using NEF money. In «Regulations about State fund for environmental protection» edition that was ratified by Cabinet of Ministries of Ukraine Resolution from 15th of February 2002 #181 is said directly: «It is forbidden to use Fund money for measures that are not included into ratified by the Cabinet of Ministries of Ukraine list of kinds of activity that refers to nature protecting procedures».

36. The document named «List of kinds of activity that refers to nature protecting procedures» (further List) is too formal and not enough deliberated. It does not contain the explanation: what is a nature protective effect and by what it must be confirmed? Using this List, they can direct money on the implementation of economical ineffective projects, for example, to provide outworn technologies of recycling buildings reconstruction. Realisation of those plans will drain city society budget for decades, but it will not provide a satisfactory quality of discharged waters purification.

37. In the point 25 of List is said: «conducting of flooding and flooding menace protection proceedings, targeted on preventing of dangerous geological processes developing, taking away or decreasing to tolerable level their negative influence on the territories and objects». Interested people and organisations can appropriate money, intended on this purposes, infinitely. The easiest way is to «spend» one on the «struggle against element». For example, in Zaporizhzhya (and in many other cities) during a few years they spend a lot of money on the preventing and liquidation of flooding consequences, but they «struggle» not against causes, but against consequences. Owing to this the situation repeats regularly. During ratification of local budgets the session of Zaporizhzhya city Council regularly denies supporting environmental NGOs projects of environmental education, speaking out pretext of sharp necessity in money that should be directed on the preventing and liquidation of spring inundation consequences and partial flooding.

38. At the same time not included into the List are such types of activity as, for example:

- organisation of separate collecting of trash;
- buying of licenses, patents, «know-how», program software and other products of intellectual property, which gives proven nature protective effect;
- advertising of goods and services with nature protective effect;
- crediting and assurance of nature protective activity;
- organisation of environmental tourism etc.

39. Right on ratification of procedures, regulating the order of payments collection, the limits of natural resources using, the limits of pollution and discharges of pollutants are fixed by points 43–45 of Basic Law under the executive power. It is supposedly logical. But, due

to absence in legislation the chains of principal limitations for such regulating, perfect conditions were created for the lobbying decisions, wanted by business clans.

40. Today the market practice of nature using regulating is absent, for example, selling on advertised bids the rights of forest claim developing, with guaranteed nature protective legislation calls keeping. Access to forest felling, that is profitable affair today, due to decreased rates of taxation for the forest resources usage, is given at the same time to representatives of clans, «allied» to the execution power structures. The situation with subsoil assets exploitation is the same.

41. On the local Councils level, the main steward of regional EF, finances often are allocated through the Economic sections of Region State Administration (City State Administration in Kyiv and Sevastopol'), which do not allow for opinion of Region State Administrations of Environmental Resources, during the distribution of that Funds money. Though, the society does not know any cases, when MENRU on the national level achieved increasing of its regional state administrations role, during the assignment of regional EF money.

42. Society is not attracted to the participation in the directing of National EF money in any way. «The Regulations on National Environmental Fund» was changed several times. In spite of this, it all the same has a number of discrepancies. For example, they say, «including the nature protective and resource economic actions into the budget programs is made according the criterions, that are determined by MENRU with agreement of Ministry of Finances and Ministry of Economics.» Though, in what documents such criterions are, is not pointed. Apart from this List, the number of other Statements ratified by Resolutions of Cabinet of Ministers of Ukraine, is used for the National EF money ruling. This creates situation, when enterprises and natural persons can recognise current nature protective legislation hardly.

43. In the World Bank report is pointed too that national politic in the nature protection branch is formulated without concrete environmental goals, which could allow measuring the progress. Therefore environmental politic has mostly declaration-like sense and does not define the priorities. Tendencies of passing of big number of projects and programs, independently of presence of money for its realisation could be looking on. It cause a problem of effectiveness of such projects and programs, because usually its realisation is not supplied with necessary founds and, accordingly, is finished seldom. Programs provide for more measures than could be financed. Actual level of projects and program completing is very low – less than 10%. There is such tendency as starting a big number of projects and programs with subsequent «fighting for» the money for their realisation in the following years.

44. One of the brightest problems of Ukraine pollution of water resources is counted. Through this the most part of costs of NEF is directed into the water resources sector (in 2000 it takes 33% of State budget of Ukraine and 53% of National EF). However, today analysis of effectiveness of conducting of programs and projects in the pointed sector is absent.

45. As far as a volume of pollution into the atmosphere decreased, because of enterprises stagnation, and intensity of such pollution are lower, than the middle coefficient of the countries of Organisation of Economical Co-operation and Development (OECD), backing the measures, directed on the atmosphere protection is very scant. It rose only in 2000 and comes to 7% of expenditures of State NEF. In spite of this, collections for atmosphere polluting form the greatest part of the total volume of collection for environmental wasting. It means that principle «Polluter pays» is used arbitrary.

46. Today we can say, that criteria of appraising and selection of projects, which are considered for financing from the National EF of MENRU, actually are absent. Legislative acts about tenders conducting contain a lot of discrepancies, insufficiencies and excessive complicates at the same time. Down written tender procedures are easily avoidable. In that way idea of the strict rules creating on the State buying market is compromised. The order of tender committees creating is directed by State Purchasing Department of Ministry of Economics act. It is proceeding exclusively department-in project selection and with no public discussion with society, structures of local self-ruling, business sets or parliamentarians are not provided. So, the way of decision-making is not clear. MENRU, in spite of Aarhus Convention, does not attract public representatives to tender committees' activity.

47. The sense of «conflict of interests» concept is not defined in the Ukrainian legislation. Only its separate cases are regulated by the Law. The principal characteristic of «conflict of interests» is a presence of object, on which the person must act, representing the public interests, but at the same time private or corporate interests could influence on his decisions. Such person must be stood off from analysis of those problems. The «conflict of interests» situation pierces Ukrainian society at the all levels. By this, the struggle against corruption that is running in Ukraine is very resemble on imitation. For example, in Tatarbunary town of Odesa region sewerage recycling structures are belt. The old one, that places in the upper part of Sasyk Liman and Kogilnik river mouth already does not work (dismantled) for the 12 years. 300,000 UAH from NEF was assigned. Odesa regional State administration of MENRU became a client, general contractor and project developer – Kyiv firm «TECOS», subcontractor – the local «Agrobud». The Public Council of MENRU tried to find out, in reason just this firm won a tender and when the tender was announced, but this information is closed for them for today.

48. One more example. Photo album «Mykolayivshchyna Nature» had to be published in 2001 yet, but was published in 2002. According to chapter «Projects and actions targeted to increasing environmental education» of Mykolayiv regional «Program of environmental protection and rational nature using for 2000–2010» it was planned to spend 20,000 UAH from regional NEF on this album publishing. According to tender conditions that was announced for its publishing it was necessary to prepare the photo album prime-dummy in two-month term regarded for decade of Ukrainian independence. The tender conditions were changed two times. It was such impression that it was done on behalf of their own executors. After the fact of refusal of bunch of organisations to participate in tender on new conditions the sum for the publishing of photo album raised in 18 times – up to 360 thousands UAH. New tender was conducted as a single project purchase of one participant. In result photo album «Preserved Places of Mykolayivschyna» under general edition of Mykolayiv Regional State Administration head O. M. Harkusha («conflict of interests» is obvious) appeared in sale with a price of 30 UAH. Meanwhile part of the texts that support photos was taken from the previous edition without the authors' agreement and references on them.

49. The Ministry of Finances and Verhovna Rada of Ukraine assist non-purpose using of nature protection money by preparing and passing State budget of Ukraine with «environmental misbalance». Political neglecting of nature protection, uncertainty in nature protective activity priorities assist breaking demands of nature protective legislation, furthermore in conditions of punishment sanctions absence.

50. The Accounting Chamber of Ukraine noticed considerable violations of financial discipline of MENRU. During 1999–2000, the Kyiv administration illegally used 119,000 UAH,



including 75,000 UAH in 2000. At the same time from provided by active legislation amount of financing in 2000 (1,030,000 UAH) with having enough money on the NEF account it was used only 97,000 UAH. And it made 9.4% from financing provided. In 2000, MENRU did not share and use money of the National EF on the total sum of 13.8 million UAH. And this exists herewith the Ministry had inquiries from central and local structures of executive authority, enterprises and organisations for nature protection activities financing on the total sum of 200 million UAH.

51. It is not rare when the local budget deficit is financed for NEF money. Though for today the MENRU as co-ordinator of activity in a field of environmental protection and natural resources, have not generate, systematised and analysed the information about using NEF money on the regional and local level. Attempts to use possibilities of President Administration of Ukraine and local state administrations were not used.

52. Article 7 of Budget Code of Ukraine note that each budget process participant takes responsibility for his actions or passiveness on each stage of budget process. On practice they do not take any responsibility for non-using Ukrainian State budget money or their non-purpose using. There are no facts of punishment for breaking nature protective legislation demands known by public. Apart from that, the same article of Budget Code of Ukraine declares the effectiveness principal; in particular «while making and executing budgets all budget process participants should aspire reaching set aims, involving minimal budget money and reaching maximal result».

53. There is such an impression composes that MENRU does not do the appropriated money using effectiveness analysis. For example, in July 2000 from the National Environmental Fund 500,000 UAH was transferred on the account of Dnipropetrovsk Regional State Administration of MENRU for recycling buildings reconstruction. The payment for this works in measures of this project was done by Administration on total sum of 295,000 UAH, and money residue was 206,000 UAH. Though, First Deputy of Kryvyi Rig Major V. Artyuh applied for a new inquiry to the MENR. In November 2000 the Ministry, have not got to know whether earlier given money were used effectively, appropriate from State Budget 500,000 UAH more. In this connection the Accounting Chamber of Ukraine notes: «State Fund money, appropriated for executing of these proceeding in sum of 706,000 UAH stayed

#### **Examples of No-purpose Use of Nature Protection money**

In Kryvy Rih city some years ago foreign-made cars for police was bought for NEF money. «What nature protective effect that may have?» – one active ecologist of the city asked? «Foreign-made cars have less harmful vehicle emissions!» – they replied. How to notice that decreasing on the backgrounds of though-outs of Kryvorizkiy coke chemical factory, the biggest in the world «Kryvorizhstal» blast furnace or clouds of dust from quarries while exploding the ore pieces by decades of tons of dynamite simultaneously. In Tatarbunary region nature protection money were spent on coil purchasing. In Odesa region – on villages gasification works. In Horlivka city budget it was distinguished a considerable amount of money (278,000 UAH) «for purchasing computers for city schools in connection with starting the environmental educational works, growing of environmental education level». There were not any ground for this expenditure, and reasonability of spending EF money for these purposes was not discussed on the session of Regional Council. Computers were distributed as a personal major's present for the school and in reality are not used for environmental education.

a long time on recording account of Dnipropetrovsk Regional State Administration of MENRU that testifies about their ineffective using».

54. Unfortunately, today's annual reports regarding National EF money using do not contain any information about their usage end result. There is no analysis of executing of money receivers obligations also. There is no detail information concerning any definite project. Giving the general figures of money used by regions or fields indicate either unwillingness or incapability to analyse professionally the effectiveness of National EF money using, or willing to «sweep marks» of using its non enough effective.

55. For today enterprises, organisations and institutions realise the main part of nature protective measures as a rule by their own money. In a World Bank research they say: «The majority of environmental expenditures are done from non-budget sources, mostly from enterprises money, i.e. from private sector». In 1996–2000 these expenditures were considerably decreased. In 2000 costs from non-budget sources made 94% of all expenditures for environmental protection. In total costs score the biggest part belongs to private current expenditures that in 2000 made 77%. Unfortunately, the Cabinet of Ministers of Ukraine and the MENRU not enough effectively execute their functions regarding the co-ordinating activity directed on environmental protection and rational nature protective resources using.

56. «Regulations on National Environmental Fund» were ratified by Cabinet of Ukraine Resolution from 05/07/1996 # 634. For executing of this resolution all local Councils should work out and ratify according statements about NEF and «The order of forming purpose chapters «Environmental protection (eco-safety)» in a structure of all local budgets.» However, in most towns and districts these Regulations on NEF are not worked out and ratified yet. Own initiatives of Donetsk and some other MENRUs Regional State Administrations may serve as an exception.

57. International co-operation at bilateral and multilateral basis is not only an important source on the way to integration of Ukraine into European and world space, but also a source of aid in the field of environment. Volumes of international aid for programs and projects in the field of environmental protection sometimes are in USD millions. In the same time, these money can not be checked by the Accounting Chamber of Ukraine. Therefore, grants can catalyse corruption.

58. Procedures of preparation and implementation of the international aid projects is often not very transparent. It is hard to get an information on use of such assistance. For example, the Public Council under the aegis of the MENRU had to ask twice the Minister Mr. Kurykin to provide the information concerning the implementation of Dutch-Ukrainian project «Risk Prevention, caused by Accumulation of Out-of-date or Prohibited Pesticides in Ukraine». Besides, there are other disadvantages in the system of management of international aid projects. For example, responsibility for management of international aid projects is not specified and personified nether in the MENRU, nor in the system of other state executive bodies.

#### **8.4. Public Participation in Budget Process**

59. In most international documents, in the Aarhus Convention particularly, is accepted that public participation in decision-making that impacts on environmental condition helps to transparency improvement, and through the one – quality of this decisions. In Ukraine it

is absolutely necessary condition to avoid corruption yet. 11th of October 2000, the Public Council for MENRU directed to higher officials a letter regarding reasonability of public participation in budget process. They proposed officially, through the working out and passing of according statements and legislative amendments to accept the necessity of public participation in all stages of budget process, in particular:

- participation in nature protective budget forming;
- participation in nature protective budget forming;
- participation in discussion of these projects content, nature protective programs and plans;
- participation in executing nature protective measures, first of all in proceedings of environmental education and informing;
- participation in monitoring and discussion of effectiveness of environmental programs, projects and the most important nature protective measures realisation.

Unfortunately, response came only from MENRU and Ministry of Finances and without certain proposals.

60. Got acquainted with conclusions of the Accounting Chamber of Ukraine regarding check-up of NEF money using, Public Council Applied with inquiry #9 from 03/13/2002 to the Minister of the Environment and Natural Resources of Ukraine Serhiy Kurykin with request to give Ministry comments on conclusions of the Accounting Chamber of Ukraine. In the Ministry's reply (letter #1270-k/07/1-11/95/11), signed by Minister Serhiy Kurykin, Public Council got a refusal for this information, stating that this information is closed. It was also mentioned that «according to the warrant of the Accounting Chamber of Ukraine from 02/18/00 #3-dec «About passing the instruction «About the order of recording, preserving and using documents, deals, editions and other material information carriers that contains confidential information»», mentioned report refers to confidential information list.» On the MENRU's Public Council member inquiry from 09/27/2002 #109, Head of «Zeleny Svit» inform- centre S. Fedorynchyk, the Accounting Chamber of Ukraine gave reply (letter from 10/14/2002 #10-1191) signed by first Head substitute V. V. Malikov. In this reply the MENRU statement mentioned above was denied and said that «bulletins with the Accounting Chamber of Ukraine check-up results are prepared on the base of collected materials and passed reports and sent to according governmental structures without any regime signs. Simultaneously we inform that after results of control-analytical measure conducted also without regime sign it was the letter sent to the MENRU from 06/14/2001 #04-769. It contained the conclusion of Board of Accounting Chamber of Ukraine from 05/29/2001 #20/12-4 that was directed to the report about forming and using Environmental Protection Fund money check-up results» for the reaction». So we may conclude that MENRU tried to hide information concerning the Accounting Chamber of Ukraine check-up.



# Chapter 9

## International Co-operation

Compiler: **Gennadiy Marushevsky** (National Ecological Centre of Ukraine)

Used at this section are materials and proposals, presented by:

**Oxana Bilobran** (All-Ukrainian Environmental Public Organisation «Mama-86», Kyiv),

**Oxana Kysylova** (Institute of Liberal Society, Kyiv),

**Irina Kolomiets** (Institute of Liberal Society, Kyiv),

**Alla Kovalska** (Zaporizhia Regional Public Organisation «Clean Air»),

**Victor Melnychuk** (National Ecological Centre of Ukraine, Kyiv),

**Olexander Stepanenko** (Environmental and Humanitarian Union «Green World», Chortkiv town,  
Ternopil Oblast),

**Valentyn Stetsyuk** (Lion's Society, Lviv).

### 9.1. Bilateral and Multilateral Co-operation

1. Taking into account the fact that in the modern world extremely actively introduced is global integration of economic, technological and information structures, which more and more become transnational and international co-operation also acquires extreme importance, to-day, there is an urgent need for development of a modern strategy of foreign policy of Ukraine, which would secure national interests of the country, facilitate implementation of objectives of sustainable development.

2. Under condition of rapid changes taking place in the world and demanding from each country self-determination and implementation of well-thought both domestic and foreign policy. Priority for foreign policy of Ukraine should be further development of co-operation aimed at liquidation and prevention of local, regional and global environmental problems. This is necessitated by:

- Benefits of international exchange of experience and technologies as well as possibilities for obtaining foreign investments;
- Trans-boundary nature of pollution;
- International commitments of countries relating to the environment protection;
- Global nature of many environmental problems.

3. One of priorities of foreign environmental policy of Ukraine should become its gradual incorporation into international and European legal space. The basis for international environmental co-operation is international environmental legislation, which relies on bilateral and multilateral agreements and treaties. Membership of Ukraine in nature conservation conventions, co-operation under the framework of bilateral and multilateral agreements, implementation by Ukraine of obligations emanating from signing by Ukraine of conventions and treaties in the area of the environment protection and rational use of natural resources will raise authority of this country in the world and strengthen its political importance.

4. Ukraine signed more than 35 bilateral inter-governmental agreements in the field of environment protection (14 of them are signed between ministries) with such countries as: USA, Canada, the Netherlands, Denmark, Great Britain, Switzerland, Russia, Moldova, Belarus, Hungary, Poland, Bulgaria, Slovak Republic, Rumania, Georgia, Estonia and other countries. However, so far no analyses of the efficiency of such co-operation has been undertaken.

5. Membership of Ukraine in Conventions relating to the environment and nature protection, implementation of the obligations, taken by Ukraine under such conventions and agreements in the field of the environment protection and rational use of the natural resources, will raise political weight of Ukraine and its authority in the world. Ukraine is a party of 17 international environment protection conventions as well as attached to them 4 protocols and 1 treaty. Prepared for further ratification are 9 multilateral documents. In this respect, it should be noticed that total debt of the country connected with payments of its membership fees to secretariats of various conventions makes up UAH 370,000 as for the year 2003. As a result of it, there is a danger that Ukraine will not implement its obligations imposed by its membership in multilateral agreements. Due to the fact that by the law

it is prohibited to use financial resources of the National Environmental Fund for payment of the membership fees due to secretariats of conventions, it is necessary to create efficient mechanism of implementation of financial obligations of Ukraine under conventions and agreements signed by it.

6. Expansion of the EU makes strengthening of transboundary environmental co-operation, including within the framework of Euro-regions, quite an urgent necessity.

7. One of possible ways to solve the problems of individual regions and of the country as a whole, is an analyses of the experience, gained by other countries of Europe in respect to improvement of their environment management and solution of the problems with maximum possible positive result. In Zaporizhzhia there are first examples of introduction of positive foreign countries experience. After introduction at many industrial enterprises of the city of ISO 9000, some of such enterprises started to implement measures on preparation and introduction of international environment management standard ISO 14000.

#### **Main Directions of Bilateral and Multilateral co-operation**

Main Directions of Bilateral and multilateral co-operation include:

- Protection of biodiversity;
- Protection of transboundary water courses and international lakes;
- Transboundary environmental impact assessment
- Protection of ozone layer;
- Protection of air;
- Waste management;
- Protection of the Black Sea against pollution.

Co-operation with such countries as Poland, Slovak Republic, Hungary, Romania, Moldova, Russia, Belarus with which Ukraine has common borders is aimed at:

Mutual operational information about a threat of considerable transboundary pollution of the territory of one of these countries;

- Information exchange in the area of environment protection;
- Protection of biological and landscape diversity;
- Reduction of air, land and water resources pollution;
- Establishment of Pan-European Ecological Network;
- With countries with which Ukraine has common sea borders, namely: Russia, Georgia, Turkey, Bulgaria, Romania, bilateral co-operation is aimed at management and protection of water resources, including that of the Black Sea and the Sea of Azov.
- Development of co-operation with other countries is facilitated through international technical assistance, provided in form of projects, implemented under the framework of the EU TACIS Programme (regional and cross-border projects).

## 9.2. Strategy and Forms of International Technical Assistance to Ukraine

8. One of the forms of international co-operation is provision to Ukraine of international technical assistance, including in the field of environment. International technical assistance (ITA) includes resources and services, which are provided to Ukraine, in accordance to international agreements, by donors on charge-free basis in order to support Ukraine. Acting as a donor can be foreign country, government or authorised by government of the foreign country body, foreign municipal authority or international organisation, which provide international technical assistance in accordance with international agreements of Ukraine. During the period of 1996–2001, Ukraine received international assistance from various donors amounting to Euro 119 million (source – OECD Data Base), which was used for solution of environmental problems in water sector, assistance in formulation of environmental policy and environmental protection.

9. Measure on attraction, use and monitoring of ITA in the field of environment is performed by the Ministry of Environment and Natural Resources of Ukraine (MENRU) At the present time, countries which provide bilateral technical assistance to Ukraine in the field of environment and rational use of natural resources include the Netherlands, Denmark, USA, Canada, Germany, United Kingdom, Sweden as well as a number of international organisations such as UNDP, GEF, EU TACIS Programme and other organisations of the UNO system, operating in the field of environment – UNEP, UN EEC

10. International TA facilitates increase of the priority level for the environmental policy of Ukraine, provision to environmental protection organisations of some required equipment, strengthening of institutional potential. Donors provide consultants, who carry out analyses of the existing problems and provide consultations. A number of TA programmes were aimed at capacity building for environmental protection organisations of Ukraine through placement of consultants at work places or through establishment of structures for implementation of various projects and with involvement in such structures of local experts.

11. Information on analyses of the efficiency of use of ITA is absent, due to the fact that either such analyses was not carried out or its results are closed for the public. At the same time, it may be pointed out that efficiency of ITA not always was high enough. The principal reasons for it are:

- Insufficient level of attention of donors to local conditions and requirements in the process of elaboration and realisation of the TA projects. In many cases, donors tried to impose their own vision of reforms, without due account for local cultural, social, economic and legal peculiarities of the TA recipient country and excessively influenced the way of TA programmes implementation.
- Complicated procedures of project cycle imposed by donor-organisations lead to considerable delays in response to urgent priority needs of the recipient country and as a result of such delays, many projects of TA lost their importance by the time of the start of their practical implementation.
- Poor level of involvement of the beneficiary organisations into development of programmes and projects, which lead to a loss of the feeling of commitment to possible programme results and outputs.



- Low quality of services provided by consultants. Many consulting companies could not provide sufficiently qualified experts capable to provide specialised consultations and advise as to the ways of solving environmental problems, which they met in Ukraine.
- Very frequent orientation of assistance towards acquaintance with complicated modern instruments (e.g. «trade in emissions quotas»), but not in reform of basic instruments (such as standards, permits, law enforcement, and others). Very often, ambitious examples of «the best practices», recommended by the international organisations or their consultants are ignored here because they do not take into account existing local personnel, technical and financial resources.

### **Principal Directions of bilateral ITA**

Within the framework of bilateral agreements with USA, Canada, the Netherlands, Denmark and Germany, Ukraine receives technical and consultative assistance aimed at:

- Reduction of green-house gases emission,
- Assistance to Ukraine in implementation of its international obligations to undertake measures preventing global climate changes;
- Public participation in solution of environmental problems
- Strengthening of potential for use of remote sensing, GIS and Internet technologies (Government of USA)
- Liquidation of environmental consequences of pollution and deterioration of the state of environment at the Dnipro River Basin, securing rational use of its resources, including biodiversity, (Government of Canada)
- Improvement of possibilities for use of requirements of the Aarhus Convention relating to access to justice in matters concerning environment (Government of Denmark)
- Establishment of computer-based system for management at national and regional level; provision of equipment to national parks (Government of the Netherlands)

International technical assistance provided by international organisations is aimed at:

- Support to the Secretariat for preparation of the 5-th Ministerial Conference «Environment for Europe» (Kyiv-2003)
- Development of recommendations on improvement of awareness, information, education and public participation in the environmental decision-making process
- Support to Black Sea Environmental Programme
- Improvement of efficiency of water resources management at the Seversky Donets and Pripiat River
- Improvement of environment protection system for the Verkhovyna region of Ukraine;
- Support of operation of the Regional Environment Centre (EU TACIS)
- Elimination of usage by chemical enterprises and refrigerators manufacturing industry of ozone-layer destructive substances
- Conservation of biodiversity of the Black and Azov Sea region.
- Liquidation of consequences of pollution and deterioration of the state of environment at the Dnipro River Basin, securing rational use of its resources (Global Environmental Facility)

- Many programmes and projects of TA paid main attention to technical and procedural issues, but failed to achieve a balance between development of specific political instruments and securing wide scale stakeholders participation. Some of such programmes and projects resulted only in preparation of reports, which had no practical application. Other programmes paid principal attention to the issue of wide stakeholders participation, but often to the prejudice of development of concrete measures needed for solution of that or another environmental problem.

13. There are a number of problems, which do not make it possible for the MENR of Ukraine to efficiently use provided ITA. They include:

- Lack among donors of a practice of preliminary agreement with MEPNR and the public of the feasibility and need for initiation of that or another programme or project;
- Majority of terms of reference for the ITA projects are not agreed upon with MEPNR. Currently, agreed upon are only principal directions of co-operation. On the other hand, terms of reference for projects, aimed at support of public organisations are not agreed upon with the Public Council attached to MEPNR of Ukraine;
- Procedure for selection of implementation organisations or companies for joint projects is not agreed with MEPNR;
- Absent is clear-cut mechanism for provision to MEPNR by the project implementer of required reports and information as to the current progress of project or programme preparation or implementation;
- Low number of the Ukrainian experts involved into ITA programmes or projects. Usually, employed as experts for such ITA projects are foreign consultants with payment of fees for their services reaching 50% of total ITA project budget.

14. It is necessary to point out that such situation exists not only at MEPNR of Ukraine. Other ministries and organisations frequently raise the issue of the need to improve efficiency of co-operation with donors in respect to provision of ITA. Therefore, the Ministry of Economy and European Integration of Ukraine (governmental body in charge of co-ordination of ITA to Ukraine) has prepared and the Cabinet of Ministers of Ukraine by its Resolution # 153, dated February 15, 2002, approved «Guidelines for receiving, use and monitoring of international technical assistance». These Guidelines define the procedures for receiving, usage and monitoring of ITA, terms and forms of reporting, including by the economy branches ministries, to the Ministry of Economy and European Integration of Ukraine.

### **9.3. International Assistance to Ukrainian Environmental NGOs**

15. Public environmental movement was the strongest among those public movements, which back in 1991 contributed to establishment of independent Ukraine. Therefore, in the 1990s international organisations and funds provided environmental NGOs with considerable amounts of financial and technical assistance in hope that it will be the public environmental movement, which would become the basis for the civil society.

16. In the recent years, observed is a tendency to reduction of general interest to activities of environmental NGOs on behalf of international environmental organisations and charity funds. National offices of the «GreenPeace International» and WWF were closed in Ukraine. EU TACIS Programme decreased the level of its activities in the field of the envi-

ronment protection. The Soros Foundation (International «Renaissance» Fund) also reduced its activities. Activities of the National Committee of IUCN are actually stopped.

17. Great number of funds do not provide grants on environmental protection activities as such and connected with it scientific research, because for them priority directions of assistance are support to general democratic transformation in the society, facilitation of the economy and market development, support to entrepreneurial activities. Grant allocation policy of such IFIs as the World Bank, EBRD, UDAID and others orient environmental NGOs to implement the projects, which are of much higher priority for these particular IFIs activities than for environmental priorities of Ukraine and its environmental NGOs.

18. It is worth of mentioning a certain tendency in providing international charity aid to environmental NGOs. Foreign charity organisations and funds are not so interested in supporting of scientific researches in the field of environmental conservation, especially fundamental ones. Projects, directed towards expert help to NGOs in the implementation of state environmental programmes, are also not very supported. Programs and projects, important for strengthening of public influence at elaboration of environmental policy in Ukraine, informing and lobbying of the issues of environmental legislation, nature use and sustainable development and support to environmental NGOs networks, are also not very much supported. The funds are more interested in the projects, devoted to building of a democratic society, improvement of public awareness on social issues, propaganda of certain values and ideas, which the foreign donors consider as important for Ukraine and are not urgent for Ukrainian society (for example, gender equality, rights of some minorities, etc.). In the same time, priorities of Small Grant Programme for environmental NGOs are oriented towards implementation of very narrow goals, namely publication of a book or a film, conducting street actions etc.)

19. Very often, policy pursued by international organisations in grant-type assistance to local environmental NGOs is lacking transparency for the public. There is no valid mechanism for public evaluation of the efficiency of such assistance and influence upon grant allocation policy of donor organisations. Sources of financing of Ukrainian NGOs from foreign charity organisations and funds are open. Each NGO theoretically can receive grant money, having passed proper competition. However, criteria and results of selection often are hidden and defined by the influence of some other interests, which are not connected with context of NGOs activities and quality of preparation of proposals. Especially it relates direction of donor structures towards co-operation with the same NGOs, having declared equal opportunities for all NGOs.

20. Environmental NGOs actively co-operate with many international organisations and funds. For example, many public organisations know well the ISAR, which funds only environmental NGOs. It operates in Ukraine since 1993 and implemented a number of grant allocation programmes, such as «Seeds of Democracy», «Environmental Way to Future». In total, during the period of 1993–1998, the ISAR supported implementation in Ukraine of more than 200 projects. During last 3 years (2000–2003) ISAR-Ednannania allocated 124 grants to environmental NGOs, individual size of each of such grants varied from US\$ 150 to US\$ 2,000 with total grant programme budget of US\$ 150,717.

21. Regional Environmental Centre «REC-Kyiv» in its first grant programme to environmental NGOs (2001–2002), intended for protection of rivers and river basins, protection of biological and landscape diversity, reduction of the level of the environment pollution and

environmental education and information projects, allocated about US\$ 200,000. In addition to it, REC-Kyiv forms and started to introduce new methodological approach to development and implementation of local environmental action plans (LEAP), which is based upon on the river basin approach and combines efforts of the population and local authorities of numerous villages and small settlements located at a river basin section, where such LEAP is to be implemented.

22. International «Renaissance» Foundation is one of the biggest providers of grants to various NGOs of Ukraine. In Ukraine, the fund few times initiated programmes, which in essence were environmental ones. A number of environmental NGOs carried out their activities thanks to support from the International «Renaissance» Foundation. In 1995–1999, the «Counterpart» Foundation gave some grants to some environmental NGOs and initiated a number of large grant programmes for NGOs in Ukraine. Grants for environmental NGOs are also provided by a number of other foreign funds, embassies, by the World Bank and other organisations (for example, «Green Grant Program», initiated by the Dutch Embassy, «Environmental grants Program» by the British Council). These grants in general are not systematic and of sporadic nature, though, they considerably help environmental NGOs.

23. In recent years, conditions for operation of international philanthropic funds and projects deteriorate. As a result of it, further reduction of the volume of international grant assistance to Ukraine and Ukrainian environmental NGOs should be expected.

24. The fact, that today many environmental NGOs in Ukraine are financed by international organisations and programs of foreign governments, shows that legislative regulation of NGOs activity is imperfect. Dependence of environmental NGOs on money of charity funds and foreign government is not safe for the country. Besides, existing procedures and rules of use of such a help can be better.

25. In Ukraine, there is no legally binding system of regulation of grant activities of environmental NGOs and individual experts, who work in the framework of international programs and receive grants. There is no such notion as «grant» and «grant activity». Usual tax officer understand such term as a swearing, although grant activity today is the main source of financial support for activities of the majority environmental NGOs. In official document proceedings, NGOs have to use the term «Unreturned charity aid» in all grant agreements, although from legal point of view it is not very correct. Unreturned charity aid in the form of money does not envisage providing a budget, terms of reference and clear reporting in the relevant agreement on the grant provision. On the contrary, majority of grant agreements are made with the above-mentioned conditions, which is, according to national terminology, is in practice, conducting works and providing services. Grant money should not be taxed, as it is practised in many countries of the world, or there should be low or joint tax on grant activities.

26. According to the rules of international organisations, a condition for providing grant money to NGOs is not to use this money for tax payments. Such aid is target and cannot be used for NGOs own problems. Many international organisations cannot or do not want to provide direct technical support to environmental NGOs and to pay expenditures for salaries of regular personnel, renting an office, etc. (overhead expenses). As a rule, they do not give money for elaboration of environmental NGOs or provide only small amounts of money (lower 1%) for this. Therefore, environmental NGOs do not have possibilities to hire highly qualified managers and accounting personnel. If international organisations agree to

pay expenses on salaries of work of staff, another problem appears. Salaries of experts and regular staff of environmental NGOs, fees are taxed at the basis of general provisions for all enterprises and organisations of Ukraine. Such conditions of activity hamper institutional development and activities of environmental NGOs.

27. Many Ukrainian environmental NGOs are collective members of international environmental public organisations, such as IUCN, EUCC, WWF, CEE Bankwatch Network, Black Sea Network, BirdLife International, etc. These organisations, in some cases, allocate certain funds to Ukrainian NGOs for implementation of joint projects. Potential of Ukrainian NGOs to co-operate with international environmental organisations is limited due to lack of direct transfer of money abroad. There are such cases in the environmental NGO practice, when they should pay membership fees to international organisations, implement international projects with involvement of foreign organisations or experts etc. In theory it is possible, but it required execution of long-term procedure of receiving licence and related to significant money and time loses. For example, for already 2 years, since change in bank procedures, the National Ecological Centre of Ukraine, cannot pay officially membership fees to the International Union for Conservation of Nature (IUCN), even though it is a member of the largest world environmental organisation and takes part in implementation of its projects in Ukraine.

#### **9.4. Ukrainian Environmental NGOs Participation in «Environment for Europe» Process**

28. Public Council under the aegis of the MENRU, which was established for development of a dialogue between this Ministry and environmental NGOs of the national level, identified organisation of annual all-Ukrainian conferences of environmental public as one of principal instruments for preparation to Kyiv-2003 conference. Such conferences contribute to participation of the public in formation and realisation of the environmental policy in Ukraine. They also provide an opportunity for discussion and elaboration of joint strategy of NGOs, facilitate self-organisation of public environmental movement, and play leading role in development of the civil society in Ukraine. Permanent comprehensive organisational, technical and financial support in implementation of such conferences is provided by the Regional Environmental Centre (REC-Kyiv).

29. The first conference of environmental NGOs named «Environmental Policy in Ukraine: NGO view» took place on 15–16th of December, 2000 in Kyiv. Participants of this conference were representatives of 118 NGOs (271 individuals) and representatives of governmental organisations. One of the principal objectives of this conference was elaboration of the Program of joint actions of Ukrainian NGOs in preparation of the Kyiv Conference and facilitation of local NGOs integration into the European network of environmental NGOs. Participants of the conference authorised the Public Council to carry out preparation to public forum to be run in parallel with Kyiv-2003 conference.

**30. In December 14–16th, 2001 the second all-Ukrainian conference of environmental NGOs and public «Environmental policy and Introduction of Sustainable Development Principles in Ukraine: NGO role» took place in Kyiv. Number of participants to this conference made up 222 people, who represented 160 NGOs as well as governmental institutions and international organisations. In the framework of this conference a**

**round table was organised, named «Action Plans of the Public concerning Preparation to the Fifth Ministerial Conference»(Kyiv-2003).**

31. The third All-Ukrainian conference of environmental NGOs and public took place during the period November, 29 through December, 1, 2002. The objective of this conference was to involve public into preparation of the Fifth Ministerial Conference and parallel forum of the public as well as to elaborate, discuss and adopt the document, entitled «Public Evaluation of Environmental Policy in Ukraine». In accordance with 9 sections of this document, 9 working sections were organised for discussion of the draft document.

32. Organising Committee (OC) of the Ukrainian NGOs for preparation of Kyiv-2003 conference was established on January 9th, 2002. In accordance with decisions taken at the Second Conference of environmental NGOs, the OC consists of representatives of all associations of environmental NGOs in Ukraine: Public Council under the aegis of the MENR of Ukraine, Public Councils under the aegis of regional environmental authorities (branches of the MENRU), working groups, networks and coalitions of environmental NGOs. Activities of OC is carried out in accordance with the statute of the Organising Committee, at which it is mentioned, in particular, that the Organising Committee is opened for joining by any other NGOs. OC Secretariat was established. In its work, the OC applies such instruments as information exchange, carrying out enlarged meetings of OC, at which all members of OC can take part.

33. The principal subjects of discussions were:

- Plan of activities of OC;
- Preparation of «Public Evaluation of Environmental Policy in Ukraine»;
- Development of the position as to NIS Environmental Strategy;
- Forms of interaction of the OC with the MENRU, European Eco-Forum, Kyiv-2003 project and the project on «Use of information and communication technologies for co-operation between Ukrainian NGOs in the process of their preparation to Kyiv-2003 conference»
- Proposals to state program of measures for preparation and implementation of the 5th Pan-European Ministerial Conference;
- Preparation of the third all-Ukrainian conference of environmental public and exhibition-presentation Ukrainian Environmental NGOs;
- Preparation of the 4th All-Ukrainian Conference of Environmental Public and «Emerald Week» (May, 17–25, 2003).

34. In the process of discussion of possible approaches to the agenda of the International Parallel Forum of the public, the Organising Committee decided that it would be feasible to discuss during this forum not only the issues included into agenda of the Ministerial Conference, but mainly those issues, which are of the greatest concern for the public and after that to present position of the public at the Ministerial Conference. Such approach enables public organisations to be not only in the lead position of the national and international environmental policy, but also to present its own initiatives. Besides that, environmental NGOs can discuss problems, which are important from the point of view of the public, but which were not included into agenda of the Kyiv-2003 conference.

35. On April 13, 2002, at the enlarged meeting of the Organising Committee, the following agenda for the parallel forum of NGOs was proposed:

- Public evaluation of environmental policy in countries of Europe;
- Priority strategy of transition of the European countries to the rails of sustainable development: NGO vision;
- Environmental education: current situation and perspectives of development;
- Information of the population about the state of environmental issues;
- Legal, social and economic conditions of NGO activities: difference between countries of the Western Europe, Eastern Europe and Central Asia;
- Agenda of the Ministerial Conference Kyiv-2003.

36. The Organising Committee co-operates with the European Eco-Forum. The Head of the OC is a member of Co-ordination Board of Eco-Forum.

37. In the «Program of Measures for Preparation and Conduction of 5th Pan-European Ministerial Conference» «Environment for Europe» for 2002–2003» approved on October, 31, 2002 by Anatoliy Kinakh, Head of the National Organising Committee (NOC), Prime-Minister of Ukraine, it was envisaged that NOC would facilitate work of the Organising Committee of Ukrainian Environmental NGOs, aimed at preparation and carrying out, Parallel NGO Forum.

38. One of the issues, included into agenda of the Kyiv conference, which caused the most heated discussion by Ukrainian environmental NGOs was discussion of the initiative to develop NIS Environmental Strategy. Under impact of critical attitude to this initiative from the environmental NGOs, its title has been constantly changed: «Environmental Strategy of 12 Countries», «Environmental Strategy of Countries of Eastern Europe, Caucasus and Central Asia», «East-West Partnership for Sustainable Development», etc. After high level preparatory meeting of the representatives of the NIS countries (1–2 February, 2002, Kyiv), the initiative of development of NIS Environmental Strategy has been regularly discussed by the Ukrainian environmental NGOs, both with the help of internet and at the meetings of the Public Council under the aegis of the MENRU and Organising Committee of Ukrainian Environmental NGOs.

39. Majority of Ukrainian environmental NGOs did not support the idea of development of the NIS (EECCA) Environmental Strategy. It is shown in multiple appeals to the government and the President of Ukraine, publications, presentations of the representatives of the public at the high level meetings, which took place in the Hague, Kyiv and Tbilisi, as well as in decisions of the national seminar «From Environmental Strategy of NIS Countries to Pan-European Environmental Partnership East-West» (Kyiv, January 29, 2003).

40. According to NGO letters and appeals, principal arguments against development of such strategy were:

- Procedure of document development was in breach of requirements of the Aarhus convention, because representatives of the public did not take part in its elaboration at the earlier stages of the document preparation. For example, the purpose and objective of the strategy were identified without participation of the public at «High level Preparatory Meeting for Discussion of Development of the Environmental Strategy for NIS».

- The idea to develop an environmental strategy separated from other components of the sustainable development is a conceptual mistake, because it contradicts to Agenda-21, which envisages consideration of economic, social and environmental issues in their inter-relation.
- Proposed territorial framework of the strategy are not geographically justified. For example, as a result of strategy development, division of the Eastern Europe into West-East Europe and East-Asian Europe is proposed. It also contradicts initial stage of the process «Environment for Europe», at which Ukraine was considered as belonging to Central and Eastern Europe countries.
- Proposed political framework of the strategy contradicts foreign policy course of Ukraine, aimed at European integration, and it also contradicts to national interests of Ukraine. Dominating at this strategy is purely political approach, which contradicts environmental (bioregional, basin) approach;
- So far, Ukraine has not developed «National Environmental Action Plan» and «National Strategy for Sustainable Development», therefore, initiative of development of new international strategy is not priority for Ukraine;
- Artificial polarisation of environmental policy of Ukraine to the East could not facilitate integrated solution of transboundary environmental problems, because environmental policy of Ukraine should, first of all be oriented at environmental co-operation with all neighbouring countries of the West, East, North and South.

41. So far, it is difficult to define what would be consequences (positive or negative) for Ukraine of participation in the Environmental Strategy. But even now, it can be stated that initiative of preparation of such strategy had negative impact on the process of preparation to the Fifth Pan-European Ministerial Conference. Due to the personal interest in the idea of development of such a strategy by ex-Minister of Environment of Ukraine Mr. Sergiy Kurykin and his close helpers, the management of the Ministry failed to comply with the terms of the Decree of the President of Ukraine # 479, dated 22.08.2002 «On Preparation and Conduction of the Fifth Pan-European Conference of the Ministers of Environment «Environment for Europe». Despite clear-cut demands of the Decree, that the Program of measures for preparation and implementation of the Conference should be approved in the one month period (that is by June 22, 2002), this program was approved only in October 31, 2002 (4 months late). On demand of the majority of members of the National Organising Committee of Ukraine, all measures relating to preparation of the above mentioned NIS Environmental Strategy were excluded from program of measures for preparation of the Conference.

### **9.5. Environmental and Socio-Cultural Aspects of Globalisation**

42. The processes of globalisation have become apparent over the years passed since the Conference on Environment and Sustainable Development (Rio de Janeiro, 1992). Unfortunately, a little has changed since Rio in terms of provision of equal access to common global wealth for rich and poor, for developed and developing countries. Quite the contrary, globalisation of the world's economy and financial system has aggravated and made apparent the contradictions and deficiencies of the existing system of distribution of the global societal benefits. The trends emerged over the last decade have illustrated that developed countries benefited most as a result of globalisation.



43. For Ukraine, implications of globalisation are dual. The positive aspect is associated with the fact that Ukraine is no longer isolated and has a chance to become part of the system of global economic, financial, socio-cultural and environmental relations. Traditionally, high technologies have been available in a number of economic sectors, and Ukraine will be able to offer them at the international markets. High level of education and culture enables Ukraine to aspire to a proper place among the developed countries. On the other hand, integration into the world economy, market liberalisation and economic/financial reforms have hit Ukraine by the GDP reduction, economic and social crisis, growing external debts, reliance on the developed economies, aggravated gender and social inequalities, and overall crisis of moral values (anomie).

44. Pressure and control of the international financial organisations (especially the IMF and the World Bank) have forced Ukraine to undertake a number of traditional market reform actions: financial stabilisation, denationalisation and privatisation, price liberalisation, foreign trade liberalisation, convertibility of local currency. However, these actions failed to take into account the country realities, its political structure, economic setting, legal norms, people's psychology and mentality. Also, the timeframe of expected changes has not been clearly defined, as well as implementation mechanisms and social implications. Misappropriate use of loan funds has exacerbated the situation. As result, external financial support has expanded the space for instability of the national budget, rather than helped to reduce the inflation potential.

45. Social consequences of this course of the reform became pronounced in the mid-90s in terms of growing unemployment, progressive decline of real incomes of population, reduced and deteriorated pattern of individual consumption, reduced scope and poor quality of free social services, increased gender inequality at the labour market, increased polarisation of personal incomes and social tension, and growing trend of irreversible degradation of the environment. Active external loan investment policy has created a situation where the Ukrainian economy is now debt-driven, i.e. reliant on regular and progressively growing external financial injections. Given that external financial support is largely used in an ineffective manner, foreign loan repayment is becoming more and more problematic, placing a huge burden on the budget income.

46. The situation where the programme of economic reform was practically dictated by the international financial institutions without active participation of Ukraine itself has led to the increased paternalistic attitudes and reduced commitment of the state and government to the task of introducing sustainable development models and ensuring social security and gender equality.

47. One of key features of transnational capital is its free movement into the regions where production costs are minimal, so that to maximise profits resulting from exports of produced goods into the regions with higher population incomes. In this situation, national governments, seeking to attract investment at any price, in essence compete for investors, offering them the cheapest and undemanding workforce, lowest standards of environment and health protection, lowest taxes and developed infrastructure. Today, we see numerous evidences that many heavily polluting industries are relocated from the developed to developing countries, including Ukraine, in search for cheap workforce and low environmental and health standards.

### Kyiv-2003 Project

In order to improve the level of public awareness on environmental issues in Ukraine as well as to raise public awareness of problems, which will be discussed at the 5-th Ministerial Conference, All-Ukrainian Environmental Public Organisation «Mama-86», All-Ukrainian Coalition environmental NGO «Alter-Eco» and Stakeholder Forum for Our Common Future (United Kingdom) with financial support provided by the Community Fund in July 2001 started the «Kyiv-2003» Project.

Within the framework of the project a network of 56 environmental NGOs representing all regions of Ukraine was established. Activities of local partners of the project were co-ordinated by «Mama-86» (Kyiv) and by another 5 regional co-ordinators – Environmental & Cultural Centre «Bakhmat» (Eastern region), Ukrainian Environmental Organisation «Green World» (Central region), Odesa Branch of Mama-86 (Southern region), Association «Our Home» (Western region) and Crimean Regional Association «Ecology and Peace» (Crimea).

Large-scale population survey as well as surveys of small organisations, including NGOs have been carried out. The survey covered more than 700 people and about 400 organisations from all over the country. Result of the survey showed that the level of awareness of the public about the «Environment for Europe» process is quite low. Citizens underlined the lack of accessible information about this process and poor understanding of the connection between this process and their daily life. It also was investigated that the level of co-operation of environmental NGOs between themselves as well as with the public authorities and business structures on issues relating to solving existing environmental problems remains to be much better (see more details in analytical reports on the results of the census «Environmental problems in Ukraine – as viewed by the public», «Current problems of environmental movement in Ukraine», <http://alter-eco.org.ua/kyiv2003/pub/zvit1.pdf>, <http://alter-eco.org.ua/kyiv2003/pub/zvit2.pdf> ).

Using this information participants of the project directed their activities not only on environmental NGOs, but also at rather wide circle of stakeholders and interested persons: representatives of the public authorities of all levels, scientists, female organisations and communities, representatives of the least socially protected layers of population, in particular, invalids and others. With due account for interests, expressed by the stakeholders, compiled was the list of the participants of the regional workshops organised under the project. The principal objective of organisation of such workshop was to discuss the most urgent environmental problems of a region in line with preparation to the conference «Kyiv-2003». Workshops, which were organised in 5 regions of Ukraine were attended by 70-100 participants. Discussed were such issues as the Carpathian convention, environmental education, sustainable development of the regions, biodiversity, industrial pollution, water related problems. Also were discussed «Environmental Strategy for Countries of Eastern Europe, Caucasian and Central Asia», genetically-modified organisms, environmental problems of power engineering and some other issues. Participants to each regional workshop were acquainted with information on the progress of the process «Environment for Europe», as well as with progress in preparation for Kyiv-2003 conference, issues included into its agenda and possibilities to participate at this process. They also discuss documents, which were prepared for the conference and made their comments and propositions. Decisions taken at these workshops represented visions by the public of the ways to solve certain environmental problems at the regional level, as well as at the level of the country and «Environment for Europe» process. In order to summarise results of the regional workshops it is planned to carry out national workshop, which is planned to be held in Spring, 2003 in Kyiv.

In the framework of the project information and analytical bulletin «Kyiv-2003» was published. It was published in three languages – Ukrainian, Russian, English and was distributed free of charge among NGOs of Ukraine, as well as in other countries, involved into the «Environment for Europe» process. It also was distributed to state organisations, including ministries and state committees, responsible for development of environmental policies at these countries, as well as among international organisations and programs. The bulletin had a circulation of 6,000 copies.

Information about implementation of the Kyiv-2003 project and its partners as well as information on development of the «Environment for Europe» process can be found at the project Web-site (<http://kyiv2003.org>). This site also provides main information about official process of the conference preparation and information about measures taken by the Ukrainian public in respect to participation at this process. The site contains official documents of the conference. All of them are translated into Ukrainian, Russian and English languages, which makes them easily accessible to wide circle of the interested persons.

### Environmental NGO Partnership in Riparian Countries of Dniester River Basin

Dniester is the second largest river of Ukraine and main water artery of Moldova, which occupies 57% of the Basin area. The population of the Basin is 10 million people. The Dniester provides drinking water to such cities as Odesa, Chisinau, Lviv, Chernivtsy, Soroky, Biltsy, Tiraspol, Bendery, Illychivsk etc. However, throughout the whole length of the Dniester River, its ecosystem has been affected by extremely high anthropogenic load. Large-scale economic developments are concentrated in the Dniester Basin, including oil/gas and salt extraction; chemical, wood processing, sugar production, pulp & paper industries; power generation and agroindustrial developments. Water pollution by industrial and agricultural effluents, reduced forest and meadow cover, and intensive agricultural development over the recent decades have resulted in distorted ecological equilibrium, soil erosion, and, consequently, loss of river flow, frequent catastrophic floods and deteriorated drinking water quality.

The Dniester River Basin rehabilitation can only be possible on the basis of proactive co-operative effort of environmental organisations (both governmental and non-governmental) of Ukraine and Moldova. The Inter-Republican Committee for the Dniester River Protection operated in the USSR times, but co-operative activities of environmental researchers of the riparian countries have become quite sporadic since the USSR collapse. In 1996, joint Ukrainian-Moldovan Field Survey «Tiras 96» was carried out, followed by one more joint field survey along the Dniester River in 2001. Several joint NGOs conferences were also organised in this period.

The Non-Governmental Environmental Field Survey Programme «Dniester», sponsored by the Lion Society (Lviv), has involved annual field survey activities since 1988. Annual activities of the Programme have been joined by professional hydrochemists, hydrobiologists, geologists, geomorphologists, botanists, zoologists, hydrologists etc. The field survey results were published in two collective books – «Guarding the Dniester» (1996) and «Studying the Dniester» (1998). Environmental specialists from Ukraine, Moldova, Russia, Poland, Slovakia, Germany, UK, USA and Estonia have contributed to implementation of this programme. Close co-operative links were established with the German ecologists in 1993, when a group of students from the Mahrburgh University undertook a practical course during the field survey. The key outcome of this co-operative effort was the Ukrainian/German Project «Transformation Processes in the Upper Dniester Basin», whose pilot phase was launched in 1995. UNESCO have further sponsored this project, which has now reached its final phase.

This example illustrates how a public initiative may develop at the international level. The main thing is to identify and attract a suitable partner from the Central/Western European countries by demonstrating an opportunity, which does not exist in a partner's country. This would play a decisive role in gaining a partner's commitment and funding. Co-operation with adjacent countries (Poland, Moldova, Belarus) is driven by common interests which can provide an effective basis for its development.

Ukrainian/Moldovan co-operation on ecological rehabilitation of the Dniester River should be able to take into account specific natural features of the River. Given that the Upper and Middle Dniester are characterised by high self-purification capacity with respect to certain organic and inorganic compounds, Ukraine should first and foremost focus its effort on reduction of pollution by oil products and phenols by investing into upgrade of oil refineries, development of wastewater treatment capacity at industries using phenol compounds in their processes, and introducing incentives that discourage the common practice of washing vehicles in the rivers. On the part of Moldova, large investment would be required into construction of adequate wastewater treatment plants at bigger industries and municipalities concentrated in the Basin. As the Dniester is the major source of potable water supply to Odesa, Ukraine might be interested in contributing to development of wastewater treatment capacity in Moldova. The obvious requirement for such co-operation of Ukraine and Moldova in the Dniester Basin is an adequate legal framework in the form of bilateral governmental agreement.

48. Developed countries benefit from globalisation in terms of improved access to natural and intellectual resources, cheaper advanced technologies, new markets, cheap workforce and cultural diversity of economies in transition. On the other hand, as the world becomes globalised, any economic/social instability and environmental problems in the countries in transition significantly affect stability and sustainable development of the whole world (especially the European region). Immigration, growing crimes, HIV/AIDS, human traffic, environmental disasters – these are only some of factors that immediately affect human life in the developed countries. It would be naive to expect that developed countries are able to protect themselves against these problems by strengthening visa regime and customs control arrangements.

49. The issue of environmental priorities of the global policies is crucial. Over the last decades, significant advances have been made by the international community in terms of developing effective approaches towards certain global issues. For example, international treaties have been signed to prevent arms race and proliferation of nuclear weapons (as well as chemical/biological weapons), and ensure protection of the ozone layer, etc. There is a clear trend of growing involvement of ordinary public in environmental initiatives, and increased influence of «green» political parties which now have their representation in many national parliaments.

50. It should be remembered, however, that destructive forces currently possess much more power and authority than environmental movements. This is illustrated by simple comparison of military and environmental expenditures of the national budgets, which indicates that the governments are now more supportive of those social structures, which support war, rather than peace and life. Those governments, which fund military research at the expense of the environmental projects, in essence ignore the priorities set in Rio and Johannesburg, because sustainable development is not compatible with military agenda.

51. The public condemns the US-British aggression against Iraq. Delusive ambitions of politicians, militarists and oil tycoons should never be a cause of human deaths and sorrow. We can only regret about the fact that peaceful means of resolving a so-called «Iraqi issue» had not been employed to the full extent, and military action started against the resolution of the UN Security Council, and military intervention was once again chosen as a tool for resolving a political problem. Actions of the US and UK governments represent a violation of fundamental principles of the international law and human right to live and enjoy security. It is a big regret that the long-term efforts of the international community in setting the humanistic rule of order throughout the world, greatly contributed by the US and British people, are now threatened. A task of winning a certain military campaign is quite an easy one, but it will be of little help in terms of combating international terrorism, arms race and conflicts caused by competition for natural resources. The war itself pose a threat to the Persian Gulf and the whole world, multiplying the risk of humanitarian catastrophe, environmental disaster, energy crisis, growing mutual distrust between different countries and cultures.

52. Globalisation in its true humanistic sense is exclusive of the global ruling concept based on the world domination, which has been pursued many times in the history with little or no success. However, attempts to «force to freedom» and «impose equity», driven, as a rule, by such liberal values as «democracy», «market economy», «human rights», etc., are not in the past yet.

### 9.6. Strategic Actions for Sustainable Development

53. National level: it should be recognised that sustainable development cannot be achieved only on the basis of market instruments, without responsible involvement and concrete action on the part of the national government. The national government has an ultimate responsibility for creating a strategic vision of future development, with assistance and involvement of all stakeholders (NGOs, researchers, businessmen, etc.). It is a key challenge for Ukraine to find its niche and fully understand its strategic interests in new world, and integrate the sustainable development values into its long-term strategy.

54. Regional and global level: it is necessary to be aware of the fact that any instability of economies in transition (including Ukraine) affects sustainable development of the whole world, especially the European region. Countries in transition should be involved in development of the regional/global policies and sustainable development strategies. Ukraine should ensure that its legislation; economic, social and environmental programmes are consistent with the European and international agenda, whilst reflecting specific national problems and needs. Given that the developed countries greatly benefited from market liberalisation in Ukraine and other countries in transition, they should not ignore problems existing in these countries. In this respect, the external debt of Ukraine should be restructured in a way that assures that stronger focus is placed on social and environmental programmes (e.g. financial support to the programmes aimed at fighting poverty, modernisation of coal industry, addressing the Chernobyl issue, etc.).

55. Global level: sustainable development will never be achieved, unless a new global development paradigm is developed and implemented, being people-oriented and supported by a new global governance strategy. Definition of global moral values is prerequisite to introducing a new human development paradigm. A key requirement is understanding responsibility of current generation for security of future generations. Such moral values as «our common humankind», «common responsibility for common future», «unity in diversity», «worldwide public» should provide a moral framework for implementation of sustainable development concept. The need for and moral value of peace throughout the world should be especially highlighted. New global rule of order is only possible on the basis of understanding the sanctity of life.