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Environmental law in ukraine: present and prospects

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Introduction

Ecological and Legal Science of Ukraine and the system of environmental law are very young. Ecological and Legal views at Ukrainian science have centuries history, which dates back to ancient times.

Irrefutably that Ukraine in the environmental aspect primarily should be seen as post-Chernobyl state. The consequences of this catastrophe are very large and cover almost all territory of the country. However, the ecological situation in general measured in a much more wide range of issues.

In the developments of the World Health Organization (WHO) there are data that with the consideration of level of economic development of the country the health of humanity depends on ecological situation in the 20–80%. For Ukraine this index was count about 57%, it means that our health depends on the environment around 60%.

The main priorities of environmental protection and natural resource management include:

- 1) guarantee of environmental safety of nuclear facilities and radiation protection of population and environment, reducing to a minimum the harmful effects of the accident at the Chernobyl nuclear power plant;
- 2) ecological improvement of the water basins of Ukraine and the quality of drinking water;
- 3) stabilization and improvement of the ecological status of urban and industrial centers of the Donetsk-Pridniprovsk region;
- 4) construction of new and reconstruction existing capacities of communal purification sewerage facilities;
- 5) prevention of pollution of the Black and Azov Seas and improving their ecological condition;
- 6) creating a balanced system of nature using and adequate restructuring of the production potential of the economy, ecologization of technologies in industry, energy, construction, agriculture, transport;
- 7) saving of the biological and landscape diversity, conservation business.

To achieve this, provided solution of such problems:

- decrease to a minimum the level of radioactive contamination;
- protection of air from pollution, especially in large cities and industrial centers;

- protection and conservation of land resources from pollution, depletion and irrational use;
- conservation and enhancement of the natural areas of the landscape, enhance environmental protection on reserves and recreational areas;
- increase resistance and environmental functions of forests;
- neutralization, recycling and disposal of industrial and domestic waste;
- prevention of pollution of marine and inland waters, reduce and eliminate the discharge of polluted runoff waters into water objects, protection of groundwater against pollution;
- the preservation and revival of small rivers, the implementation of water resources management;
- completion of creation of state system of monitoring of the natural environment;
- creation of a system of prediction, prevention and prompt action in case of emergency situations of natural and man-made and natural origin;
- providing environmental support the conversion process of the military-industrial complex;
- implementation of measures for environmental control over the activities of the Armed Forces of Ukraine;
- development of mechanisms to implement the scheme of nature using;
- implementation of effective economic components of impact on the system of nature using;
- creation of a system of environmental education and informing.

State policy in the field of environmental protection, natural resource management and ensuring ecological safety are implemented through separate international, national, sectoral, regional and local programs, which are directed to the embodiment of certain priorities.

The main directions of state policy in the field of environmental protection, natural resource management and ensuring environmental safety developed in accordance with Article 16 of the Constitution of Ukraine, which determined that the ensuring environmental safety and support for the ecological balance in the territory of Ukraine, as well as already noted overcome the effects of the Chernobyl disaster.

Legal mechanism should provide the main directions a clear focus, formal definitions, general validity, promote the normalization of relations in the field of ecology, the application of preventive, operational, promotional and enforcement activities to businesses and individuals on the use of natural resources and waste, and legal liability for violation of environmental legislation.

Study, analysis, and synthesis practice of legislation application on the protection of the natural environment shall be implemented in two ways:

- 1) Preparation and approval of environmental regulations of nature using (with respect to mineral resources, soil, water, air, vegetation etc.);

2) Preparation and approval of complex of ecological and economic indicators of state control over the environment and the activities of the economic structures.

An important step towards strengthening the environmental sphere was the adoption in June 28, 1996 Constitution of Ukraine, which states that the ensuring environmental safety and support for the ecological balance in the territory of Ukraine is the duty of the State (article 16), everyone has the right of free access to information about the state of the environment (article 50), and each has pledged not to harm nature and compensate damages inflicted upon them (article 66). Also in this area, Ukraine has such laws and regulations (which have already been discussed earlier):

- „On the protection of the natural environment”;
- „On animal world”;
- „On Nature reserve fund”;
- „On Air Protection”;
- „Forest Code of Ukraine”;
- „Water Code of Ukraine”;
- „Land Code of Ukraine”;
- „The Code on Mineral Resources”.

Creates, provides and implements the state policy in the field of protection of the natural environment, the management and recreating of natural resources the Ministry of Protection of Nature Environment and Nuclear Safety of Ukraine, it is exactly this ministry carries out the legal regulation, integrated management and environmental controls concerning the protection, use and restoration.

Scientific researches on learning and development activities for the conservation of biological diversity busy professionals of research institutes and centers, especially the National Academy of Sciences (NAS): Institutes of Botany, Zoology, Hydrobiology, Geography, Biology of the Southern Seas, Ecology of the Carpathians, Molecular Biology, Microbiology, Cell Biology and Genetic Engineering, the Council for the Study of Productive Forces, Central Botanical Garden, Donetsk Botanical Garden and others; the Institutes of the Ukrainian Academy of Agrarian Sciences (UAAS): land use, crop production, agriculture, agro-ecology, veterinary medicine, animal breeding and genetics, aviculture, breeding and genetic, grapes and wine and others; faculties and departments of ecological profile of educational institutions and etc.

Art. 50 of the Constitution guarantees everyone „the right to free access to information on the environmental situation, the quality of food and consumer goods, as well as right to disseminate such”, as such information is „no one can be kept secret”. These rights are very important for realization, and the Constitution has created all the conditions for the success working of these institutions.

Art. 8 of the Basic Law of Ukraine declare that „the norms of the Constitution of Ukraine are norms of direct effect. Appeal to the court for the protection

of constitutional rights and freedoms of man and citizen directly under the Constitution is guaranteed". Consequently, now every citizen of Ukraine has the right to go to court to protect its environmental rights and freedoms. This is very important. (Norms of the Constitution, which regulate relations, related to the protection of the environment, by this is not limited as usually).

Art. 13, which provides: „The land, its minerals, air, water and other natural resources, which are within the territory of Ukraine, the natural resources of its continental shelf and exclusive (maritime) economic zone" are the property of the Ukrainian people, „on behalf of which all of the powers of the owner may exercise the organs of state authority and local self-government". Also, „Every citizen has the right to enjoy the natural objects of property rights the people in accordance with the law". But thus property and obliges (part 3): it „should not be used to harm to man and society", that mean, the owner must use his authority in the interests of both individuals and society.

Art. 14 declares land „the fundamental national wealth, which is under the special protection of the state" and guarantees the right of land ownership, which „acquired and realized by citizens, legal persons and the State only in accordance with the law", all subjects of ownership rights proclaimed straight before the law, will see that, finally, we have overcome the irresponsibility in environmental management.

Government regulation in this field can't exist without an effective system of supervision as of the environment, which is, without a system of permanent monitoring.

Environmental monitoring of the environment is the modern form of the implementation of processes of environmental activities through means of information and provides regular assessment and prediction of the state of the life medium of society and conditions for the functioning of ecosystems for acceptance of administrative decisions on environmental safety, preservation of the natural environment and natural resource management.

Conclusions

Establishment and functioning of the State system of environmental monitoring should facilitate the implementation of national environmental policy, which provide:

- environmental management of the natural and socio-economic potential, conservation of favorable living environment for society;
- environmental and socio-economically sustainable solution to the problems that arise as a result of environmental pollution, natural hazards, industrial accidents and disasters;
- development of international cooperation on the conservation biodiversity of nature, protection of the ozone layer of the atmosphere, prevent anthropogen-

ic climate change, forest protection and reforestation, transboundary pollution, the resumption of the natural state of the Dnieper, the Danube, the Black and Azov Seas.

Literature

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Abstract

The state policy in the field of ecology should be based on sustainable system of law, legal acts, norms, but this system, especially during the transition should be flexible, that is able to respond quickly on changes of surrounding components, to be able to adapt to changes of too complex environment. And this is very effective means for overcoming the environmental crisis and ensuring the environmental function of the state.

Key words: environmental law, environmental regulations in nature using, complex of ecological and economic index of state control.