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***Environmental policy of Ukraine
for specially protected areas
(Nature Reserve Fund lands)***

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General legal approaches to the nature protection and biodiversity conservation.

After the independence of Ukraine declared in 1991, the Government of Ukraine has developed environmental policy aimed at an optimal model for environmental management.

The key elements of Ukrainian environmental policy are:

- environmental standards, permitting and compliance;
- pollution fees and environmental funds;
- environmental reviews.

A number of legal documents elaborated and adopted last years provides basis for nature protection and conservation in a direct way and in this way define the legal framework for nature management. Among them the most important is 1991 Law of Ukraine on Environmental Protection, which has become the legislative base for nature protection in Ukraine. In accordance with this law, nature protection and conservation has become a matter of state concern. The Law regulates different relations in the sphere of environmental protection, use and restoration of natural resources, ensuring ecological safety, prevention and liquidation adverse impact of economical activity on environment, conservation of natural resources, living nature genetic fund, landscapes and other natural complexes, unique territories and objects, connected with historical-cultural heritage. According to the law all entities of the plant and animal world of the country are subjects of the state protection, and any special use of living natural resources should be based on the principles of compensation and special permits.

Other environmental acts of general importance are:

Law of Ukraine on Nature Reserve Fund, 1992. The law defines precisely the background for creation, designation, management and rational use of the Nature Reserve Fund of Ukraine. The NRF includes lands and water areas, natural complexes and sites of high natural, scientific, recreational and other assets. These are set aside with the aim of protection of both landscape and biological diversity, maintenance of ecological balance (sustainability) and providing basic environmental monitoring.

Land Code of Ukraine, 2001. Its objects are regulation of land relations to create conditions for sound use and protection of lands, for equal development of all forms of property on lands and all types of human activities, conservation and restoration of soil fertility, improvement of environment, protection of rights of the citizens, establishments and organizations on the land.

Law of Ukraine on Environmental Expertise, 1995. Environment expertise in Ukraine is a type of scientific practical activity performed by specially authorized state bodies, expert agencies in the field of ecology. It is based on inter-field environmental researches, analyses of projects, programmes, designs with regards to it compatibility with the nature conservation, prevention undesirable negative changes in the environment, and ensuring sustainable use of nature resources.

Forest Code of Ukraine, 2006. Legislative regulation to ensure increase of productivity, protection and restoration of forests, enhancement of their useful properties, satisfaction of society needs in forests resources on the scientifically justified sound utilization are objects of the Forest Code of Ukraine.

Water Code of Ukraine, 1994. According to the Water Code, all water objects on the territory of Ukraine are of national property, one of natural bases of economical development and social welfare. Water resources provide conditions for human, animals' and plants' existence and are limited and sensitive natural objects. The Code provides mechanism for sustainable use of water resources.

Law of Ukraine on Flora, 1999. The law on Plant Kingdom (Flora) regulates social relations in the sphere of protection, use and restoration of wild and other non-agricultural vascular plants, algae, lichens, fungi, their communities and habitats.

Law of Ukraine on Fauna, 1993. Animal Kingdom (Fauna) is one of the main components of environment, national wealth of Ukraine, source of spiritual and ethic self-enrichment and upbringing of people, object of scientific researches and important resource of industrial and medical raw-materials, foodstuff and other material values. The law regulates use of animals for different purposes such as hunting, fishery, scientific research, farming, agriculture etc. They provide base for the protection of endangered and rare species of animals. Special consideration is given to the migratory animals.

Law of Ukraine on Hunting, 1999, ensures sustainable use of hunting animals, regulates relations between hunting associations, and provides mechanism for establishing limits and sharing quota for hunting etc.

Law of Ukraine on the Red Data Book of Ukraine, 2002, deals with the preservation and protection of rare, threatened and endangered species of plants and animals. The regulation has taken recommendations of the European Economic Commission of the UN (Former Experts group on Flora, Fauna and Habitat) and international conventions for protection of biodiversity.

Laws of Ukraine on National Program of Forming of National Ecological Network of Ukraine on 2000-2015 (2000) and on Ecological Network (2004). The laws define the background for creation, designation, management and rational use of the territories that are included to the ecological network of Ukraine as part of Pan-European econet. The econet includes such elements as core areas, ecological corridors, buffer zones that are the lands, natural and semi-natural complexes and sites of high natural, scientific, recreational and other assets.

Legal act «*Regulations on the Green Data Book of Ukraine*» (1997) covers typical and rare plant communities which should be preserved.

Besides these laws, nature conservation is (directly) regulated also by Decrees of the President of Ukraine. In particular, in these decrees lands can be reserved for protection, this means that in future protected areas can be established, without the need for the Government to buy the land. Besides the laws mentioned above, Ukrainian legal system of environmental protection and management includes by-laws which regulate the specific types of activities in the field. The system comprises regulations, rules, Government resolutions, standards, methodologies and recommendations.

In 1995, the Sofia Ministerial Conference on Environment of the European states under the auspices of the Council of Europe and the UN European Economic Commission approved the Pan-European Strategy for Biological and Landscape Diversity Strategy, the basic direction of the implementation of which was the establishment of the Pan-European ecological network. The network would combine the existing centers of natural diversity of European values into a single territorial system, stretching from the Urals to the Iberian Peninsula.

According to the Pan-European Strategy for the conservation of biological and landscape diversity, the basic elements of ecological networks are natural habitats (core) to store various types of ecosystems and habitats (ecotopes), species of plants and animals and landscapes of European importance, ecological corridors (transition zone) for providing the links between natural habitats, restoration of areas damaged ecosystems, buffer zones for protection of natural focus from adverse external influences. And to the natural homes of the Pan-European ecological network are primarily environmental or nature-protected areas that meet the criteria of international (global, European and regional) conventions and

agreements and are recognized by them. The integrity of the ecological network is ensured by establishing, where appropriate, continuous eco – corridors or continuous «transition zones», which contribute to the settlement or migration of species between natural focus. In many cases, the binding function of eco – corridors are to be linked to some forms of economic activity in the territory.

Legal basis for an ecological network in Ukraine were laid in the Law of Ukraine «On Environmental Protection» (1991), which states that natural areas and sites subject to special protection, form a single territorial system and include the territories and objects of natural– reserve fund, spa and therapeutic, recreational, waterproof, field and other types of sites and facilities, which are determined by the Ukrainian legislation.

Relations associated with the formation, conservation and use of an ecological network, governed by the laws of Ukraine «On the nature reserve fund of Ukraine», «On Flora», «On Fauna», «The Red Book of Ukraine», «On the Protection of Cultural Heritage, the Land , Water, Forest Code, the Code «On Subsoil» and the Law «On the General Scheme of Planning in Ukraine» (2000) and the Law «On the Planning and Development of Territories» (2002).

In September 2000, Ukraine adopted a special Law «On the formation of a national program of the National Ecological Network of Ukraine for 2000-2015.» And in 2004 Parliament approves the law «On Ecological Network in Ukraine», which consists of sections and paragraphs of articles revealing the program of conservation, protection and development of national ecological network. Ukraine National Econet is a complex multi-functional natural system, the main functions of which are conservation, stabilization of the ecological balance, increase productivity of landscapes, environmental improvement, to ensure balanced and sustainable development of the state.

Natural foci of high-level are natural reserves, protected areas of national parks and biosphere reserves and buffer zones around nature reserves and recreation areas in national parks and natural buffer zones in biosphere reserves (reserves) is essentially the buffer zones.

The main natural homes of the national ecological network, due to their conservation and recovery are: the Carpathian mountain country, with Precarpathian Opole, Crimean mountainous country, the Western Polesie, the Dnieper Polesie, Eastern Polesie, Podolsk Upland, Donetsk ridge and Azov Upland. Significant role in the national ecological network play branched river networks of the Dnieper, Dniester, Southern Bug, the Western Bug and Northern Donets, the Ukrainian coast of the Azov and Black Seas.

According to the «National Program of formation of the National Ecological Network of Ukraine for 2000-2015 years.», there should be created 29 national parks, 7, biosphere reserves, expanded borders of the three natural and three biosphere reserves and also of five national parks. In general, the area of nature reserve fund of Ukraine should increase more than doubled to reach 10% of the area of the state.

Formation of an ecological network involves changes in the structure of land fund of Ukraine by referring to the categories of land subject to special protection to ensure the integrity of the ecological network.

The program provides for the implementation of a series of events:

- expansion and optimization of the network object of natural reserve fund;
- ormination of cross-border conservation areas;
- creation of protective forest plantations, shelter belts, etc.;
- reclamation of disturbed lands and their renaturalization;
- ensuring the protection of wetlands;
- providing conditions for the preservation and reproduction of the variety of plant and animal species;
- special measures to ensure that migration
- animals;
- implementation of measures to prevent negative effects on
- natural ecological network core.

The program provides an inventory of special and scientific research, establishment of centers for artificial breeding of rare and endangered plant and animal species, awareness raising, implementation of activities arising from international obligations.

The nationwide program of the formation of a national ecological network provides for the preparation of applications for recognition of the values of natural areas of Ukraine, primarily within its nature reserve, at the international level, a national inventory of natural heritage. Presentation will be prepared for the international recognition of new biosphere reserves, made proposals to the List of Wetlands of International Importance and the World Network of Biosphere Reserves, the Emerald Network in Europe and for awarding the European Diploma for protected areas.

Following the adoption of the Law «On the formation of a national program of the National Ecological Network of Ukraine for 2000-2015 years.» began to adopt programs to promote a regional environmental networks. In September 2008 the Decree of the Verkhovna Rada of the Autonomous Republic of Crimea on 17.09.2008 № 968-5/08 approved program of formation of a regional ecological network in the Autonomous Republic of Crimea in 2015, under which developed and adopted a scheme of regional ecological network in Autonomous Republic of Crimea (the Scheme), recognized by the Ministry of Environment and Natural Resources the best in Ukraine (see Fig. 1). According to the approved scheme 36 objects local to the area of 51 324 hectares are reserved for further commandments. With the implementation of relevant activities under nature protection scheme percent in the ARC will be 17.4% (Problems of organization, maintenance and protection of the NRF in the Crimea – <http://www.arhus.crimea.ua>).

The main elements of a regional ecological network as a part of the National Ecological Network of Ukraine in the Crimea are:

- Regional ecocentres (core areas, or Biocentre) – formed to natural areas that have high biological and landscape diversity (here included Crimea, Yalta mountain-forest and Karadag nature reserves, wetlands of international value created by the territory of the National Natural Park «Tarkhankut», etc.);
- natural core – Biocentre – the most valuable areas, mainly represented by large (more than 500 ha in the steppe and more than 1000 hectares of forest ecosystems) objects nature reserves and other areas requiring special protection (East Sivash, Karalarsky, Kar-kinitzsky, Sasyksky « etc.);
- ecological corridors – connecting area, which form parts of the natural landscape of varying shapes and sizes, providing appropriate conditions for the migration of flora and fauna;
- Buffer areas – protect key and connecting areas from human influence. These areas are the transitional zones between nature areas and areas of economic use;
- restored areas – provide a spatial integrity of the ecological network, for their formation should be made the priority measures concerning reconstruction of the primary natural state.

Under the proposed scheme as a result of the formation of a regional ecological network of the Autonomous Republic of Crimea, which includes 21 environmental center and 20 ecological corridors, the area of facilities of regional ecological network will be more than 38% of the total territory of the republic. The share of the objects of nature reserve fund will be about 10%. The remaining 28% of the area that occupied by the objects of the ecological network, will have regulated and controlled level of protection depending on the functional purpose. environmental and biological values, the nature of economic activities, etc.

The Law of Ukraine on Nature Reserve Fund of Ukraine. Date of Entry into Force: July 25, 1992

According to the Law the Nature Reserve Fund is a part of dry land and water space, which natural complexes and objects have special environmental, scientific, aesthetic, recreational and other value and are singled out with the purpose to preserve natural variety of landscapes, flora and fauna genofund, maintenance of general ecological balance and ensure environment background monitoring. Nature reserve fund shall be protected as a national

inheritance. A special protection, reproduction and use regime shall be set as regards to it. Ukraine considers this fund as a component part of world system of natural territories and objects which are under special protection.

To nature reserve fund the Law refers:

- natural territories and objects (natural reserves, biosphere reserves, national natural parks, regional landscape parks, game reserves, natural monuments, unique terrain feature reserves;
- artificial objects (botanical gardens, dendrology parks, zoological parks, parks which are monuments of park and garden planning).
- In the Article 3 of the Law there is a classification of protected areas.
- The Law sets ownership forms for the territories and objects of nature reserve fund.
- Article 7 of the Law sets legal regime of nature reserve fund lands. Any activities which negatively influence or may negatively influence on natural and historical cultural complexes condition and prevent their purposeful use shall be prohibited on the lands of environmental protection and historic and cultural purpose.
- The territories and objects of nature reserve fund may be used for:
 - environmental;
 - scientific investigation;
 - health care and recreation;
 - education and bringing up;
 - needs of environmental monitoring.

Chapter II of the Law regulates the issues of management in the sphere of organization, protection and use of natural reserve fund. Specially authorized body of state management in the sphere of natural reserve fund organization, protection and use is a central body of executive power in the sphere of environment.

The Law sets regime of nature reserve fund territories and objects. The regime of nature reserve fund territories and objects is a totality of scientifically grounded ecological requirements, norms and rules which determine legal status, destination of these territories and objects, character of permissible activities on them, procedure of their natural complexes protection, use and recreation.

The Law stipulates creation of territories and objects of nature reserve fund protection zones. These buffer zones shall be created to ensure the necessary regime of nature reserve fund objects protection and prevention of negative influence of economic activity on them. In protection zones it is not allowed to build industrial and other objects, to develop economic activity which can cause negative influence on nature reserve fund territories and objects. Such influence shall be evaluated on the basis of ecological assessment.

Chapter V of the Law is devoted to scientific investigation work on the nature reserve fund territories and objects.

According to Article 43 of the Law, the main form of summarizing the results of scientific research and observations of conditions and changes pertaining to natural complexes that are carried out by Nature Reserve Fund objects shall be *Nature Chronicles (Litopysy pryrody)*.

According to Article 44 of the Law effective organization and functioning of natural reserve fund is ensured on the basis of the following economic measures:

- natural reserve fund economic grounded organization and development;
- economic evaluation of the natural reserve fund territories and objects, keeping of their cadastre;
- differentiated determination of sources and norms of natural reserve fund organization and functioning;
- granting tax and other privileges to enterprises, establishments and organizations that ensure functioning of natural reserve fund;
- compensation in the set procedure of losses caused by the violation of the legislation on natural reserve fund.

Measures on the natural reserve fund territories and objects shall be financed at the expense of the State budget, local budgets, charity funds, enterprises, institutions, organizations and citizens funds. Special purpose ecological funds of natural reserves, biosphere reserves, national natural parks, regional landscape parks, botanical gardens, dendrology parks and zoological parks may be created to finance measures on environmental protection.

Article 46 of the Law defines the list of territories and objects of the nature reserve fund of national importance, the financing of measures regarding which is effected using funds of the State Budget of Ukraine. It includes: nature reserves, biosphere reserves, national nature parks, botanical gardens, dendrological parks, and zoological parks.

The Law provides for the procedure of natural reserve fund territories and objects creation and announcement.

According to Article 56 of the Law the state cadastre of the natural reserve fund territories and objects is a system of necessary and reliable information about natural, scientific, legal and other characteristics of the territories and objects which refer to nature reserve fund. The state cadastre of the natural reserve fund territories and objects shall be kept by the central body of executive power in the sphere of environmental protection and by its local bodies at the state budget expense.

The Law also sets responsibility for violation of the legislation on nature reserve fund.

Financial and economic aspects.

The partial financial support for biodiversity conservation is provided through institutions and organizations, the State Budget of Ukraine, regional and local budgets, extra-budget conservational funds (e.g., the Vidrodzhennya Foundation) and other sources. Available financial support is directed mostly to improvement of the system of protected territories, urgent measures and actions for protection and rational use of land resources, development of field-protecting forests and forest shelter belts, conservation and restoration of species and populations of plants and animals, environmental monitoring, development of information and education systems, etc.

Nature protection improvement.

Although the regulatory system for the protection of living natural resources and biodiversity is constantly improving, previously adopted laws and new legal acts are being revised as the social/economic situation changes. New legislation related to biodiversity conservation has been developed in Ukraine. Verkhovna Rada of Ukraine adopted the Main directions (Strategy) of National Environmental Policy of Ukraine on 2010-2020. According to this Strategy the Government developed The National Environmental Action Plan on 2010-2015. There are proposals for updating national legislation in terms of promoting development of ecological network in Ukraine and integrated coastal zone management. It is planned to increase gradually the total area of protected territories. Sometimes the effectiveness of enforcement is low and caused by existing problems specific to economy in transition period, and also lack of ecological consciousness. To improve this broad public awareness activities are necessary. Further development and improvement of both enforcement mechanism and environmental legislation are envisaged.

Development of international co-operation is considered to be the most important tool in resolving of the problems of the conservation of biological and landscape diversity at the both national and international levels. The main priorities in this field in Ukraine can be as follows:

- to set up national, regional, and sectoral programmes for the restoration of rare plants and animal species as well as for management of introduced alien species especially where they adversely affect local biodiversity;
- participation of Ukraine in the permanent bodies of the conventions, to which it is a Party, implementation of the international commitments already taken, and co-operation in the process of accession to other important ecological treaties and agreements;
- broad participation of both governmental and non-governmental organizations in implementation of the international project aimed to resolve global and European problems related to nature protection;

- improvement of informational exchange relevant to biodiversity conservation;
- support of establishment and functioning of the national and regional systems of protected areas and further integration it to the European Network;
- the monitoring of species and ecosystems and the compiling of a species cadastre as prerequisites for any management policy;
- carrying out the national surveys on threatened or rare species and habitats (in particular those which fall under international agreements);
- systemic investigation and analysis of international experience in the field of biodiversity conservation, conducting of scientific flora, workshops, and meetings together with foreign colleagues, training of Ukrainian specialists in the field of ecological management, ecological education and public awareness, promotion in establishment in Ukraine of international scientific and other centers related to nature protection;
- development of ecological tourism;
- elaboration and implementation of action plans aimed at conservation of endangered and threatened species of wildlife.

Given to the gradual integration of Ukraine into European structures and communities, the European environmental legislation and initiatives are taken into account when elaborating new legal acts, programmes and action plans in Ukraine, including EC Habitat (92/43/EEC) and Bird (79/409/EEC) Directives, EC Regulation 338/97 relevant to international trade of endangered species of plants and animals, and others.

Structure of protected territories.

As of 1 November 2009 the Nature Reserve Lands of Ukraine include 7,427 territories and objects of 3,085 thousand hectares, which amounts to 5.1% of the area of Ukraine. The Nature Reserve Lands of Ukraine consist of 17 nature and 4 biosphere reserves, 23 national natural parks, 305 reservates (zakazniks), 132 nature monuments, 17 botanical gardens, 7 zoological parks, 19 dendrological parks, 88 park-memorials of landscape art of national importance, and the rest are objects of local importance.

The main categories of Nature Reserve Fund of Ukraine

Biosphere Reserves (Zapovedniks, Preserves, or Reservates).

Biosphere Reserves (colloquially biosphere zapovedniks) are environment-protected scientific-research institutions of international status that are created with the intent for conservation in a natural state the most typical natural complexes of biosphere, conducting background ecological monitoring, studying of the surrounding natural environment, its changes under the activity of anthropogenic factors. Biosphere Preserves are created in the established order the World Network of Biosphere Reserves in the UNESCO framework «Man and the Biosphere Programme».

Nature Reserves (Zapovedniks, Preserves, or Reservates).

Nature Preserves (colloquially nature zapovedniks) are environment-protected, scientific-research institutions of statewide status that are created with the goal of conservation in natural state typical or unique for a given landscape zone nature complexes with the entire collection of their components, studying of natural processes and phenomena that occur in them, developing scientific foundation for protection of the surrounding natural environment, efficient use of natural resources as well as ecological safety.

Plots of land and water area with all the natural resources are completely withdrawn from commercial use and granted to Reserves in order established by the Law of Ukraine.

The main objective of the nature reserves is conservation of nature complexes and objects on their territories, conducting scientific research and observations after the state of the surrounding natural environment, development on their basis environment protective recommendations, dissemination of environmental awareness, facilitation in preparation of scientific personnel and specialists in the field of protection of the surrounding natural environment and nature preservation.

The Nature Preserves are also responsible for coordination and carrying out scientific research on territories of nature reserves, nature monuments and other protected areas in a region.

National Nature Park.

National Nature Parks are environment-protected, recreational, culture-educational, and scientific-researching institutions of a statewide status that are created with the goal of conservation, restoration, and effective use of natural complexes and objects that have special environment-protected, health-oriented, historic-cultural, educational, aesthetic value.

Plots of land and water area with all the natural resources and objects are withdrawn from commercial use and granted to the National Nature Parks in order established by the Law of Ukraine.

The composition of the territories of the National Nature Parks may include plots of land and water area of other landowners and land users.

The National Nature Parks are vested implementation of such fundamental tasks:

- conservation of valuable natural and historic-cultural complexes and objects;
- creating conditions for organized tourism, recreation, and other outdoor activities in natural conditions in compliance with the regime of protection of preserved natural complexes and objects;
- conducting scientific research of natural complexes and their changes under the conditions of recreational use, development scientific recommendations on the protection of the surrounding natural environment and effective use of natural resources;
- implementation of environmental education work.

Regional Landscape Park.

Regional landscape parks are environment-protected recreational institutions of local or regional status that are created with the goal of conservation in natural state typical or unique natural complexes and objects as well as providing the conditions for organized recreation for the population.

Regional landscape parks are organized with withdrawal or without withdrawal of land plots, water, and other natural objects from their owners or users.

In the event when the withdrawal of land plots, water, and other natural objects is necessary for the needs of the regional landscape parks, it is conducted in order established by the legislation of Ukraine.

On regional landscape parks relies the implementation of such objectives:

- conservation of valuable natural and historical-cultural complexes and objects;
- creating conditions for effective tourism, recreation, and other types of outdoor activities in natural conditions in compliance with the regime of protection of preserved natural complexes and objects;
- promoting environmental education work.

Nature reserves (zakazniks).

Nature reserves (colloquially zakazniks) are declared natural territories (aquatic areas) with the goal of conservation and restoration of natural complexes or their separate components.

Declaration of reserves (zakazniks) is conducted without withdrawal of land plots, water, and other natural objects from their owners or users.

Nature monument.

Nature monuments are separate unique natural creations that possess special environment-protected, scientific, aesthetic, educational, and cultural status. They are declared with the goal of conservation them in natural state. Their declaration is conducted without the withdrawal of land plots, water, and other natural objects from their owners or users.

Structure of Nature Reserve Fund of Autonomous Republic of Crimea (ARC).

On the 01 January 2010 there are 153 territories and objects of 144,965 hectares, which amounts to 5.6% of the area of Autonomous Republic of Crimea (without Sevastopol region). At 2009 in Crimea the «Magic Harbour» National Nature Park (10,900 ha) was created, so the percent of protected areas in ARC increased from 5.2 % to 5.6 % (*table 1*).

Table 1.

**Structure of Nature Reserve Fund
of Autonomous Republic of Crimea (01.01.2010)**

Categories of Nature Reserve territories and objects	Number	Square, hectares
Nature Reserves (Zapovednik)	6	63855,07
Biosphere Reserves	-	-
National Nature Parks	1	10900
Regional Landscape Parks	5	23395
Reservates (Zakazniks) of national importance	13	35457,7
Reservates (Zakazniks) of local importance	16	5658,8
Nature monuments of national importance	13	639
Nature monuments of local importance	56	2760,1803
Natural landmarks	8	1217,43
Botanical gardens of national importance	1	876,6
Botanical gardens of local importance	1	33,16
Dendrological parks of local importance	1	3,2
Zoological parks of local importance	1	2,4276
Park-monuments of landscape art of national importance	10	276,2
Park-monuments of landscape art of local importance	21	291,779
Total	153	144965,4556
% square of Nature Reserve lands to square of ARC		5,6

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