

UKRAINE National Review on Biodiversity and Companies

BIOSTRAT Project

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A - National Regulations concerning impact on Biodiversity and their implementation

1- In your country does it exist national regulations concerning

1.1. Biodiversity impact assessments? If yes, for which type of activities? Industry? Infrastructures (roads, dams etc.)? Agriculture? Else?

There aren't special national regulations concerning Biodiversity impact assessments. However there is some legislation, which touches upon a subject of biodiversity.

- The Law of Ukraine from 26 June 1991 ? 1268-XII “On Protection of the Environment”
- The Law of Ukraine on 21 September 2000 ? 1989-III “On formation of National Ecological Network”
- Water Code of Ukraine
- Land Code of Ukraine
- Forest Code of Ukraine. For instance, Article 85. “Conservation of biodiversity in forests”. The law appoints the forests’ owners and users to conserve the biodiversity at genetic, species, populational and ecosystemic levels by means of:
 - establishment of reserves and ecological networks elements,
 - separation of genetically valuable trees, reservations and plantations,
 - prevention of genetic pollution of a genepool of aboriginal species and avoidance of alien species introduction,
 - application ecologically oriented measures of forests’ rehabilitation and use,
 - support of rare and disappearing species protection.
- Supreme Council (Verkhovna Rada) Decree on 5 March 1998, ? 188/98BP “Basic Lines of State Policy of Ukraine in the area of Nature Protection, Nature Resources Use and Ecological Safety”.
- The Law ? 685-V “On Ratification of Protocol on conservation of biodiversity and landscapes of the Black Sea to Convention on the Black Sea contamination protection”. According to the Protocol Ukraine, as a party of Convention, should exert every effort for protection, conservation, improvement and sustainable management of areas of special biologic and landscape value by means of, in the first place, reservations establishment, support of auspicious environment, maintain of sustainable use of economically important species. The Convention was ratified by the Supreme Council (Verkhovna Rada) of Ukraine on 4 February 1994.
- The Regulation of Cabinet Council of Ukraine from 12.01.1993 ? 15 “On State Land Cadastre Practice”

- The Regulation of Cabinet Council of Ukraine from 08.04.1996 ? 413 “On Validation of State Water Cadastre Practice”
- The Regulation of Cabinet Council of Ukraine from 27.09.1995 ? 767 “On Validation of State Forest Inventory and State Forest Cadastre Practice”

1.2. Mitigation/compensation for biodiversity impact?

A little is under consideration in the following regulations:

- The Law of Ukraine, 09.02.1995 ? 45/95-BP “On environmental expertise”
- Decree of the Cabinet Council of Ukraine, 14.04.1997, ? 347 “On approval of procedure of rivers’ passports execution and procedure of setting coastal strips of waterways and their utilization”
- Decree of the Cabinet Council of Ukraine, 28.07.1995, ? 554 “On the list of activities and facilities that are of higher environmental danger”
- State building norms of Ukraine DBHA.2.2-1-95 “Composition and content of environmental impact assessment by designing and construction of enterprises, buildings and facilities”.
- The Law of Ukraine, 24.06.2004, ? 1862-IV “On ecological audit”
- System of Management of the Environment. State Standards DSTU ISO 14001-97, DSTU ISO 14004-97 “On execution of ecological audit”.
- Requirements on Ecological Audit Implementation DSTU ISO 14010-97, DSTU ISO 14011-97, DSTU ISO 14012-97.

1.3. Are these regulations implemented? Who enforces this implementation?

The responsibility of implementation of these regulations is imposed on several authorities and their departments:

- Ministry of Health Protection of Ukraine.
- Ministry of Agricultural Policy of Ukraine.
- Ministry of Ukraine of Emergencies and Affairs of Population Protection from the Consequences of Chernobyl Catastrophe
- State Ecological Inspectorate,
- State Inspection of the Black Sea Protection,
- State Inspection of the Azov Sea Protection
- State Service of Reserves.
- State Committee on Nuclear Regulations of Ukraine,
- State Committee of Ukraine on Land Resources.
- State Committee of Ukraine on Water Industry.
- State Committee of Forestry of Ukraine.
- State Department of Fishery.

1.4. Does it exist, any agency, public or private, to manage impact evaluations and/or compensations-mitigations (such as mitigation banking...)?

The environmental impact evaluation is managed by several public agencies. They are:

1. Administration on Ecological Safety.
2. Sanitary-and-epidemiologic institutions.
3. Department of Ecology and Nature Rational Management.
4. Police.

In case of officially registered death of separate individuals (in practice, mostly large animals listed in the Red Data Book of Ukraine), whole or part of populations (especially evident mass death of fish), communities or/and ecosystems the single agency, which is conferred powers on to evaluate a damage, is the Ecological Inspection. It is a subdivision of the Ministry of Environmental Protection. Only this Inspection may impose a fine and calculate compensations.

As to mitigation in general and mitigation banking in particular there isn't any good example in this area in Ukraine.

B - Measures taken by companies (private or public) concerning Biodiversity conservation and research and National B&B

2 - Do the companies in your country...

2.1. have any accounting of their impacts on biodiversity?

2.2. Which main measures have they taken to minimize their impacts?

2.3. Do they contribute to the conservation of biodiversity? through which types of actions?

Any national program concerning biodiversity and business doesn't develop. There are several environmentalistic initiatives launched by a little number of companies. But the particular problems of biodiversity's research and conservation are beyond the general consideration. Most of those projects are devoted to ameliorating the waste management. A part of Ukrainian business activity proceeds in the frame of obligatory demands of the legislation, which are beyond the biodiversity account. The other part is trying to circumvent the regulations. It is possible for both legal deficiencies and insufficient control of the regulations abidance.

	2.1. Companies that have any accounting of their impacts on biodiversity	2.2. Main measures they have taken to minimize their impacts	2.3. Contribution to the conservation of biodiversity
1	In Ukraine companies have no any accounting of their impacts on biodiversity. Particular measures are taken for the biodiversity protection may be in the general frame of adhered environmental regulations. The most part of the regulations is devoted to the calculations and penalties for the environmental pollution. Biodiversity loss is implied but is not specially assessed. That is why there isn't special accounting.	In several cases enterprises implement new technologies, which may decrease a first cost and possible penalties for the environmental pollution. In most cases it is accompanied by simultaneous reduce of the pollutants effluents that improve the environment and supports biodiversity indirectly. There are a little of examples of the transfer of rare and endangered species (mostly grass plants) from the plots are planned to be destroyed to existed protected areas.	Indirect influence through mitigation of the negative consequences thanks to the improving waste management.

3 - Do you have any National or Regional Business & Biodiversity initiative? Who is managing this initiative? How is it regulated?

No general Business and biodiversity initiative exists in Ukraine. The only two possible ways of action could be supposed to be concerned the biodiversity area:

1. Rehabilitation of lands transformed and disturbed by mostly mining industry that obviously entails the biodiversity improving.
2. Renewal of populations of game species conducted by enterprises of different types, but for only utilitarian purposes.

In most cases there isn't any initiative on biodiversity conservation BEFORE an enterprise's activity resulted in species disappearing. On the other hand there is an obligatory procedure of the "biodiversity" impact assessment, in the frame of general environment impact assessment, at the initial stages of planning new facilities under construction. But firstly it mostly concerns birds and mammals and, secondly, the assessment may be executed by casual persons on a formal basis that is resulted in the required decision. As a result only two kinds of the decisions could be adopted: 1) to build up, and without any biodiversity protective measures, 2) to abandon the plans to construct, and to postpone it up to "better times". The common problem is a reluctance of business to invest money in the biodiversity conservation. In general, Ukrainian legislation, especially tax one, does not support "biodiversity oriented" business initiatives.

4 - Biodiversity research supported by private companies

Ukraine has neither traditions nor modern habits of supporting biodiversity research by private companies. The stage of economy development may be characterised as a period of capital accumulation and re-division of property. So, payments made for the ecological needs are strongly confined by requirements of normative documents, and mostly in cases, when the payment could not be escaped. On the other hand, in case of possible mitigation of damages, when the company may face to the choice: to pay a fine or to restore, some examples of rehabilitation exist.

4.1. Assess the existing or past research activities in partnership with the private sector and the public companies in the field of biodiversity **- for conservation in general,** **- focused on the impacts of the companies activities and mitigation or restoration**

The only "companies", which are responsible for the conservation in general and for the restoration in particular, are the nature reserves, national and landscape parks. Those institutions have special items of expenses aimed at the biodiversity conservation and restoration. Unfortunately, sometimes even there the biodiversity may be understood as pheasants and wild boars breeding.

There is a limited list of companies that may demonstrate a positive example in the field of biodiversity.

n°	Company	Policies or practices/funds devoted to biodiversity actions
1	Public corporation "Ordzhonikidze ore-dressing and processing enterprise". Locality: Nikopol district, Dnipropetrovs'k province.	As a result of extensive mining huge borrows and hillocks of waste matter had arisen. The slag-heaps of the moonscape had no any soil. Strong weathering of developed fields entails air and soil pollution of adjacent territories. A little number of species was presented owing to migration processes. The pits' water bodies were

	Activity: open cast mining of manganese ore.	characterized by high turbidity, low oxygen concentration and absence of hydrocoles.
2	Public corporation “Ingulets ore-dressing and processing enterprise”. Locality: Kryvyi Rig district, Dnipropetrovs’k province. Activity: open cast mining of iron ore.	The enterprises launched several projects on research and management of the disturbed landscapes. Mitigation measures were developed and introduced. The actions include: - Changing of a scene with creation of diverse landscapes; - Selection and matching of wood species for the forest rehabilitation;
3	Public corporation “Central ore-dressing and processing enterprise”. Locality: Kryvyi Rig district, Dnipropetrovs’k province. Activity: open cast mining of iron ore.	- Introduction of animals, which are functionally important for pedogenesis and of commercial fauna; - Establishment of state wildlife preserves at rehabilitated territories.
4	Coal mine enterprises of Donets Basin (several enterprises). Locality: Donetsk province. Activity: coal mining.	Extensive mining created huge borrows and hillocks of waste matter. Rehabilitation methods were limited by filling of soil and transplanting of woods, mostly poplars and birches. No other measures on biodiversity have been taken.
5	Forestry enterprises	Forests rehabilitation by transplanting of woods.
6	Fishing companies (many small ones, which number up to 1-3 tens of workers) that operates on large rivers, such as Dnieper, Dniester, etc.	The fishing companies must propagate most commercial fish species and release (stocking) it in the rivers every year.
7	Hunting organisations and enterprises	Breeding and release game species. No other biodiversity initiatives or activities.

C - Ecological engineering

5.1. State of the art of Ecological engineering applied to industrial impact assessment and restoration / mitigation in your country

The first problem that exists in Ukraine in the area of ecological engineering is the absence of common understanding: what particular thing this expression used for? In consequence, “ecological engineering” means almost all type of activities, which concerns the environment to wide extent: from waste treatment to the quarry plant marketing. As an example of such misunderstanding of ecoengineering many different organisations could be noted: from the municipal refuse collection enterprises to Ukrainian State Scientific-Technical Centre Energostal’, which worked out the calculations of greenhouse gases emissions, utilization of pesticides and steel processing technologies.

The real trouble, the country has faced to, is the deficiency of authentic ecological engineering. Despite this, some promising research of restoration and mitigation measures were carried out in Dnipropetrovs’k National University, Donetsk Botanical Garden, Prydniprovsky Scientific Centre of National Academy of Sciences of Ukraine.

5.2. Please describe examples that could be emphasized during the November meeting

No examples that could be emphasized from the current practice in Ukraine.