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Overcoming the environmental crisis in the forestry sector of Ukraine in the context of the ecocentric paradigm

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ABSTRACT

The purpose of the scientific research is to determine and justify the need to harmonize the environmental legislation of Ukraine and the EU in the field of forest resources, based on the prism of the "ecocentric paradigm and a new worldview". To achieve this goal, general scientific and special scientific methods of cognition were used, in particular dialectical, formal-logical, analysis and synthesis, system-structural, comparative-legal, formal-legal, predictive. The author substantiates the creation of an environmental strategy of Ukraine, which would be based on the principles of sustainable development, based on the need for greening forest management, among other things. It is noted that the harmonization of the legislation of Ukraine and the EU is aimed at implementing legal guarantees for the comprehensive application of the principle of mutual benefit and the principle of environmental cooperation in order to liberalize economic relations between Ukraine and its neighbors, on the one hand, and prevent environmental damage, on the other. It is proposed to introduce a whole range of measures, starting from the highest state level, aimed at increasing the level of greening the nature management of forest resources.

KEY WORDS: Public administration, Law, Economy, nature conservation, development.

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Superación de la crisis ambiental en el sector forestal de Ucrania en el contexto del paradigma ecocéntrico

RESUMEN

El propósito de la investigación es determinar y fundamentar la necesidad de armonizar la legislación ambiental de Ucrania y la Unión Europea en el campo de los recursos forestales, con base en el prisma del "paradigma ecocéntrico y una nueva visión del mundo". Para lograr este objetivo, se utilizaron métodos de cognición científicos generales y científicos especiales, en particular: dialéctico, lógico-formal, análisis y síntesis, estructural-sistémico, legal-comparativo, legal-formal, pronóstico. Se incluye la creación de la estrategia ambiental de Ucrania, que se basaría en los principios del desarrollo sostenible, sobre la base de la necesidad de uso de los bosques verdes. Cabe señalar que la armonización de la legislación ucraniana y de la Unión Europea tiene como objetivo implementar garantías legales de aplicación integrada del principio de beneficio mutuo y cooperación ambiental para liberalizar las relaciones económicas de Ucrania con sus vecinos, por un lado, y prevenir daños ambientales. Se propone implementar un conjunto de medidas, partiendo desde el más alto nivel estatal, encaminadas a mejorar el nivel de ecologización de los recursos forestales.

PALABRAS CLAVE: Administración pública, Derecho, Economía, espacios verdes, desarrollo.

Introduction

The sustainability of the ecological system, which is also associated with the sustainability of forest resources, is the basis not only for economic security, but also for social security, a prerequisite for the sustainable growth of the welfare of peoples and the prospects for their existence on Earth. Problems of the ecological system of one region of Europe, in particular Ukraine, can lead with a high probability to violations of the balance in the ecosystems of other regions, while it is not always possible to determine the causal relationship between harmful consequences for the ecosystem and specific economic activities carried out on the territory of a particular state. The latter stipulates that issues of environmental protection and reproduction should not be subordinate, secondary in relation to issues of economic development. On the contrary, economic development should be driven by environmental protection. It is noted that the time has come for an "ecocentric paradigm and a new worldview." Integration processes in Ukraine, its desire for integration with the EU as the first and main

principle of forming a national administrative and legal mechanism for environmental safety put forward the principle of interaction between the norms of national and European, national and international environmental and economic law (Savenko, 2018; Ermolenko et. al., 2010).

Thus, V. Ladychenko and L. Golovko emphasized that the implementation of the Association Agreement between Ukraine and the EU means, in particular, the need to implement European standards and norms in the field of Environmental Protection. The implementation of the European environmental policy in Ukraine requires mandatory coordination of organizational, economic and legal aspects of management, which are key to its effective functioning (Ladychenko, Golovko, 2017). These very definitions are emphasized in the study entitled "Cooperation of Ukraine and the European Union in the Ecological Sector: Directions and Prospects" (Gulac, 2013)

Article 361 of the Agreement - that cooperation is aimed at preserving, protecting, improving and reproducing the quality of the environment, protecting public health, prudent and rational use of natural resources and promoting measures at the international level aimed at solving regional and global environmental problems, inter alia, among others, in the following areas: a) climate change; b) environmental management and similar issues, in particular education and training, access to information on environmental issues and decision-making; f) conservation of nature, in particular conservation and protection of biological and landscape diversity (eco-networks); k) civil protection, in particular natural disasters and man-made threats (Association Agreement between Ukraine and the EU). Article 362 of the Association Agreement between Ukraine and the EU provides for the need for joint implementation by the parties of the agreement: exchange of information and experience; research activities and exchange of information on environmentally friendly technologies; planning of measures to overcome the consequences of emergency situations; activities at the regional and international levels, including in accordance with multilateral environmental agreements ratified by the parties and, if appropriate, activities within the relevant agencies. The parties to the Agreement pay special attention to issues of a transboundary nature, a striking example of which is large-scale forest fires. In addition, Article 363 of this regulatory act regulates the need for gradual approximation of Ukrainian legislation to EU law and environmental protection policy in

accordance with Annex XXX to this Agreement (Association agreement between Ukraine and the EU).

1. Objectives

The purpose of this work is to determine and justify the need to harmonize the environmental legislation of Ukraine and the EU in the field of forest resources, based on the prism of the "ecocentric paradigm and a new worldview".

2. Materials and methods

To achieve this goal, general scientific and special scientific methods of cognition were used, in particular dialectical, formal-logical, analysis and synthesis, system-structural, comparative-legal, formal-legal, predictive. In particular, the use of the dialectical method allowed us to study the need to harmonize the environmental legislation of Ukraine and the EU in the field of forest resources, based on the postulates of the "ecocentric paradigm and a new worldview", which is now widely used among the scientific community and, in particular, according to Ermolenko V., Gafurova O., Grebenyuk M. and Savenko A., is the predominance of environmental components among all others, especially economic, on the way to environmental safety, putting forward the principle of interaction of norms of national and European, national and international environmental and economic law. (Ermolenko et. al., 2010; Savenko, 2018).

Taking into account the scientific theory of "human place in the safety of life", the creation of an environmental strategy of Ukraine based on the principles of sustainable development, based on the need for greening forest management, among other things, is justified.

3. Results and discussion

In our opinion, given the subject of this study, an extremely important direction for improving administrative and legal regulation in the area we are studying and implementing relevant European integration norms and standards, first of all, is the direction of "climate change and ozone layer protection" (Association agreement between Ukraine and the EU).

This is especially true in the context of the extremely urgent and threatening global situation of climate change, which in recent years has been a significant factor in causing large-scale forest fires with serious consequences.

In addition, issues of cooperation between the signatory states in the field of civil protection acquire special weight in the Association agreement between Ukraine and the EU, which, according to Article 364, must be implemented by implementing separate agreements in this area concluded between the Parties in accordance with the relevant authorities and competence of the EU and its member states and in accordance with the legal procedures of each of the Parties. Such cooperation consists primarily in: a) promoting mutual assistance in emergency situations; b) sharing the latest messages and updated information on cross-border emergencies around the clock, in particular in implementing requests and proposals for assistance; c) assessing the impact of emergencies on the environment; d) attracting experts to participate in specific technical seminars and symposia on civil protection issues; e) attracting, if necessary, observers during separate exercises and trainings organized by Ukraine and/or the EU; f) strengthening existing cooperation on the most effective use of available civil protection opportunities (Association agreement between Ukraine and the EU).

Article 365 of the Association agreement between Ukraine and the EU defines the goals of such cooperation, namely: development of a comprehensive strategy in the field of Environmental Protection; development of industry strategies in improving nature protection; development and implementation of climate change policy (Association agreement between Ukraine and the EU).

In order to increase the protection of certain territories of the forest fund, they are granted the status of nature protection. However, not every site can become a protected area according to European standards. The problem is that there is really very little untouched nature left in Ukraine. Researchers believe that the main reserve for the nature reserve is forests, because they make up more than 2/3 of all natural and semi-natural territories in Ukraine. Thus, 15.7% of forests are already assigned to the nature reserve fund. But in order to achieve better indicators of conservation, in the coming years it is necessary to attract significantly larger areas of forest land to the reserve fund. If forests, wetlands and steppe areas are bequeathed proportionally,

then by 2021 the nature reserve fund should additionally include 39.5% of all forest lands. This will also include the implementation of the provision of the Forest Code, according to which the main task of forest policy is environmental. An additional argument is the growing role of forest ecosystems as the last outpost of biodiversity, a powerful factor in climate stabilization and carbon dioxide uptake (Vasilyuk, 2015; Hamor, 2015; Gulac, et al., 2019).

The harmonization of the legislation of Ukraine and the EU is aimed at implementing legal guarantees for the comprehensive application of the principle of mutual benefit and the principle of environmental cooperation in order to liberalize economic relations between Ukraine and its neighbors, on the one hand, and prevent environmental damage, on the other. In this case, international economic relations related to the exploitation of natural resources will be truly mutually beneficial, both at the global and regional level, since the components of the principle of mutual benefit are not only the benefits of consuming natural resources, but also the benefits of preserving the environment and implementing obligations to prevent environmental damage. The consequences of environmental damage can occur for quite a long time, the amount of this damage can be very significant or such damage can in principle be irreversible. If such consequences are not prevented, then compliance with the principle of mutual benefit will become difficult or even impossible (Bondar, 2018).

It should be noted that environmental legal culture is extremely important. There is certainly that environmental education and education for sustainable development are important factors in shaping the modern outlook of the average citizen of Ukraine and the main mechanisms for implementing sustainable consumption and production in Ukraine (Kurylo L. et al., 2020).

Discussing the reform of the forest industry in Ukraine, its current head noted: "changes in the forest industry bring long and painful processes. Pessimism can be explained by many reasons. The most significant of them are: the lack of an ideology for the development of forestry – it was leveled between different "ideologies" that were proposed already during independence; the specifics of economic mechanisms of reforms that began to be imposed "from above" since the liquidation of the relevant ministry almost without discussion; the extremely impoverished personnel of the industry; the long-term lack of proper budget funding" (Strategy). In particular,

for several years now, there have been heated discussions about the vector of reform of the forestry industry as a whole, its content saturation and, most importantly, the construction of a management system in the industry that would distinguish between management, control and economic powers, and, unfortunately, a certain consensus has not yet been reached. At the same time, we are aware that no political compromise has actually been reached. Although at the end of 2015, to implement the reform of the forest industry, the State Forestry Agency Order No. 244 of 06.II.2015 "On the creation of a Working Group on reforming the forest industry" was issued, which provided for the inclusion of 15 specialized specialists with strong professional experience in this group.

However, any system decisions begin with the appointment of a responsible manager and the adoption of an appropriate strategy for the sustainable development of the industry. In this sense, we should state a deep managerial crisis, since both the relevant ministry and the State Forestry Agency were without appointed managers for quite a long time. Accordingly, even the adoption of a forest strategy developed by domestic specialists with the assistance of international funds, in the absence of an industry manager who would take responsibility for its implementation, is considered inappropriate by us. In addition, it is extremely important to use the full potential of public discussion in solving strategic issues of the industry today. Foresters, scientists, environmentalists, and specialized public organizations should express their opinion. And the decision should still be made through compromise. After all, the situation of stagnation does not bring positive results. In addition, for a long time now, the State Forestry Agency's website has not updated information, but the one that exists is either incomplete or not objective. In particular, this applies to the system of regulatory legal acts, the state of forests, the level of forest cover, and so on. No information about large-scale forest fires that occurred during, in particular, the last five years on the official website of the central executive authority implementing state policy in the relevant area not posted for a long time, despite the fact that each information resource published daily relevant information, since they were in the nature of emergency situations.

It should still be noted that the forests of Ukraine are objects of property rights of the Ukrainian people and therefore their further development and reform of the forestry

management system should be balanced and supported in society. In particular, significant concerns lie in the fact that if a new business entity is formed, the resource will be monopolized. Although, it should be noted that the protocol decision of the Cabinet of Ministers of Ukraine of 04.07.2017 instructed to develop and submit in accordance with the established procedure for consideration a draft strategy for reforming the management of the forestry sector, providing, in particular, the Association of Forestry enterprises on a regional principle, which would correspond to the general trends of decentralization, that is, the transfer of authority to provide forests for forestry from the local to the central level does not meet the tasks of the National Decentralization Reform (Strategy).

Therefore, we must be fully aware that only a change in the management model will not solve many problems of the forest industry, since if the "Forest Strategy" does not become a consensus document, there is a risk that it will be banally sabotaged on the ground. Thus, even now the strategy for Sustainable Development and institutional reform of Forestry in Ukraine still exists as a project, consensus on which has not been reached. Its analysis allows us to conclude that this developed document focuses on the economy of the forest industry, and it is not for nothing that it has a corresponding name. It should be noted, that the difficult environmental situation necessitates the improvement of environmental measures through, among fiscal policy (Kurylo V. et al., 2020).

However, among the numerous reasons for the emergence of problems in the forest sector, we highlight the following: "the imperfection of the forest management system, in particular the combination of regulatory, supervision and control functions within one central executive authority; an imbalance in the organizational and legal structure of Forest Fund Management, which leads to distortions in financial support (lack of funding for measures to ensure fire safety of forestry enterprises in the South and East of the country); mass manifestations of corruption at all levels; a multi-departmental forest management system; unrealized standards in forest protection issues; difficulty in bringing to administrative and criminal responsibility forest violations; imperfection of regulatory legal acts in the field under study; low level of public awareness about the state of forests; lack of a scientifically based strategy for adapting forests to climate change (Kohut, 2022). Consequently, among the priority areas for achieving the goals,

the developed Strategy suggests: strengthening the role of the current State Forestry Agency; distinguishing regulatory, supervisory and control functions from the implementation of economic activities; transferring the corresponding economic functions to a newly created state-owned business entity; strengthening administrative and criminal responsibility for forest violations; improving the quality of information on the state of the forest sector of Ukraine (Gulac et al., 2022).

"Now, unfortunately, we must state that the reform of the forest industry due to the lack of consensus in understanding its further development vector, powerful political lobbyists with opposite views on building a management system in the field of forest relations, the significant influence of international institutions offering their vision of the foundations for the further development of the domestic forest industry, the absence for a long time of the heads of the central executive authority, who form and implement state policy in the field of forest relations, is not implemented" (Gulac, 2020).

At the same time, in order to implement effective management, the Cabinet of Ministers of Ukraine directs efforts to build a system of local self-government that would ensure the dynamic development of regions and transfer as much authority as possible to the community level, including in ensuring fire safety in forests." (Ladychenko et al., 2021).

It should be noted that now in the world there are different organizational models of state regulation of the protection, use and reproduction of forests. However, according to the World Bank experts, guaranteed successful models cannot actually be known either in advanced economies or in transition countries (Gulac, 2020). The need to distinguish between the functions of the public and private sectors in the field of forest relations remains relevant. The state, as the largest owner of forests, on the one hand, is interested in preserving and increasing the value of this type of property and making a significant profit from it. On the other hand, the environmental challenges of our time require the opposite approach (International public law). Thus, it is possible to achieve an optimal and effective balance in the mechanism of public regulation of public relations in this area on the basis of balancing the relevant economic interests with other public needs, for which, in principle, such an organization as the state was created.

At the same time, it should be noted that over time comes an absolute understanding that, first of all, due to changing climatic conditions, environmental interests become a priority even over economic ones, since, as numerous scientific studies have noted, even in this century, the biological existence of Human will depend on them, because only natural resources can provide the basic needs of humanity. In particular, the key thesis of one of the reports at the UN meeting in 2018 was that "the fight against climate change will help prevent conflicts" (Nacionalna dopovid). The system of ensuring fire safety in forests also plays a significant role in this context, since forest fires, including at the UN level, are recognized as one of the main threats to humanity in the near future. In addition, analytical data from the annual National Report on the state of man-made and natural safety in Ukraine emphasize that the problem of preserving forests from fire in recent years has become particularly acute due to rising air temperatures (Nacionalna dopovid).

Conclusions

Summing up the above, we consider it appropriate to introduce a whole range of measures, starting with the highest state level, aimed at increasing the level of greening the nature management of forest resources. In particular, we propose to provide for specific aspects aimed at improving the level of fire safety in forests in the regulatory act of the Cabinet of Ministers of Ukraine, which should be developed for the implementation of the forest strategy with clear deadlines, performers, financing methods, etc. Among them, we highlight the following: allocation of funds for forest inventory; foresight of afforestation by the structure of forests resistant to forest fires; the need for forest pyrological zoning of forests of Ukraine; construction of forest roads; ensuring the availability of filled fire-fighting reservoirs; providing communication in woodlands, especially in the exclusion zone; purchase and equipment of monitoring systems for the fire-fighting state of forests and other necessary means; extensive information campaigning in the mass media about the need to comply with the requirements of fire safety rules in forests and the level of responsibility for their violation; conducting appropriate classes in educational institutions, etc.; open access to information on the state of forests; coordination of interaction of local authorities, territorial communities, environmental,

forestry, law enforcement agencies, mass media and State Fire Protection units in matters of informing about possible fires and coordinating actions when extinguishing them, patrolling the territories of the forest fund and preventing vehicles from entering the territory of woodlands at a certain level of fire danger; working out appropriate practical exercises, conducting trainings, etc.

Unfortunately, the legal awareness of Ukrainian residents, in particular in the field of compliance with environmental legislation in general, is not yet at a sufficiently high level, partly due to banal legal ignorance, partly due to simple disregard for any rules and self – confidence. Therefore, we believe that properly structured agitation work with the population should be highly effective. In addition, it is also important to increase the level of legal liability for Forest violations, since even after making appropriate changes to the Code of Ukraine on Administrative Offenses, liability is still not comparable to the possible risks that exist in their violation. In particular, in order to prevent forest fires, it is important to conduct preventive conversations with the population every season, indicating the severity of the consequences of possible forest fires, the importance of compliance with fire safety rules in forests and the algorithm of actions when detecting them.

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