



**2002 – 2003**

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**BIENNIAL REPORT**  
**Ecopravo-Lviv**

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**Ecopravo-Lviv (EPL)**

is a nongovernmental, non-profit international organization, established in 1994.

It was one of the first public interest environmental law organizations in Ukraine and the former Soviet Union. In 1999 it was reregistered with international status.

**Our Mission:**

To provide assistance in environmental rights protection to individuals and organizations, to contribute to the protection of the environment and to the development of environmental education, science and culture.

EPL is a country office of the Environmental Law Alliance Worldwide (E-LAW-Ukraine). It hosts the headquarters of the Environmental Law Association of Central and Eastern Europe and the Newly Independent States (The GUTA Association). EPL is a “center of excellence” of the IUCN (The World Conservation Union) Commission of Environmental Law.

**Our Activities:**

EPL works locally, nationally and internationally. EPL services to individuals and nongovernmental citizen organizations are free of charge.

**Public Interest Environmental Advocacy**

- ◆ Cases representation of citizens and nongovernmental organizations (NGOs) in administrative and judicial proceedings on matters relating to violations of environmental rights and law, as well as initiating our own cases
- ◆ Consultations consultations for citizens and NGOs on issues relating to legal aspects of environmental protection and the protection of environmental rights, as well as on environmental NGO development (legal aspects of NGO activity, accounting)
- ◆ Law-Drafting contribution to the improvement of environmental legislation nationally, regionally and internationally through participation in the process of law-drafting

**Environmental Information and Awareness-Raising**

- ◆ Library running a public environmental law library
- ◆ Publications publishing books and journals on environmental law matters
- ◆ Website maintaining regularly updated website
- ◆ Networking & Collaboration closely cooperating with local, national and international mass media, organizations and public bodies

**Environmental Education**

- ◆ Clinical program developing a new generation of public interest environmental lawyers through a clinical program in which law and international law students practice public interest environmental law and advocacy
- ◆ Internship program organizing internships at EPL, including for practicing lawyers
- ◆ Conferences, Training & Workshops organizing training programs and seminars for state authorities, judges, prosecutors and NGOs
- ◆ Lectures lecturing at universities and summer schools on environmental law and advocacy



## MESSAGE FROM ADVISORY BOARD

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Ecopravo-Lviv has brought environmental law and citizen democracy a long way in the past few years — and is poised to make even bigger contributions in the near future.

EPL has grown enormously from its modest beginnings. It has clearly become the most active environmental law firm in the enormous area called by some “Eurasia,” by others the “newly independent states of the former Soviet Union,” and by others Easternmost Europe.

EPL has established a reputation far beyond Europe. It is seen even in Asia, Africa, and Latin America as a leading European expert group in “environmental democracy” and citizen participation.

As it moves toward offering more training in public participation (to groups as far away as Central Asia), responds to requests by the United Nations Economic Commission for Europe for broader work on behalf of civil society, and moves to a more strategic approach to selecting its own cases in Ukraine, EPL will be increasingly seen as a foremost center of legal and practical expertise in Europe.

I wish them the best in the coming years.

Sincerely,



John E. Bonine  
Professor of Law, University of Oregon  
Member, Ecopravo-Lviv Board





Ecopravo-Lviv (EPL) was founded in 1994 with a hope to strengthen enforcement of environmental laws and especially protection of the environmental rights of citizens, including their court defense.

It became one of the first public interest environmental law organizations in Ukraine and the former Soviet Union. We celebrate our tenth anniversary as one of the most highly respected voices for citizen environmental rights in Ukraine, Europe, and even globally.

**Staff.** We started with one professor and two aspirants. As of 2004, we have grown to 13 full- and part-time staff members and have taken on significant international roles. We supplement the direct work by our staff lawyers for citizens with the creation of a clinical program for the students of the Law and International Relations Faculties of Lviv National University. This helps to involve law students in our activity and to grow a new generation of public interest environmental lawyers.

**Enforcement for Citizens.** Representation of citizens in governmental bodies and in the court has always been a central part of our mission. Such environmental enforcement was and is a very pioneering and necessary job in Ukraine. It is essential to help Ukraine create a Rule of Law society, respecting the court system as an independent branch of power. Our strategic cases help to make a change in the court system towards recognition and enforcement of citizens' environmental rights.

**Law-Reform.** EPL is also widely recognized for its law drafting suggestions and collaborative work at the local, national, and international levels. EPL prepares materials for the Ministry of Environment, gives consultations to its Lviv regional department, and participates in law drafting of the Committee on Environmental Policy of the Parliament of Ukraine.

On the international level, Ecopravo-Lviv is recognized as a valuable partner by the United Nations Economic Commission for Europe. We have participated in the preparation, negotiation, signature, ratification and implementation of the Aarhus Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters. The EPL president serves as vice-chair and a member of the Compliance Committee for the Aarhus Convention.

Three EPL experts also participated in the preparation of the Protocol on Pollutant Transfer and Release Register under the Aarhus Convention and the Protocol on Strategic Environmental Assessment under the Espoo Convention on Environmental Impact Assessment in Transboundary Context as representatives of European ECO Forum, NGO Coalition. EPL members participated in the 5th Ministerial Conference "Environment for Europe" in May 2003 in Kyiv, where both Protocols were signed.

**International Collaboration.** Four senior staff members of EPL are members of the prestigious Commission of Environmental Law of the International Union of the



## A MESSAGE FROM THE PRESIDENT

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Conservation of Nature (CEL-IUCN). The EPL president serves as the vice-chair of the Steering Committee of CEL-IUCN for the East European region. EPL hosted the Steering Committee Meeting of CEL-IUCN in May 2003. During this meeting EPL was recognized as an IUCN "Center of Excellence," one of the seven in the world.

We are proud that EPL hosted the East European Judges Symposium "The Role of the Judiciary in Enforcement and Implementation of Environmental Law: A Regional Needs Assessment" in May 2003, with financial support of the United Nations Environmental Program (UNEP) and IUCN, in collaboration with the Judicial Administration and Academy of Judges of Ukraine. Chief Justices of the Supreme and Constitutional Courts of eleven countries recognized EPL's role in citizens' enforcement in the region in their Lviv Statement.

EPL is one of the founders of the Association of Environmental Law of CEE and NIS and its current headquarters. EPL has initiated (with partners) and hosted the first, fifth, and seventh annual conferences of the Association.

EPL works on different projects with the Environmental Alliance Worldwide (E-LAW). EPL hosts its country office, E-LAW-Ukraine. In May 2004 EPL is hosting the E-LAW annual conference.

During the year 2002 EPL became the European partner in a worldwide project with the Environmental Law Institute to participate in preparations for the World Sum-

mit on Sustainable Development. This work has included participation of our representative in United Nations negotiations in New York and Bali, and culminated in the summit itself in Johannesburg, South Africa. The results of the project were published in the book "The new "Public": The Globalization of Public Participation".

**Fundraising.** EPL has become a more sustainable organization because we pay attention to diversified fundraising. Our original sponsor and partner during eight years has been the American Bar Association, the Central and Eastern European Law Initiative. In recent years, EPL has broadened its financial support to include the Mott Foundation, the Regional Environmental Center for CEE, IUCN, Milieukontakt Oost Europa, ISAR, Eurasia Foundation, MATRA, USAID, US State Department, and the Embassy of the USA.

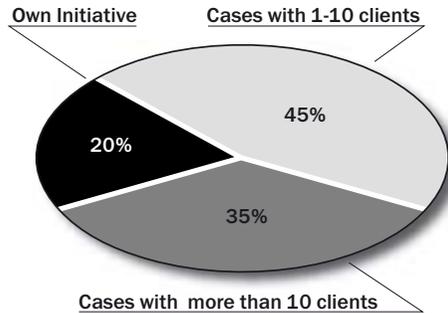
**Hope.** I am very happy to see EPL's continued professional growth and strengthening during the past years. Evaluating our work in the year 2002-2003 and previous years, I am confident that Ecopravo-Lviv will continue successfully and have eternal life, advocating and protecting the rights of citizens.



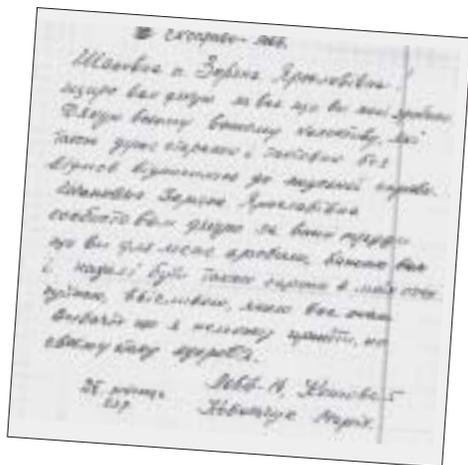
Professor Svitlana Kravchenko,  
EPL President



## OUR ACHIEVEMENTS



Cases of EPL, 2002-2003



## CASES

In 2002-2003 EPL worked on cases concerning both the protection of the environmental rights of particular individuals or groups and the protection of broad public interests in the interdependent fields of the environmental protection and human rights.

The first category, involving protection of rights of particular individuals and groups, is important in terms of development and strengthening citizens' belief in the possibility of their rights protection by legal means and raising citizens' activeness in their rights protection. While solving particular problems and requesting that state authorities take into account their interests and opinion, the individuals and their groups pursue transparency and accountability of the state authorities. The Vilshyna case is a striking example of this.

The second category includes cases involving the protection of rights and interests of unidentified groups of individuals and broad public interest in the conservation and the protection of the environment. In 2002-2003 we paid special attention to these "public interest cases" (also

called "strategic litigation"). Most of them were initiated by EPL or in cooperation with other NGOs. The Danube Delta case is among them.

Public interest cases promote most the rule of law and the democratic principles of access to information, public participation and access to justice. These cases are usually enduring and complicated, and the result is not always tangible and immediate. However, we see it to be important itself to overcome bureaucratic and other obstacles, to create precedents, to identify gaps and weaknesses of the legislation and enforcement mechanisms.

In 2002-2003 we worked on the following issues: impact of military trainings on the local people's health; Carpathian forests management and logging; impact of the electromagnetic radiation of the high voltage lines, situated in the recreation areas of the city; illegal import of hazardous wastes; protected areas and biodiversity conservation.

*I express my deep gratitude for all you have done for me.  
I thank all your staff for diligent and tactful treatment of a human issue...*

Kovalchuk Maria,  
client on the case "Executing a Court Decision"



### Danube Case: Using Legal Tools for Nature

The Ministry of Transport of Ukraine plans to build a navigation canal in the Ukrainian part of the Danube Delta. If constructed, the canal will go through the core zone of the Danube Biosphere Reserve and will have a disastrous impact on unique wetlands of the Danube Delta.

The Danube Delta, where the river enters the Black Sea, is for many wildlife species the ecological heart of Europe. The importance of the area is internationally recognized. The Danube Delta has been designated as a “Global 200” site — one of the world’s most significant and diverse regions. Part of the Danube Delta was designated a Wetland of International Importance under the Ramsar Convention in 1995. The Danube Delta was internationally recognized as a Biosphere Reserve under UNESCO’s Man and the Biosphere Programme in 1998.

EPL has developed a many-pronged strategy in order to prevent construction of the canal in the core area of the Danube Biosphere Reserve. In our work we use both national and international tools to achieve our goal.

EPL lawyers are representing the Danube Biosphere Reserve in a court case in which the Reserve (together with Kilijska Region Council) is fighting against an attempt to withdraw all internal waters and straits from its territory. After a number of court hearings, on November 24, 2003, the judge ruled in favor of the plaintiff and deprived the Danube Biosphere Reserve of the right to use its waters. With the help of EPL, an appeal was filed to the appeal court in Odessa, suspending the decision of the first instance court. Now, we are representing Kilijska Region Council (the actual defendant in the case) in the appeal hearings.

EPL challenged in court the Conclusions of the Environmental Expertiza (EIA) by the Ministry of the Environ-

ment of Ukraine. We consider the Conclusions illegal due to the fact that the public had no possibility to participate in EIA. In addition, the Ministry did not take into account the fact that the canal is planned to be constructed within the protected area — the Danube Biosphere Reserve. The government has claimed that these Conclusions were “positive”, and this claim has led to the adoption of the project by the Cabinet of Ministers of Ukraine. The case is pending.

EPL challenged in court the legality of a Decree of the President of Ukraine. On June 10, 2003, the president of Ukraine signed a decree that introduced changes to the president’s decree of 1998 establishing the Danube Biosphere Reserve. The introduced changes aim to withdraw straits and internal waters from the Danube Biosphere Reserve. Formally, the complaint was filed by an individual citizen (case Skrylnikov v. President of Ukraine).

Internationally, EPL filed a complaint with the Implementation Committee of the Espoo Convention. The planned construction of a navigation canal by Ukraine through the Bystre Mouth of the Danube Delta is likely to cause a significant adverse transboundary impact. Ukraine is a party to the Convention of Environmental Impact Assessment in Transboundary Context (Espoo Convention). We claim that Ukraine violates its duties under the Espoo Convention by not carrying out a transboundary impact assessment. This is the first issue of possible non-compliance ever presented to the attention of the Implementation Committee of the Espoo Convention.

The construction has not started. This is the major achievement, although a final victory is not secured yet. This case involves a number of broad issues that lie behind all our actions: rule of law, enforcement of environmental laws, and participatory democracy.





**Vilshyna Case: Helping People to Survive**

*At the end of 2000 the local community of Vilshyna khutir, a small settlement in Lviv Region, applied to EPL for legal assistance in protection of their rights. The khutir is situated about 200 meters from a 60-meter high tailing (waste pile from coal enrichment activities).*

*The territory of the settlement is polluted with heavy metals, including mercury, cadmium, and iron. The concentration of these metals exceeds safe levels by 6-25 times. Because of the sinking soil the houses of people are constantly flooded, sometimes turning into islands for the whole summer. The residents of the settlement are deprived of access to drinking water for many years. The water in their wells cannot be used for any purposes, even residential use. The environmental pollution leads to violation of the residents' basic rights to home and private life.*

*Hopeless and desperate at the beginning, local residents gained confidence and became active in the protection of their rights.*

In 2002-2003 we continued to work on this case. The case continues in many directions, using administrative and court measures on local, national and international levels (including an appeal to the European Court of Human Rights) as well as a mass media campaign.

As a result of EPL's numerous appeals to the appropriate state authorities and participation in the relevant sessions of these authorities, the Oblast (regional) commission of the Ministry on the Emergency Situations on Technogenic-ecological Safety and Emergency Situations decided that 18 families living in Vilshyna khutir (settlement) have to be resettled. The factory agreed to resettle only five families living within 300 m of the sanitary-protected zone of the factory. It adopted timelines for resettling all residents of the settlement. Two families have been resettled in 2002. More families are still waiting and need our help.

The factory denies any obligation to resettle the families living outside the 300 m zone. To force the factory to resettle these families we applied to the court. In July 2002 EPL filed a suit demanding resettlement of two families living outside of the 300 m sanitary zone. In addition, we

seek compensation of non-pecuniary damages resulting from environmental pollution to be paid by the factory — a rare claim in Ukrainian court.

As the court had not scheduled the first hearing of the case for more than one year, in 2003 our lawyers prepared and sent a complaint to the European Court of Human Rights, claiming violation of Vilshyna khutir residents' right to respect for home and private life.

We have also stopped and prevented further implementation of illegal and inadequate anti-flooding measures. The mining company and the coal enrichment factory used coal enrichment process wastes for this purpose. As a result of our appeals, the sanitary-epidemiological station decided that such measures are illegal and imposed a fine on the responsible authorities.

At the same time, EPL filed another lawsuit to secure a regular water supply for the Vilshyna settlement residents. Immediately after the lawsuit submission the factory resumed regularly supplying water to the residents. In addition, the appropriate sanitary-epidemiological station now constantly examines water quality.



## OUR ACHIEVEMENTS

### CONSULTATIONS

During 2002-2003 EPL continued providing free of charge consultations to individuals, NGOs and state officials on issues relating to legal aspects of environmental protection and the protection of environmental rights, as well as on environmental NGO development (legal aspects of NGO activity, accounting).

During this period we provided 582 consultations. Consultations were provided in the form requested by clients, including oral, written, on-line and on our website.

### LAW-DRAFTING

EPL experts took part in the drafting of environmental laws and regulations of national and local authorities, as well as legal acts at the international level. These took place through participation in different working groups.

#### *Locally and Nationally*

In 2002 – 2003 EPL experts commented and participated in the development of:

- Draft Regulation of the Cabinet of Ministers and Procedure of the Consultation Process with the Public on Formation and Realization of State Policy by National and Local Bodies of the Executive Power;
- Draft Law on the Protection of Animals from Abusive Treatment;
- Draft Regulation of the Cabinet of Ministers on Public Participation in Decision-Making on Environmental Matters;
- Draft Regulation on the Procedure of Providing Environmental Information;
- Draft Plan of Implementation of PRTR in Ukraine;
- Draft Regulation on the Authority of Lviv City Council Commission of Natural Management, Nature Protection and Public Services and Amenities.

To make the consultations of general concern available to interested NGOs, individuals, and officials, we continued to publish written consultations in our quarterly publication “Environmental Advocacy Journal”. During 2002 – 2003 we published 18 consultations, on the matters arising most frequently.

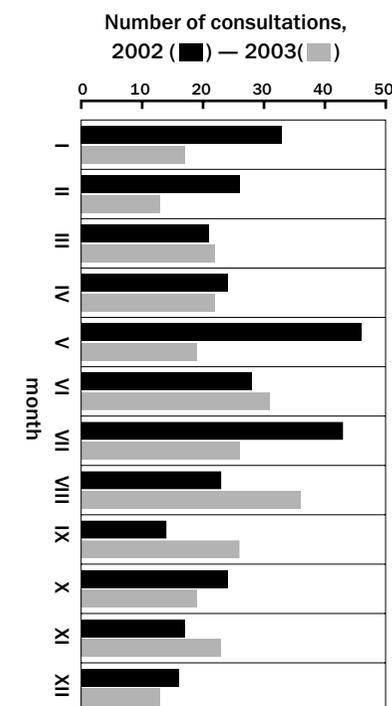
The consultations mainly concerned: environmental rights protection; protection of waters; pollution and wastes; oil stations and parking areas; plantations and trees; legal aspects of NGO activities.

#### *Internationally*

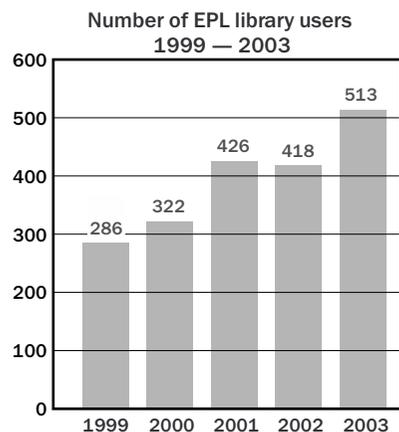
In 2002 – 2003 EPL members participated in the development of two international treaties: the Protocol on Pollutant Release and Transfer Registers to the Aarhus Convention and the Protocol on Strategic Environmental Assessment to the Espoo Convention. Both protocols were adopted during the 5th Pan-European Ministerial Conference “Environment for Europe” held in Kyiv, Ukraine, in May 2003.

The Protocol on Pollutant Release and Transfer Registers is an important tool of public access to information about environmental pollution. The Protocol on Strategic Environmental Assessment requires environmental impact assessment of strategic decisions, such as plans, programs, and policies. It also provides for public participation in the evaluation of the environmental effects of such decisions.

EPL members advocated public interests through the entire negotiation process of these documents as observer-delegates invited by the United Nations Economic Commission for Europe and representing the European ECO Forum. We followed up the adoption of these documents by participating in working groups and task forces established to promote ratification and implementation of the protocols.



## OUR ACHIEVEMENTS



### LIBRARY

*In 2002-2003 EPL continued providing information, materials and publications on environmental law matters to individuals, NGOs, lawyers and scientists through our environmental law library.*

The library currently maintains more than 5,000 publications on environmental law, human rights, and environmental protection in Ukraine and worldwide. It is constantly updated with new publications.

In addition, our staff scientist and information manager provided library visitors with information on environmental and environmental law issues from additional sources

such as the Internet and electronic databases, as well as by carrying out research to prepare the required information.

The number of library users increased significantly, reaching 513 library users in 2003. In total, during 2002-2003 the library had 931 users. At the end of 2003 we started developing an electronic library catalogue, to be accessible to users.

### NETWORKING & COLLABORATION

*EPL actively collaborates with other NGOs and mass media, as well as associations and networks around the world.*

EPL is the Environmental Law Alliance Worldwide office in Ukraine (E-LAW Ukraine). Our 10 employees are members of this worldwide network of public interest environmental lawyers. We participate in E-LAW's annual international meetings. In 2002 Sofiya Vankovych took part in its annual meeting in Mexico, and in 2003 Svitlana Kravchenko, Andriy Andrushevych and Olga Melen participated in the E-LAW annual meeting and the Environmental Law Public Interest Conference in the USA. In 2003 EPL conducted a project on the translation of communication within the E-LAW network to enable Russian-speaking environmental advocates to take full advantage of the network's resources.

justice involving environmental NGOs in Ukraine, Belarus and Poland. Through the electronic 'access to justice' network EPL helped exchanging information on issues related to access to justice in Ukraine, Belarus and Poland.

EPL constantly cooperates with mass media. During the 2002-2003 period our lawyers gave numerous interviews, and participated in and organized a number of press conferences. Work with mass media is always discussed as a case strategy. All our strategic cases have been covered by journalists, such as the Vilshyna and Danube cases. Our recent press-releases (available on our website) were published by major national newspapers and other mass-media channels, such as the on-line news servers, national and local newspapers.

EPL hosts the headquarters of the Environmental Law Association of Central and Eastern Europe and the Newly Independent States (GUTA Association). In June 2002 we co-organized with the Regional Environmental Center for CEE the 8th Annual International Environmental Public Interest Law Conference for public interest environmental lawyers from NIS and CEE countries.

EPL was the lead organization for a project an access to

EPL monitors major national and local newspapers daily for articles on environmental issues and keeps a database of such materials. The database is a valuable resource for our lawyers and the public. Since 2002 we have operated an electronic "clipping service" for our staff, in which environmental news from around Ukraine is distributed on a daily basis to an e-mail list for our staff and board.

### WEBSITE ([www.ecopravo.lviv.ua](http://www.ecopravo.lviv.ua))

In 2003 EPL launched a renovated website in English, Ukrainian and Russian. The site contains extensive information about our organization as well as useful general information on environmental law issues.



## OUR ACHIEVEMENTS

### PUBLICATIONS

#### Environmental Advocacy Journal

In 2002-2003 EPL published eight issues of the Environmental Advocacy Journal.

The circulation of each issue was 1000 copies. Its largest part was disseminated to regular subscribers of the journal — to NGOs, professionals and citizens. The electronic version of the journal is available on the website of EPL ([www.ecopravo.lviv.ua](http://www.ecopravo.lviv.ua)).

The materials in the journal include: environmental case law analysis, cases and projects of EPL and its partners, and information on changes in national environmental legislation. The journal also highlights international environmental events, the activity of the international organizations in the sphere of environmental protection and the protection of environmental rights.



*"...Thank you very much for your Environmental Advocacy Journal. The Journal's subjects are of current interest and are very useful for environmental protection."*

Sirenkiy S.,

Chief of the State Administration of the Environment and Natural Resources in Zhytomyrska oblast.

*"...We are happy that your staff is doing such important and generous work as protection of the environment. For us — environmental inspectors of cities and districts — your publication helps a lot in our work. "Environment for Europe", "Environmental human rights", "Consultations" are very interesting sections."*

Chernega V.,

Chief of the State Environmental Inspection of the city of Berdychiv

*"...Thank you very much for your help, which you provide through the Environmental Advocacy Journal to our environmental organization. Information on the activities of environmental organizations in other regions and the legal assistance you provide for these activities give us inspiration and confidence in our public work."*

The Ternopil'ska oblast NGO "Zelenyi Svit"

*"...I am writing from Manyava... and am a student of the faculty of environmental protection... Your information on environmental law is very useful for me because right now we are studying environmental law... I want to create a public environmental organization in Manyava, and your assistance on this topic has been very useful to me in this respect as well."*

Mykola Skydaniuk,

Manyava, Ivano-Frankiv'ska oblast





**PUBLICATIONS**

**Guta Newsletter: Environmental Advocacy**

In 2002-2003 EPL produced two issues of the Environmental Advocacy newsletter. Environmental Advocacy is the newsletter of the Environmental Law Association of Central and Eastern Europe and the Newly Independent States (Guta Association). The newsletter includes legisla-

tion news, updates about the Guta Association's activities, as well as recent and interesting cases of Guta members. The purpose of the newsletter is to share this information regionally among environmental public interest lawyers and organizations.



**Access to Justice in Environmental Matters. Manual/Z. Kozak, I. Tustanovska. — Lviv: Meta, 2002. — 200 p. (in Ukrainian)**

The manual covers issues of public access to justice in environmental matters in light of the implementation in Ukraine of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus, 1998).

Similar manuals were produced on local languages by our colleagues from Ecopravo-Minsk (Belarus) and the Environmental Law Center (Poland) within the project Implementation and Enforcement of the Aarhus Principle on Access to Justice in Ukraine, Poland and Belarus.

The manual is based on the provisions of the legislation of Ukraine in the field of environmental rights protection and the practice of their enforcement. It aims to help the public use their environmental rights.

The results of the project, including the three manuals, court documents that lawyers can use as models, extracts from relevant legislation, contact information and other materials were put on CD-ROM and distributed among the public.



**Compendium of International Legal Acts in the Sphere of Environmental Protection. — Second edition. — Lviv: Norma, 2002. — 416 p. (in Ukrainian and Russian)**

The compendium contains the main international legal acts in the sphere of environmental protection, namely declarations, conventions and protocols. It includes a table with dates of signature, entering into force, and ratification by Ukraine of the applicable international legal acts. The compendium consists of six sections: general issues,

protection of atmosphere, ozone layer and climate change, water protection, protection of biodiversity, and nuclear and radioactive safety. The language of the compendium is Ukrainian, but some acts, which do not have official translations into Ukrainian, are in Russian.



## OUR ACHIEVEMENTS

The members of EPL co-authored the following publications of partner organizations:

**Current Issues of International Environmental Law. Kravchenko S., Andrusyevych A., Bonine J. – Lviv: Oregon – Lviv University Partnership, 2002. – 336 p.**

The book covers current issues of contemporary international environmental law. The book consists of two parts: general and selected topics. The general part includes the scope of international environmental law, its objects, principles and sources, as well as other issues. The special part is dedicated to current issues of legal environmental protection, namely, climate change, biodiversity protection, and dangerous and radioactive wastes management.

The book includes excerpts from various conventions, protocols and other international legal acts, as well as excerpts from decisions of the International Court of Justice, the European Court of Human Rights, and national courts of different countries around the world (mostly in English). The book is designed for students, post-graduate students, professors and specialists in the field of international law.

**Handbook on Access to Justice under the Aarhus Convention. / Edited by Stephen Stec. – Szentendre: REC, 2003. – 256 p. (in English)**

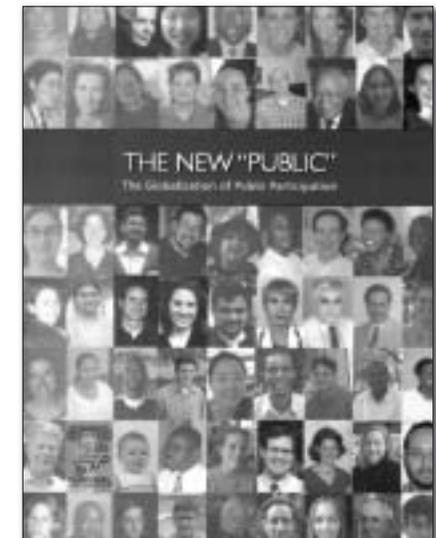
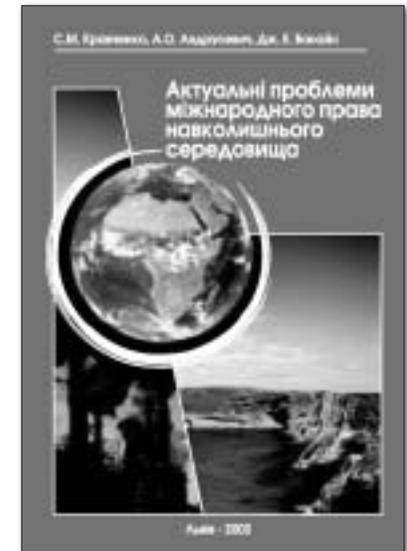
The Handbook on Access to Justice under the Aarhus Convention consists of two parts — analysis and cases. The handbook includes cases on access to justice issues from different countries of Central and Eastern Europe, Caucasus and Central Asia. Three cases on access to environmental information from EPL's practice are included in the handbook. Taking into account the existing practice and prospects of enforcement of the Aarhus Convention

in access to justice issues, experts in environmental law from different countries prepared the analytical part of the handbook on access to justice issues in environmental protection (for example, access to justice in cases involving access to environmental information, access to justice in cases involving public participation in decision-making, the public's right to enforce environmental law, financial and other barriers to access to justice, etc.).

**The New “Public”: The Globalization of Public Participation. / Edited by Carl Bruch. – Washington, DC: ELI, 2002. – 261 p.**

In the year leading up to the World Summit on Sustainable Development, the Environmental Law Institute, the Peruvian Environmental Law Society, Ecopravo-Lviv and other NGOs created the Partnership for Public Participation.

The partners conducted research on the various regional and international initiatives that have advanced public involvement. This book is the result of that research.





*"I was impressed by the organization of joint meetings of clinical students at which we would receive interesting tasks... the clinical program became my first experience of practical implementation of knowledge gained in the university's classroom".*

Andriy Grynychuk

*"...The clinic provides a great opportunity for each student to learn the tactics of case work... Special method tutoring helps a lot, as well as joint discussions of difficult issues...Only here, in the clinic, did I realize all the complexity of the environmental situation in Ukraine..."*

Andriy Petriv

*"I liked how our supervisors divided the training into individual and group work...I was deeply impressed by my first meetings with clients... the clinic changed me. It was here that I first saw myself able to do something professionally, to help others, to make the world a little better..."*

Liza Ogonochenko

*"The clinic was always friendly. On the one hand, this helped us, students, to find our place here and, on the other hand, gave us confidence in our strength and ability to start as lawyers."*

Roman Shykerynets

## CLINICAL PROGRAM

### Environmental Law Clinic

An important goal of EPL is the growth of the number of public interest lawyers in Ukraine. This is accomplished in part through the oldest and most successful environmental law clinical program in Europe, which EPL started in 1995. Every year EPL organizes clinical training for the law students of Ivan Franko Lviv National University.

During the clinical program students start or continue cases. They prepare and send requests, petitions and complaints to national, central and local authorities, the Ombudsman of Ukraine, etc. Students participate in meetings with clients and travel to assess the situation on the spot. Students take part in court hearings as our clients' representatives.

### Clinic on International Issues

In 2002 we added a new component to our clinical program: a clinic on international issues (for students of international law). In 2002 – 2003 two students participated in this new program. They helped to organize the international conference Guta VIII and provided Russian-English-Russian translation of the conference discussions.

## INTERNSHIP PROGRAM

EPL has an internship program as advanced training for practicing lawyers. We involve our interns in practical work. Working at EPL, they gain experience from our work. We determine the duration and agenda of the internship program according to the needs of interns.

In 2002-2003 we introduced a change to the clinical program, involving the students more in the regular caseload of EPL rather than "small" cases. This change enables students to work on complicated cases led by our lawyers and helps them to develop creative legal thinking. In 2002 we have also produced a Manual on Clinical Program.

In the past two years 31 students have participated in our environmental clinic. In 2002-2003, under the supervision of lawyers they took part in 51 cases. Three of our clinical students were hired as full time lawyers by EPL in 2002-2003 and some others were hired by national environmental NGOs and state authorities.

They served as co-editors of the Guta Association Newsletter during these two years. In the future, we plan to involve international law students in our international cases (such as appeals to the European Court of Human Rights or the Implementation Committee of the Espoo Convention).

EPL organized an internship for Marilena Buretea, a lawyer from Romania (April 2-14, 2003) who decided to start a public advocacy center in Romania. At the present time we have Petro Stetciuk from the US (Fulbright program student) as our intern.



## OUR ACHIEVEMENTS

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### CONFERENCES, TRAININGS AND WORKSHOPS

In 2002-2003 EPL co-organized a number of conferences, workshops, trainings, round tables, and seminars at the local, national and international levels:

Workshop on Access to Justice in Environmental Matters (April 2002);

Guta Association Annual Meeting (June 2002);

Training on Access to Justice in Environmental Matters — Promoting Implementation of the Aarhus Convention in Kazakhstan (October 2002);

IUCN CEL Steering Committee Meeting (May 2003);

The East European Judges Symposium “The Role of the Judiciary in Enforcement and Implementation of Environmental Law: A Regional Needs Assessment” (May 2003).

In addition, our members participated as trainers and key speakers in numerous important events:

Aarhus Convention Second Regional Workshop for Central Asia Region (June 2002);

World Summit on Sustainable Development (August-September 2002);

Second Meeting of the Parties of the Aarhus Convention (October 2002);

Round Table on Access to Justice in Environmental Matters (November 2002);

Lectures on Environmental Human Rights and How to Protect Them (November 2002);

Round Table on Mechanisms of Improvement of the Situation in the Sphere of Human Rights in Ukraine (December 2002);

Training on Environmental Impact Assessment (November 2002);

5th Ministerial Conference “Environment for Europe” (May 2003);

Extraordinary Meeting of the Parties of the Espoo EIA Convention (May 2003);

PRTR Workshop (May 2003);

SEA Workshop (May 2003);

Inaugural Colloquium of the IUCN Academy of Environmental Law on Law on Energy for Sustainable Development (November 2003);

UN ECE Intergovernmental Working Group on Access to Justice in Environmental Matters (November 2003).



**SEA Protocol**

Svitlana Kravchenko, John Bonine (EPL Advisory Board member) and Andriy Andrusevych represented European NGOs in two years of negotiations of the SEA Protocol. They were working hard to ensure strong access to information and public participation provisions. Svitlana Kravchenko was invited to give a keynote speech during the ministerial session about the civil society vision of the SEA Protocol's future, its achievements and its shortcomings.

**Workshop on Access to Justice in Environmental Matters (Lviv, Ukraine) (2002)**

On April 29–30, 2002 EPL held a workshop on access to justice in environmental matters. Thirty environmental NGOs from Belarus, Poland and Ukraine participated, with each representative receiving intensive training on the

**PRTR Protocol**

In 2002-2003 Dmytro Skrylnikov, together with other experts from European ECO Forum, participated in the PRTR negotiations, advocating civil society's needs and concerns (right to know and right of access to pollution information). The protocol is meant to create a transparent and comprehensive pollution information database, which will be accessible to the public.

Aarhus Convention in general, on its principle on access to justice, and on specifics of national environmental laws of the three countries.

**8th Annual International Environmental Public Interest Law Conference (GUTA-8) for public interest environmental lawyers from NIS and CEE countries (Dobogoko, Hungary) (2002)**

On June 8–12, 2002, EPL co-organized with the Regional Environmental Center for CEE and Environmental Law and Management Association the 8th Annual International Environmental Public Interest Law Conference (GUTA-8) for public interest environmental lawyers from NIS and CEE countries. The conference took place in Dobogoko, Hungary. Thirty-six environmental lawyers from NIS/CEE countries and the USA attended the conference.

Participants of the conference discussed the following issues: the latest developments under the Aarhus conven-

tion; the outcomes of the World Summit on Sustainable Development; human rights and the environment; biodiversity; fundraising; organizing and starting an environmental advocacy center; administrative issues of the Guta Association); preparation for the ministerial conference "Environment for Europe" (in Kyiv, Ukraine, in 2003); improving networking and exchanges among Guta members; and editing the Access to Justice Handbook with the authors.

**"Access to Justice on Environmental Matters" for the participants from Kazakhstan (2002)**

From September 30 to October 4, 2002, EPL held training "Access to Justice in Environmental Matters" for participants from Kazakhstan. It was held within the framework of the project "Supporting Kazakhstan in Implementation of the Aarhus Convention Provisions" with the financial support of Danish Cooperation on Environment in Eastern Europe (DANCEE) and the Danish Agency of Environmental Protection.

The training brought together representatives of the Ministry of Natural Resources and Environmental Protection (Environmental Policy Department), environmental NGOs, and a professor of the Natural Resources and Environmental Law Department of Al-Faraby Kazakhstan State University. The main objective of the training was to create possibilities for using Ukrainian experience in Kazakhstan.



## OUR ACHIEVEMENTS

### Meeting of the IUCN CEL Steering Committee (Slavske, Ukraine) (2003)

The meeting of the Steering Committee of the Commission on Environmental Law (CEL) of the World Conservation Union (IUCN) with the participation of well-known environmental lawyers took place on May 13-15, 2003, for the first time in Ukraine. EPL was the organizer of this event.

The meeting addressed the following matters: reviewing IUCN's ongoing work with the judiciary; the establishment of the IUCN Academy of Environmental Law; updating the Draft Covenant on Environment and Development; the work of CEL specialist groups; the launch of the Dr Parvez Hassan Environmental Law Centre in Paki-

stan; and upcoming events, including the 'Water and the Web of Life' conference, the World Parks Congress and the World Conservation Congress. The delegates agreed to the expansion of steering committee membership; the establishment of new specialist groups on compliance and enforcement, human rights and environment, oceans, and trade and environment; and the reestablishment of the group on armed conflict and the environment.

The Steering Committee unanimously endorsed EPL as an IUCN CEL "Center of Excellence" and admitted over 50 new members from more than 15 countries, including Andriy Andrusevych from EPL.



### Symposium on Environmental Law for Judges of Central and Eastern Europe, Caucasus and Central Asia (Lviv, Ukraine) (2003)

On May 16-17, 2003, UNEP, IUCN and EPL organized a regional symposium "The Role of the Judiciary in Enforcement and Implementation of Environmental Law: A Regional Needs Assessment". It was co-hosted by the State Judicial Administration of Ukraine and the Judicial Academy of Ukraine. Fifteen chief justices from 11 countries, together with other judges and experts across the globe, met in Lviv, Ukraine.

The Lviv Symposium followed the Global Judges Symposium held in Johannesburg and the UNEP Judges Planning meeting held in Nairobi, as well as regional symposia

for Western Europe. During the Lviv Symposium judges discussed various issues on environmental law implementation and enforcement of environmental human rights. They identified further capacity building needs and priorities for courts of the EECCA region.

The Symposium in its final document — the Lviv Statement called on UNEP, IUCN, Ecopravo-Lviv and other organizations to assist in the development and implementation of judicial capacity building activities for the EECCA region in the field of environmental law based on needs assessment.



### The Environment for Europe Ministerial Conference in Kyiv (May 21-23, 2003)

Most of the EPL lawyers (Svitlana Kravchenko, Andriy Andrusevych, Dmytro Skrylnikov, Sofiya Vankovych, Olga Melen, and Natalia Balushka) participated in the conference.



## BOARD AND STAFF

### OUR STAFF\*

|                          |   |  |
|--------------------------|---|--|
| Dr. Svitlana Kravchenko  | President   | Professor of International Law, Ivan Franko Lviv National University<br>Carlton Savage Visiting Professor of International Relations and Peace,<br>Law School, University of Oregon<br>East Europe Vice-chair, IUCN Commission of Environmental Law<br>Executive Co-Director, Environmental Law Association of CEE and NIS<br>Vice-chair, Compliance Committee of the UN ECE Aarhus Convention |
| Iryna Tustanovska, Ph.D. | Vice-President<br>Attorney                              |  |
| Andriy Andrusevych       | Executive Director                                      | Assistant Professor, Faculty of International Relations, Ivan Franko Lviv National University  |
| Dmytro Skrylnikov        | Attorney  | Executive Co-Director, Environmental Law Association of CEE and NIS  |
| Zoryana Kozak            | Lawyer  | Associate Professor, Law School, Ivan Franko Lviv National University  |
| Yaryna Ostapyk           | Lawyer  | Post-graduate student in criminal law, Law School, Ivan Franko Lviv National University  |
| Olga Melen               | Lawyer  | Post-graduate student in environmental law, Vasyl Stefanyk Prykarpatsky University Law Institute   |
| Nataliya Balushka        | Lawyer  |  |
| Sofiya Vankovych         | Lawyer  |  |
| Iryna Vasylakyyi         | Accountant  |  |
| Ostap Yednak             | Fundraiser  |  |
| Tetyana Budyakova        | Legal consultant on financial and administrative issues |  |
| Anatoliy Pavelko         | Staff scientist, editor                                 |  |
| Nataliya Andrusevych     | Translator, international relations specialist          | Post-graduate student in EU law, Faculty of International Relations, Ivan Franko Lviv National University  |
| Irena Khmilar            | Office manager  |  |
| Sergiy Lozan             | IT manager  |  |

\* All staff members who worked in the period of 2002-2003.



## BOARD AND STAFF

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### ADVISORY BOARD

|                       |   |         |
|-----------------------|---|---------|
| John Bonine           | Professor, Law School of the University of Oregon;<br>Co-Director, Oregon-Lviv University Partnership;<br>Co-Founder, Environmental Law Alliance Worldwide (E-LAW);<br>Board Member, Environmental Law Association of CEE and NIS | USA     |
| Mykhailo Kostytsky    | Constitutional Justice of Ukraine;<br>Professor of Law, Academician of the Academy of Legal Sciences of Ukraine   | Ukraine |
| Nadija Kobetska       | Associate Professor, Law School of Ivano-Frankivsk University   | Ukraine |
| Susan Casey-Lefkowitz | Lawyer, Natural Resources Defense Council (NRDC)  | USA     |
| Fe Sanchis Moreno     | Lawyer, Center of Environmental Policy "Terra"  | Spain   |

### ORGANIZATIONAL DEVELOPMENT

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During the last two years EPL has made strong efforts to develop organizational approaches and models that will allow fulfillment of our mission. This required careful strategic planning, internal assessments, re-structuring, and a new management model.

Early in 2002 EPL asked the ABA/CEELI NIS Regional Institution Building Program to carry out a workshop on human resources assessment for us. The workshop led to comprehensive discussions about the EPL's structure, management policy and use of human resources.

Following the workshop, in July 2002 EPL staff gathered for a 4-day retreat in the Carpathian Mountains to address issues raised during the assessment workshop. This led to the creation of a new internal structure for the organization (four departments), a new internal reporting scheme

and a new distribution of responsibilities among the staff. We believe that these changes are crucial for the future work of EPL, which hired five new staff members in 2002 (including three lawyers).

In January 2003 EPL held a two-day assessment and training for organizational development self-assessment and planning, with the assistance of Regional Institution Building Advisors. In particular, during the seminar a few areas of "concern" were identified and analyzed, and plans were made to address issues identified. These areas included long-term fundraising planning, reporting models, and the work of the Advisory Board. Subsequently, in May 2003 two members of the Advisory Board (Fe Sanchis Moreno of Spain and John Bonine of the USA) visited Lviv and gave advice on strategic planning, strategic litigation and funding.



## FINANCIAL STATEMENT\*

| FOR THE YEAR                              | 2002    |         | 2003    |        |
|---|---------|---------|---------|--------|
|   | UAH     | USD     | UAH     | USD    |
| <b>REVENUES</b>                           |         |         |         |        |
| Gifts, grants, and contributions received | 536 674 | 100 473 | 421 081 | 79 002 |
| TOTAL                                     | 536 674 | 100 473 | 421 081 | 79 002 |
| <b>EXPENSES</b>                           |         |         |         |        |
| For the statutory purposes                | 554 803 | 103 867 | 453 511 | 85 087 |
| TOTAL                                     | 554 803 | 103 867 | 453 511 | 85 087 |
| <b>BALANCE</b>                            | -18 129 | -3 394  | -32 430 | -6 085 |

\* The financial statement as required by and submitted to the Ukrainian Tax Administration for each year. The grant period of some projects exceeds the fiscal year, but the revenues reflect all grant amounts received during the fiscal years stated above.

## ACKNOWLEDGMENT OF SUPPORT

We want to express our gratitude to those who supported our activity. Your support was crucial for implementing our ideas, assisting people and protecting the environment, contributing to the establishment of the rule of law and moving toward the development of democracy in Ukraine.

The following organizations and institutions supported us in 2002-2003:

**Charles Stewart Mott Foundation**  
**American Bar Association, Central European and Eurasian Law Initiative**  
**The Regional Environmental Center for Central and Eastern Europe**  
**Democracy Grants Program of the US Embassy**  
**Open Society Institute**  
**NIRAZ**  
**IUCN Environmental Law Center**  
**Oregon-Lviv University Partnership Program (University of Oregon and US Bureau of Education and Cultural Affairs)**

We extend our thanks to all individuals who generously contributed to our work.

