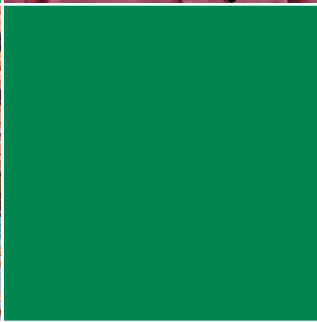
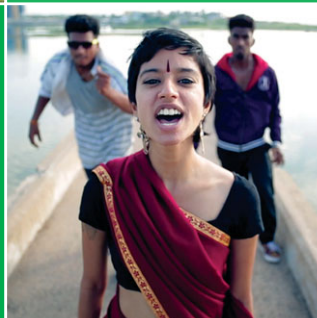
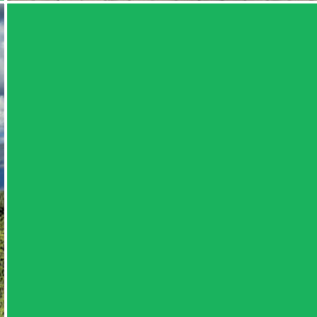
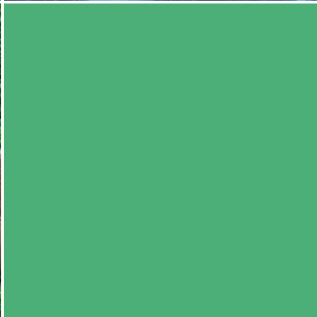




WINNING STRATEGIES FOR COMMUNITIES AND THE ENVIRONMENT IN UKRAINE AND AROUND THE WORLD

A COLLECTION OF SUCCESSFUL CASES





WINNING STRATEGIES

FOR COMMUNITIES AND THE ENVIRONMENT
IN UKRAINE AND AROUND THE WORLD

A COLLECTION OF SUCCESSFUL CASES

2022

Environmental Law Alliance Worldwide (ELAW), USA

Environment–People–Law (EPL), Ukraine

Winning strategies for Communities and the Environment in Ukraine and Around the World is a collection of success stories compiled by ELAW and EPL, to serve as inspiration for environmental defenders. The publication includes environmental cases initiated by activists and non-governmental organizations in Australia, Argentina, Belize, Canada, the Czech Republic, India, Jamaica, Mexico, the Philippines, South Africa, Uganda, and Ukraine. A range of environmental battles are featured, from the struggle of a small community against a proposed private landfill to an environmental organization taking on the government and the two largest oil and gas production companies in the world. These “winning strategies” illustrate the many ways that civil society is protecting the environment around the world, and winning.

Funded by the UN Democracy Fund



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INTRODUCTION

The importance of protecting the environment did not attract national and international attention until the last century. In the past 50 years, with intense public pressure, issues of environmental safety, environmental protection, and rational use of natural resources began to be regulated at the national and international levels. But 50 years later, there is enormous work still to be done to safeguard the environment to support healthy lives and rich biodiverse ecosystems. In all corners of the world, non-governmental organizations – associations of caring people united to achieve critical environmental goals – have played, are playing, and will continue to play a key role in the quest for a just, sustainable planet.

In *Winning strategies for Communities and the Environment in Ukraine and Around the World* we share inspiring success stories. The first chapter, “Wins for Communities and the Environment Around the World,” includes environmental cases initiated by non-governmental organizations in Australia, Argentina, Belize, Canada, the Czech Republic, India, Jamaica, Mexico, the Philippines, South Africa, and Uganda. The material in this section was provided by Environment-People-Law’s partner, the Environmental Law Alliance Worldwide (ELAW), a worldwide network of public interest lawyers and scientists who protect the environment in their home countries.

The second chapter features cases from Ukraine. Of all the countries in the former Soviet Union, it was in Ukraine that the environmental movement found the strongest response from civil society and gained significant momentum. Environment–People–Law is pleased to be a non-governmental organization that has worked to protect environmental rights and the environment in Ukraine for three decades. A broad spectrum of environmental battles are featured, from the struggle of a small community against a proposed landfill to an environmental organization taking on the government and the two largest oil and gas production companies in the world. We hope that this publication will demonstrate to the reader the enormous importance that environmental activists and their organizations play in our lives. We are truly inspired by what they accomplish, with very limited resources, but great passion.

Section 1

Winning Strategies for Communities and Environment Around the World



Winning Strategies for Communities and Environment Around the World

Country

INDIA

Mercury Poisoning and a Win for Dignity

The Players:

- Community Environmental Monitoring

The Problem

The small city of Kodaikanal sits in the forested hills southwest of Chennai, India. Kodaikanal was home to a thermometer-making plant for global corporation Unilever for 15 years. Workers there handled mercury in unsafe conditions, and mercury was dumped near populated areas of the town of 36,000. Concern over illegal dumping prompted the government to shut down the factory in 2001, but that didn't help the more than 1,000 workers who were sickened by prolonged contact with the toxic metal.

The Winning Strategy

Members of the Community Environmental Monitoring (CEM) program work to build the capacity of local communities to advocate on their own behalf. CEM helped community members identify the health impacts of the mercury contamination and collect samples showing the environment and the community was contaminated. CEM also provided research support to the legal case workers had filed seeking compensation and action.

But 10 years of data still needed a push, and that came when a musician wrote a rap song and produced a video about Kodaikanal titled "Kodaikanal Won't". Published on YouTube in 2015, it quickly went viral and prompted news stories, not just in India, but globally. The video has been seen more than 4 million times.

In 2016, Unilever announced a settlement with 590 workers. While the terms of the agreement are confidential, ex workers have said they are satisfied that the sum will help former workers with health care costs.

CEM's philosophy centers on expanding the democratic space for communities. People living next to polluting facilities are often from marginalized communities. CEM understands that the underlying problem is a fight for dignity. CEM provides community members with the tools they need to engage on their own behalf.

For More Information:

YouTube: Kodaikanal Won't

<https://www.youtube.com/watch?v=nSal-ms0vcl>

Community Environmental Monitoring

<http://theothermedia.in/community-environmental-monitoring/>





Winning Strategies for Communities and Environment Around the World

Country

CANADA

Bringing the Jordan River Back to Life

The Players:

- University of Victoria's Environmental Law Centre (ELC)

The Problem

Until the 1970s, a copper and gold mine leached toxic tailings into British Columbia's Jordan River, while a hydropower dam lowered flows and concentrated contaminants. When the mine closed its doors, it left behind a toxic legacy and salmon went missing from the river for decades. With no responsible party tasked with cleanup, the future looked as bleak as the past.

The Winning Strategy

Victoria's Environmental Law Centre (ELC) for help. ELC offers free services to community organizations, conservation groups, and First Nations.

Calvin Sandborn, ELC Legal Director, worked with his law students to gather information about mining laws around the world. The students used this information to create a guide to best mining practices. This guide became the basis of a 420-page code proposal titled "Fair Mining Practices: A New Mining Code for British Columbia", published in 2013 and adopted by several First Nations in British Columbia.

ELC students also successfully identified the owners of the old mine site along the banks of the Jordan River. In 2016, their submissions led the BC government to order the remediation of the copper still leaching into the waterway.

In recent years, salmon are beginning to return to the Jordan River, which tumbles through the steep forested hills of Vancouver Island before spilling into the Strait of Juan de Fuca off the coast of British Columbia.

Experts anticipate future salmon runs of 5,000 to 10,000 fish, says Calvin.

For More Information:

University of Victoria, Environmental Law Centre
<https://elc.uvic.ca/>



Winning Strategies for Communities and Environment Around the World

Country

JAMAICA

Saving Goat Islands

The Players:

- Jamaica Environment Trust

The Problem

The Jamaican iguana (Cyclura collie), one of the world's rarest lizards, is only found in the Hellshire Hills on Jamaica's south coast. It was once widely distributed, but disappeared thanks to poaching, predation, and habitat loss. The lizard was believed extinct until the 1990s when a Hellshire pig hunter retrieved a wild iguana from his dogs. An intensive recovery program was set in motion and the breeding population of iguanas increased over six-fold. Then, a new threat arose. In 2013, the Jamaican government announced it was considering a proposal by Chinese investors to construct an enormous port hub in the vicinity of the Goat Islands, threatening the fragile ecosystem.

The Winning Strategy

The Hellshire Hills are part of the Portland Bight Protected area, 724 square miles of mangrove forests, coral reefs, seagrass beds, dry limestone forest, and the two Goat Islands. Grassroots advocates at the Jamaica Environment Trust (JET) envisioned a wildlife sanctuary on Great Goat Island as the next step to rebuild a viable Jamaican iguana population. But plans for the port put that on hold.

JET's main contention about the proposed port near the Goat Islands was the lack of transparency about the project. Efforts to get more information using the Access to Information Act had all been denied.

JET took legal action to challenge the denial in 2014. Preliminary hearings were held, then there was a change of government in February 2016, and in September that same year, the Jamaican government announced, over Twitter, that while the logistics hub would go ahead, it would not be at the Goat Islands due to the environmental damage that would be caused.

"I was overjoyed to get the news that the Government of Jamaica is proceeding with the logistics hub, but NOT at Goat Islands," said JET's Founder, Diana McCaulay. "It was the first time in my experience that an extraordinary natural place was saved by a tweet."

Diana says the Save Goat Islands campaign was critical to the victory. The campaign included organized boat trips to the islands (called "Goatillas") operated by local fishers. Few Jamaicans are familiar with the area, so the campaign disseminated aerial and other images, including photos of plants and animals from the islands and nearby mainland. Meanwhile, in Washington, D.C., a campaign video was projected onto the Jamaican High Commission building. Finally, a Save Goat Islands website was kept updated with media reports, scientific studies, background information for journalists, and statements by political leaders in Parliament.

JET continues to advocate for the declaration of a wildlife sanctuary on Great Goat Island and support efforts to save the Jamaican iguana.

For More Information:

Jamaica Environment Trust – <https://www.jamentrust.org/>

Save Goat Islands – <https://savegoatlands.org/>



Winning Strategies for Communities and Environment Around the World

Country

PHILIPPINES

Safeguarding a Marine Reserve from Oil Exploration

The Players:

- Save Tañon Strait Citizens' Movement
- Central Visayas Fisherfolk Development Center

The Problem

Does a dolphin have standing to sue to preserve its habitat? That question came up in court in the Philippines when community members sought to protect a narrow and biodiversity-rich strait in the multi-island nation.

Acrobatic spinner dolphins ply Tañon Strait, as do 13 other species of whales and dolphins. But the charismatic megafauna of the strait represent just a handful of the remarkable natural diversity in the country.

Imagine a nation of 7,600 islands, with more than 22,000 miles of coastline and mountains covered in tropical rain forest. That's the Philippines. Flung like a handful of jewels between the South China and Philippine Seas, the islands are so rich in biodiversity that new species are still being discovered.

Close to the center of the country, Tañon Strait runs between the islands of Cebu and Negros, a 100-mile stretch of ocean protected as a marine reserve, where you'll find thousands of acres of mangroves, extensive coral reefs, and unique creatures such as dwarf sperm whales and melon-headed whales. The Strait provides critical breeding, nursery, and feeding grounds. Rich in fish, the strait also provides a living for the fisher folk of the nearby islands.

Tourists aren't the only people attracted to the strait. In 2005, a Japanese oil exploration firm drilled an exploratory well and performed seismic surveys, threatening the fragile ecosystem.

The Winning Strategy

Concerned residents at the Save Tañon Strait Citizens' Movement and the Central Visayas Fisherfolk Development Center took action, filing suits to enforce the law and halt oil extraction activity in the environmentally rich strait.

The suit, on behalf of dolphins and whales, was filed by their self-appointed guardians, Gloria Estenzo Ramos, now Vice President of the nonprofit Oceana Philippines International and a member of Oceana's Executive Committee, and Liza Eisma Osorio, a law professor at the University of Cebu and now Legal and Policy Director at Oceana Philippines. An additional suit, seeking to protect local individual fisher folk also went forward.

While the oil drilling exploration ended when the Japanese firm decided to leave the area, the cases continued because answering the questions raised by the petitioners matters now, and for future generations.

(continued on next page)





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Winning Strategies

PHILIPPINES



In 2015, the nation's Supreme Court ruled that while animals don't have standing to sue, ordinary citizens may do so "as stewards of nature." The court also found that the government should have required an environmental impact assessment prior to survey work in the strait, and that procedures for approving such a contract under the Constitution had not been followed.

For More Information:

Oceana Philippines
<https://ph.oceana.org/>

Supreme Court Issues Landmark Ruling on Unconstitutionality of Petroleum Deal in Tañon Strait
<https://oceana.org/press-center/press-releases/supreme-court-issues-landmark-rulingunconstitutionality-petroleum-deal>

The Significance of the Tañon Strait Ruling
<https://cebudailynews.inquirer.net/63273/the-significance-of-the-Tañon-strait-ruling>



Winning Strategies for Communities and Environment Around the World



Country

MEXICO

Saying “No” To a Mega-Mall in a Protected Area

The Players:

- Centro Mexicano de Derecho Ambiental (Mexican Center for Environmental Law)

The Problem

The Yucatán Peninsula is a unique landscape with karstic soil that creates underwater caves that hold crystalline waterways, the country's largest tropical forest, and just offshore in the Caribbean Sea, the Mesoamerican Reef with exotic corals and colorful aquatic life. The 10 million tourists who visit annually may be loving it to death. Still, the Yucatán has lovely little enclaves, like Puerto Morelos, a village with a small working fishing port and famous lighthouse that draws visitors who crave a local experience.

In 2012, Puerto Morelos came under threat when a Chinese firm sought to create a 1,400-acre mega-mall and residential area, advertised as the largest in the western hemisphere. Initial work on the mall destroyed hundreds of acres of wetlands and rainforest, threatening a coral reef that protects Puerto Morelos. What's more, its small port was threatened with massive expansion to accommodate the container ships slated to bring in the Chinese goods.

The Winning Strategy

Centro Mexicano de Derecho Ambiental (CEMDA) filed suit against the project, arguing that the unauthorized change of land use, lack of public participation, and inadequate information in the environmental impact assessment (EIA) and planning processes violated Mexico's laws.

CEMDA alerted authorities that a review of the EIA showed the EIA lacked essential information, including details about the location of rainforests and coastal wetlands within the project area, and the impact of paving on water quality in the wetlands. In addition, the project required authorization by federal authorities not by the local authorities who were promoting the project.

Local organizations, residents of Puerto Morelos and Cancun, as well as academics and representatives from the Center for Economic Studies organized forums to discuss the environmental and social impacts of the project. They campaigned to have the project canceled.

In 2015, the Mexican Government halted the project and fined project developers close to US \$1.5 million for building roads without proper permits. In the spring of 2016, the Chinese mall project was permanently canceled when the company abandoned the project.

For More Information:

Centro Mexicano de Derecho Ambiental
<https://www.cemda.org.mx/>



Winning Strategies for Communities and Environment Around the World



Country

SOUTH AFRICA

Keeping Coal in the Ground

The Players:

- Centre for Environmental Rights (CER)
- Earthlife Africa

The Problem

South Africa's northernmost province, Limpopo, more than 36,000 square miles of savannah and woodlands, is home to three national parks. The province also supports agriculture, growing some of the nation's key crops: mangoes, papayas, avocados, and tomatoes. Many of Limpopo's rural residents rely on subsistence farming. The province is particularly vulnerable to drought and years of a withering lack of rainfall have hit residents hard.

Limpopo is also home to active coal mines that put the province in a double bind. Burning coal releases greenhouse gases that blanket the planet, trapping heat that leads to higher temperatures, less rain, and more extreme weather.

The Winning Strategy

BLimpopo's coal mines have attracted energy companies looking to construct coal-fired power plants nearby. In 2015, the government authorized building the proposed the 1200 MW Thabametsi coal-fired power plant power at Lephalale, a small mining town that already had two coal-fired power plants.

That's when the Centre for Environmental Rights (CER) stepped in, assisting Earthlife Africa Johannesburg in challenging the environmental authorization. This led to a suit, arguing that the government had failed to consider the climate change impacts of the power plant during the environmental impact assessment (EIA) – and these impacts needed to be considered before a decision could have been made to authorize the power station.

Like most countries, South Africa requires EIAs for such projects. But until this case, EIAs have only narrowly considered the impacts of climate change – if at all. And the government's Department of Environmental Affairs had previously held that there was no legal basis in South Africa's EIA framework for climate change impact assessments. Looking at the bigger picture – such as impacts to the climate over time, and the impacts of climate change on a particular project and the surrounding area – has not typically been included in EIAs in South Africa or in other countries, like the United States.

CER said that the government must now study the climate impacts of the Thabametsi coal-fired power plant before deciding whether to allow the plant to go ahead. The North Gauteng High Court agreed, and in March 2017 halted the project until climate change impacts were properly assessed and considered by the government. In his decision, Judge John Murphy noted: "Short-term needs must be evaluated and weighed against long-term consequences.

In November 2020, litigation (coupled with campaigning) finally killed plans for the plant, with the South African High Court in Pretoria setting aside the environmental approval for the Thabametsi coal-fired power plant.

For More Information:

Centre for Environmental Rights – <https://cer.org.za/>

Earthlife Africa – <https://earthlife.org.za/>



Winning Strategies for Communities and Environment Around the World

Country

UGANDA

Tackling an Invasive in Lake Victoria

The Players:

- Greenwatch

The Problem

Everybody agreed that the water hyacinth had to go. A flowering plant native to South America, it has become an invasive nuisance, threatening local species in more than 50 countries. In Uganda's Lake Victoria, the deceptively benign purple flower with its bright green leaves outran all efforts to contain it.

Under the right conditions, water hyacinth mats can grow at the phenomenal rate of 12 acres per day. The dense growth blocks boat and beach access, smothering out other plants and reducing nutrients that young fish need to grow and thrive. It blocks supply intakes for power plants and has even shut down city grids. The plants also enhance insect habitat, increasing the incidence of mosquito-born conditions like malaria. More than 30 million people live in proximity to Lake Victoria.

In Uganda, mats of water hyacinth threatened the creatures that call Lake Victoria home. Consider the cichlids, a species of freshwater fish that has developed hundreds of unique adaptations in Lake Victoria. And then, of course, the local people fishing the lake to sustain their families were losing access.

So it's understandable that the Ugandan government might want to bring out the big herbicidal poison to battle this invasive. Officials proposed using 2,4-D to control the weed, and that's when Greenwatch stepped in.

The Winning Strategy

Greenwatch, an environmental advocacy NGO in East Africa, rallied public opinion against the use of 2,4-D and provided information about the negative impacts of the chemical.

Kenneth Kakuru, the organization's founder and Executive Director at the time, wanted better information on the impacts of 2,4-D to present at a public hearing. He contacted a friend at the World Resources Institute who sent the information Greenwatch needed. "He had got it all from ELAW," Kenneth said.

With better information and public support, Greenwatch helped convince the government to use a combination of mechanical and insect controls.

The Greenwatch founder is now bringing his influence to bear from another angle. In 2013, Kenneth was appointed Justice of the Court of Appeal of Uganda. Kenneth's daughter, Samantha Atukunda Kakuru Mwesigwa, is now the Director and Legal Counsel at Greenwatch.

For More Information:

Greenwatch

<https://www.greenwatch.or.ug/>



Winning Strategies for Communities and Environment Around the World

Country

BELIZE

Moratorium on offshore oil development

The Players:

- Oceana
- Belize Coalition to Save Our Natural Heritage

The Problem

A few months before the April 2010 Deepwater Horizon spill, civil society organizations in Belize learned that the Government of Belize had entered into Production Sharing Agreements (PSAs) with companies seeking to explore for oil. A map of the oil concessions showed that the entire territory of Belize, including territorial waters, had been handed over to prospective oil developers.

Oil development threatened the fragile Belize Barrier Reef, including the seven sites that comprise Belize's UN World Heritage Site. Belize's reef is the second-longest barrier reef in the world and is home to 1,400 species, including endangered hawksbill turtles, manatees, rays, and six threatened species of shark.

The Winning Strategy

Local advocates were outraged by government plans for oil development. In June 2010, Oceana took advantage of World Oceans Day to organize a public announcement of the oil exploration plans and announce that the Belize Coalition to Save Our Natural Heritage (The Coalition), with representatives from citizen groups all over Belize, had formed to oppose the plans.

The Coalition launched an education campaign. Meanwhile, Oceana filed suit against the Government of Belize for violating the Petroleum Act, the National Parks System Act, the Environmental Protection Act, and the Fisheries Act in awarding oil concessions for all of Belize. The Coalition and Citizens Organized for Liberty and Action (COLA) later joined the case as co-claimants.

On April 16, 2013, the Supreme Court declared six offshore oil contracts null and void. In its decision, the Supreme Court held that the Government had violated the Environmental Protection Act and the Petroleum Act, declared the Production Sharing Agreements null and void, and enjoined the government from entering into new PSAs without completing a comprehensive environmental impact assessment. The Government of Belize immediately appealed the decision.

Although this court victory was critical to stop imminent destruction, civil society leaders remained concerned that this reprieve was only temporary. Janelle Chanona took the helm at Oceana Belize in 2014 and began doggedly pursuing new law to make the ban permanent and secure protection for Belize's marine ecosystems. Belizeans country-wide were mobilized to oppose oil development and went on to advocate for a permanent ban.

On December 8, 2017, the Belize National Assembly passed the Petroleum Operations (Offshore Zone Moratorium) Bill protecting the territorial waters of Belize from oil exploration and development. This culminated a seven-year campaign that was led by Janelle, Oceana, and the Belize Coalition to Save Our Natural Heritage.

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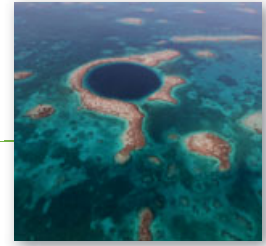




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Winning Strategies

BELIZE



The Guardian reported that the “decision is hailed as huge step forward that will safeguard both the marine environment and the country’s lucrative dive tourism industry” (14 January 2018).

In June 2018, Rt. Hon. Prime Minister Dean Barrow spoke at an Oceana event:

“I quote Mahatma Gandhi, who famously said ‘If the people lead, the leaders will follow’... [Oceana’s] campaign included a particularly comprehensive and instructive effort at education, and it helped raise awareness in a way that, I think, has enshrined now a widespread public consciousness of the great value of our marine resources and the corresponding need to always nurture and protect same... While the particular step with respect to banning offshore oil exploration in our country is extremely important, it is of course, just one step. Ocean conservation is an ongoing exercise necessitating the deployment of constant vigilance and a toolbox updated as required in view of the continuing challenges.”

For More Information:

Oceana

<https://belize.oceana.org>

Belize Coalition to Save Our Natural Heritage

<https://belizecoalition.wordpress.com/>



ELAW

Winning Strategies for Communities and Environment Around the World

Country

ARGENTINA

Clean Water for Chacras de la Merced

The Players:

- Residents of Chacras de la Merced
- Center for Human and Environmental Rights (CEDHA)

The Problem

The low-income community of Chacras de la Merced (pop. 5,000) along the Suquia River on the eastern end of Cordoba began complaining in 1992 about a sewage treatment plant that was built in the middle of their community. The plant needed maintenance, lacked sufficient capacity, and frequently discharged raw sewage and treatment effluents into the river. Rustic wells in the backyards of residents living along the river were the community's only source of drinking water. Many children and family members suffered from gastrointestinal illnesses.

The Winning Strategy

Grassroots attorneys at Centro de Derechos Humanos y Ambiente (CEDHA) were working with the community and called on the Environmental Law Alliance Worldwide (ELAW) for help. ELAW Scientist Meche Lu traveled to Chacras de la Merced in July 2003 to work with CEDHA and a local certified laboratory to test the water. They focused on World Health Organization drinking water parameters, especially microbiological indicators.

Meche said the conditions in Chacras de la Merced were unbearable. "The smell of raw sewage hung in the air." Community members had sent letters to authorities for 15 years and had little hope that water sampling or legal action would change things.

Meche and CEDHA lawyer Juan Picolotti met with the community and the local medical doctor who described the effects of the chronic contamination of the river from the sewage treatment plant.

Meche identified sampling points and worked with the local certified lab to sample water in local homes and the Suquia River. A notary accompanied the team, samples were delivered to the lab, and the results were ready in 10 days.

Family wells were found to be contaminated with dangerously high levels of fecal coliform bacteria—2,000 bacteria per 100 milliliters of water! The World Health Organization recommends that no fecal coliform bacteria be present in drinking water.

Following Meche's visit, CEDHA and community representatives presented the test results to the court and requested an injunction. In November 2003, the court approved the petition and ordered authorities to provide, within 24 hours, 200 liters of clean water per person per day to the four families who were plaintiffs in the case. After the court decision, the whole community saw that the four families who were plaintiffs in the case did indeed receive clean drinking water. That's when the rest of the population of Chacras de la Merced claimed that they too had the same right to clean drinking water.

For almost five years, the residents of Chacras de la Merced waited for the installation of pipes to deliver clean water. Now, every home in Chacras de la Merced is connected to pipes delivering clean drinking water.

For More Information:

Centro de Derechos Humanos y Ambiente (CEDHA)
<https://center-hre.org/>





Winning Strategies for Communities and Environment Around the World

Country

SRI LANKA

Sri Lanka Returns Contaminated UK Waste



The Players:

- Centre for Environmental Justice (CEJ)

The Problem

Rich nations exporting waste to countries in the Global South is an enormous and widespread problem. The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was established 30 years ago to address the problem. However, the Convention, which the United States has signed but not ratified, contains numerous loopholes that companies and governments continue to exploit.

In May 2019, more than 200 shipping containers filled with waste from the United Kingdom were found at the Colombo Harbour, Sri Lanka. Customs officials said hospital waste was discovered in many of the containers imported by a private firm. The shipment was meant to be made up of used mattresses, carpets, and rugs for potential recycling. "This was a major public health risk," says Hemantha Withanage, founder and former Executive Director of the Centre for Environmental Justice (CEJ) and now Chairperson of Friends of the Earth International.

The Winning Strategy

Soon after his discovery of the waste shipments, Hemantha filed suit to halt transport of the containers within Sri Lanka, other than for purposes of re-export to their origin in the UK. In July 2019, Hemantha organized a public hearing in coordination with the Sri Lanka Association for the Advancement of Science to raise awareness of the illegal waste trade occurring at the Port of Colombo. Hemantha coordinated with the Secretariat of the Basel Convention to inform the Sri Lankan court how the shipments of wastes to Port of Colombo contravene international law.

Hemantha won a crucial victory on June 2, 2020 when Sri Lanka's Court of Appeal ordered 243 waste containers sent back to the UK and requested Government authorities to take legal action against the companies involved in the illegal import.

Hemantha used the Marine Traffic website to track the movement of the vessel returning the foul waste containers, to ensure that they indeed arrived back in the UK.

"This an important step in our fight for justice," says Hemantha.

For More Information:

Centre for Environmental Justice (CEJ)
<https://ejustice.lk/>



Winning Strategies for Communities and Environment Around the World

Country

AUSTRALIA

Landmark Coal Victory Celebrated Worldwide



Gloucester residents are jubilant after their win in February 2019. Photo: Janie Barrett

The Players:

- Groundswell Gloucester
- Environmental Defenders Office

The Problem

In 2012, Gloucester Resources Limited (GRL) proposed an open cut coal mine in the Gloucester valley in the Upper Hunter region of Australia's New South Wales. The Avon Rivers flows through this valley and rural homes were only about a kilometer from the proposed mining pit and even closer to the large earthen barrier that would be constructed to shield the mining pit from direct view.

Residents opposed the project. They were concerned about noise and dust, impacts on the rural and scenic character of the valley, and social impacts on the community. They were also worried that the mine would contribute to climate change.

The Winning Strategy

The Environmental Defenders Office (EDO) represented its client Groundswell Gloucester (GG) in a legal challenge to the proposed coal mine. GG is a non-profit organization seeking to maintain the beautiful environment of the Stroud Gloucester Valley and sustain its healthy, productive, and vibrant community. GG's campaign included a video series, "Voices of Gloucester," that shared the personal stories of local community members and why they oppose the project.

EDO argued the mine was against the public interest and principles of ecologically sustainable development because of its significant social, environmental and climate change impacts.

The court heard detailed evidence on climate change and the global carbon budget. Around 60 community objectors – including farmers, doctors, and Traditional Owners – also gave evidence on the social, cultural, and environmental impacts of the mine.

In February 2019, EDO secured a historic judgment in the Land and Environment Court of New South Wales. The Court refused the project, saying it would be "in the wrong place at the wrong time." Wrong time because of its cumulative contribution to climate change at a time when rapid and deep decreases in global GHG emissions are required to meet international targets. The court also found that the mine's economic benefits had been substantially overstated.

The judgment was the culmination of the tireless efforts of many people who campaigned and litigated against coal over 20 years.

Coal is a dirty, outdated fuel that is destroying the climate. The judge recognized that coal mining also has severe impacts on communities.

For More Information:

Groundswell Gloucester
<https://www.groundswellgloucester.com/index.html>

Environmental Defenders Office
<https://www.edo.org.au/>

Gloucester Resources Limited v Minister for Planning [2019] NSWLEC 7
https://www.caselaw.nsw.gov.au/decision/5c59012ce4b02a5a800be47f#_Toc431154



Winning Strategies for Communities and Environment Around the World

Country

CZECH REPUBLIC

Fighting for Clean Air



Chvaletice coal-fired power plant.
Photo: Laura Otýpková

The Problem

Coal-fired power plants pollute the air. Despite Europe-wide policies and the judicially confirmed “right to clean air,” emissions limits for air pollutants such as nitrogen dioxide (NO₂) or particulate matter (PM₁₀) are regularly exceeded in many cities and metropolitan areas in the Czech Republic.

The Chvaletice coal-fired power plant in the Pardubice Region of the Czech Republic has operated since 1977. It burns lignite, the dirtiest form of coal. Stronger emissions limits were set to come into effect in 2021. Plant operators began requesting an exemption in January 2019. The requested emissions would have exceeded permitted mercury levels by more than 300%!

The Winning Strategy

Lawyers at Frank Bold push state authorities to address health threatening air conditions, striving to move the Czech Republic as quickly as possible towards a low-carbon economy. The organization claims that much of the air pollution problem can be solved by the consistent application of already effective legislation. This is why Frank Bold pushes the Ministry of the Environment and officials to not grant exemptions from statutory emissions.

Laura Otýpková, a staff lawyer at Frank Bold, worked closely with Dr. Mark Chernaik, Staff Scientist at the Environmental Law Alliance Worldwide, to assess the environmental impacts of nitrogen oxides and mercury emissions, to substantiate Frank Bold’s objections to the Chvaletice power plant’s application to exceed emissions.

In November 2019, Laura celebrated when the Czech Ministry of Environment rejected the request for the first time. In March 2020, the Ministry of Environment quashed the exemption for the second time, after it had been granted again by the regional authority.

Laura wrote: “I am very happy to share these results with you, even though it took more than two years to get here!”

Frank Bold works across the region to challenge coal. They provide environmental and consumer protection organizations in Slovenia, Bulgaria, Romania, Greece, and Slovakia with information on participation processes, e.g., participation in the development of air quality maintenance plans. They also work to advance access to justice as a fundamental right within the European Union, and advocate for the implementation of effective measures aimed at reducing emissions.

For More Information:

Frank Bold
<http://en.frankbold.org/>

Section 2

Winning Strategies for Communities and Environment in Ukraine



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protecting Vilshyna from Mining Industry Abuses



Actors:

- Residents of Vilshyna village
- Coal mine and coal processing factory
- Environment-People-Law (EPL)

Issue

In the second half of the 20th century, two mining enterprises (Chervonohradska and Vizeyska) began operations in the village of Vilshyna, less than 300 meters from residential buildings. For more than half a century, the area has been exposed to constant industrial emissions, subsidence, and flooding. Water, soil, and air are polluted with dangerous substances, with mercury, manganese, cadmium, iron, and more detected in water in concentrations that exceed by several times (and sometimes dozens of times) threshold concentrations. The community does not have a centralized water supply, so residents must use polluted water from wells.

The Winning Strategy

In 2003, having exhausted (with no success) all available administrative and judicial means in Ukraine, two families from Vilshyna drew legal assistance from EPL to seek justice from the European Court of Human Rights. International human rights courts have long demonstrated their effectiveness in protecting minimum standards for living with dignity. Over the past two decades, these courts have delivered a broader interpretation of traditional fundamental rights, including the right to not be adversely affected by industrial activity.

In their application, residents stated that despite being aware of the disastrous environmental situation in the area, and multiple recognitions by state and local authorities of the problem and immediate need to relocate residents, the state did not protect homes, families, and private lives from excessive pollution by the state-owned industrial enterprise. The residents argued that such inaction by the state violated their right to housing and the right to respect for private and family life, provided for in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

EPL defended the private interests of two families who were brave enough to go to court in the late 1990s. They had not lost hope for a fair resolution of the issue, having come a long way through many levels of the judicial system of Ukraine. The strategic goal in this case was to establish, at the level of the European Court of Human Rights, the violation by Ukraine of the rights of people living in sanitary protection zones of industrial enterprises, to promote new approaches to regulating the impact of industrial pollution on the environment and human health.

In this case, *Dubetska and Others vs. Ukraine* (2011), the European Court of Human Rights found a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Court ordered the Ukrainian Government to take appropriate measures to remedy the applicants' situation and awarded the applicants compensation of non-pecuniary damages amounting to over 30,000 Euros per family. This was the first environmental case from Ukraine to win in the European Court of Human Rights.

Additional information is available at:

<http://epl.org.ua/law-posts/vilshyna-2>

http://zakon.rada.gov.ua/laws/show/974_689#Text



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Conclusions of the State Environmental Expertise Review

Actors:

- Environment-People-Law (EPL)
- Ministry of Environment and Natural Resources of Ukraine (Ministry of Environment)

Issue

The right of access to environmental information is enshrined in the Constitution of Ukraine as well as the Aarhus Convention, ratified by Ukraine in the 1990s. Nevertheless, state authorities of Ukraine (and the Ministry of Environment in particular) failed to provide adequate public access to the conclusions of the state environmental expertise review. This review reveals the environmental impact of environmentally harmful activities and establishes whether such activities have indeed met the requirements of environmental legislation. The public is supposed to participate in the process. EPL made numerous requests to the Ministry of Environment to publish their conclusions, but the requests were denied.

The Winning Strategy

EPL filed an administrative lawsuit to the Ministry of Environment of Ukraine for its illegal inaction and asked the Ministry to publish the conclusions of the state environmental expertise review on the Ministry of Environment website.

In court, Environment-People-Law focused on Part 9, Article 6 of the Aarhus Convention which states that when a decision is made to implement a project that may adversely affect the environment, the public must be informed of the decision. In accordance with due process, each party is required to provide the text of the decision to the public, stating the reasons and considerations underlying the decision.

Ukraine has repeatedly been recognized as a state that violates the Aarhus Convention, including Part 9, Article 6. To remedy the situation, the Cabinet of Ministers of Ukraine issued order № 1628-p on December 27, 2008, ordering the Ministry of Environment to publish the conclusions of the state environmental expertise review on its website and in a separate section of the printed edition, "Ecotyzhden" ("Ecoweek").

Neither the laws of Ukraine, nor the Convention, nor this direct order from the Cabinet were sufficient motivation for the Ministry of Environment. But the heads of the Ministry of Environment were finally compelled to act by a March 2013 court order to publish nearly 1,300 conclusions of the state environmental expertise review. This order was upheld by the appellate court and the Ministry was under threat of criminal liability if they did not comply. The archived folders on the Ministry of Environment website are the forerunner of the now convenient and accessible Register of Environmental Impact Assessment.

Additional information is available at:

<http://epl.org.ua/law-posts/OCUblikovannia-vysnovkiv-derzhavnoi-ekolohichnoi-ekspertyzy-na-veb-saiti-minprrody/>



Getty Images



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Unveiling Product Sharing Agreements



Getty Images

Actors:

- Environment-People-Law (EPL)
- The Government of Ukraine, Ministry of Environment and Natural Resources of Ukraine
- International corporations Shell and Chevron

Issue

The Government of Ukraine did not provide for public participation before signing hydrocarbon (shale gas) sharing agreements with international corporations Shell and Chevron, which included permits to use subsoils. The Government restricted access to information and did not conduct an environmental impact assessment.

The Winning Strategy

Due to politics, the national courts of Ukraine failed to restore the violated public rights to access environmental information and participate in decision-making processes that may impact the environment. EPL filed many lawsuits on this issue, but lost.

In 2014, having exhausted national remedies, EPL appealed to the Compliance Committee of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention). The complaint concerned possible violations by Ukraine of its international obligations under the Aarhus Convention during drafting and conclusion of the 2013 shale gas agreements. Until 2021, despite the direct norms of national and international law, the Government of Ukraine prevented public access to the agreements on the development of shale gas fields in Ukraine that were signed in 2013, as well as all other production sharing agreements subsequently concluded by the Government of Ukraine.

EPL is fully aware that Ukraine faces a crucial need to diversify its energy resources. At the same time, EPL holds a steadfast position that the rights of citizens, guaranteed by the Constitution and legislation of Ukraine, to a safe and healthy environment and procedural rights in this area remain intact and protected.

In July 2021, the Compliance Committee issued its conclusions and recommendations. The Committee decided, inter alia, that the concept of environmental information under the Convention did indeed cover production sharing agreements and that those agreements should have been provided on request. Also, as provided by the Aarhus Convention, public participation at an early stage when all alternatives are still open should be ensured, but this did not happen in this case. Such conclusions of the Committee should be the basis for revision of the legislation on production sharing agreements and practice of its application in Ukraine.

Additional information is available at:

https://unece.org/env/pp/cc/accc.c.2014.118_ukraine



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

No Small Hydropower Plants in the Carpathians!

Actors:

- Environment-People-Law (EPL)
- Bureau of Environmental Investigations
- NGO "Ecosfera"

Issue

570 small hydropower plants were proposed for Ukraine's Carpathian Mountains. This required putting pipes into nearly every mountain river in the region. The proposed project threatened biodiversity and possibilities for recreation, which form the basis of the region's local economies.

The Winning Strategy

EPL, Bureau of Environmental Investigations, and Ecosfera joined forces in 2012 and launched a public campaign supported by many local residents, NGOs, tourists, environmental government agencies, and many concerned people from around the world. Posters saying: "I am against small hydropower plants in the Carpathians!" were published by activists from 130 cities and more than 30 countries (<https://cutt.ly/UcJK2cg>). There were theatrical events in many cities with participants in folk costumes, singing and dancing with Carpathian ethnic groups, along with tourists with rafting equipment. At a rally in Kyiv near the Ministry of Energy, the minister was summoned by the sound of trembitas – five-meter long folk wind instruments (<https://cutt.ly/8cJXcZ5>).

Later, there were rallies at the Ministry of Environment and Natural Resources in which activists, together with TV journalists, rafted in kayaks down the Ministry stairs, demonstrating the experience of tourists in the Carpathians rafting without water.

The publicity of the campaigns had extensive coverage. Consequently, two of the three oblasts in the Carpathian region independently refused to approve plans to build hydropower plants. In the Transcarpathian oblast, the activists won a court victory canceling the already approved plans to build the 570 hydropower plants. During the campaign period, three small hydropower plants were built and two were underway. This means developers implemented less than 1% of their planned operations. In addition, the campaign united many Carpathian communities which continue to work to protect their environmental rights.

Additional information is available at:

<https://pryroda.in.ua/miniges>



Photo by Yuriy Brykaylo

Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Ukraine's Prized Natural Areas Join Emerald Network

Actors:

- Ukrainian Nature Conservation Group (UNCG)
- Natural Heritage Foundation (Poland)

Issue

The Bern Convention on the Conservation of European Wildlife and Natural Habitats came into force in 1982 to protect natural habitat and endangered species. In 1989, the Council of Europe launched the Emerald Network (EN) as part of its work under the Convention in Ukraine. The EN is an equivalent of the Natura 2000 network in the EU. Since 2011, NGOs have been working to include natural areas in Ukraine in the EN. State authorities suggested including only existing national parks and reserves in the EN, thus not granting protection status to any new territories.

The Winning Strategy

In 2017, the Ukrainian Nature Conservation Group (UNCG) followed the experience of Polish colleagues and began developing new EN territories in Ukraine. They studied the procedures of the Bern Convention and design manuals, and shared what they learned with many colleagues. Ninety-four scientists, including all members of UNCG, joined the development process which included discussion at special Convention events and all international biogeography workshops since 2018. As a result of this work, they developed proposals for new EN territories on 4.3 million hectares of land (7.12% of Ukraine territory). Of the proposed 4.3 million hectares, 1.6 million hectares had already been approved by both Ukraine and the Bern Convention, and another 2.7 million hectares had been approved by Ukraine and submitted for approval to the Convention. Although not approved by the Convention yet, these 2.7 million hectares are on the web-site of the Convention as nominated sites and therefore having protective status as well.

Alongside with this, lawyers and environmental scientists of the Bureau of Environmental Investigations, International charitable organization "Environment-People-Law" together with the Ministry of Environment and APENA technical aid project started developing the draft law "On the territories of Emerald network". In 2018, they were joined by environmentalists of Ukrainian Nature Conservation Group. The draft law passed the first reading in 2021. EPL lawyers jointly with the Ministry of Environment finalized proposals of members of the Parliament and prepared the draft law for the second reading. Approval of the draft law is planned for 2023.

UNCG is also using legal tools of the Convention to protect existing EN sites. For example, at UNCG's request the Convention launched studies into nine cases, intervening in three of them (for example, military exercises in the Black Sea Biosphere Reserve had to be stopped). The vast majority of the work was done at the expense of UNCG members and crowdfunding.

Additional information is available at:

UNCG website: <https://uncg.org.ua/emerald>

Emerald Network in Ukraine: <http://emerald.net.ua>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

The Most Valuable Forest in Kyiv Oblast is Protected



Photo by "Chernechy Forest" natural reserve

Actors:

- Ukrainian Nature Conservation Group (UNCG)
- NGO Malyovnyche Peredmistia

Issue

Not far from Kyiv, there is a large forest with important recreational value. The forest is also important for biodiversity as it is the main migration route for European birds seeking to bypass Kyiv. Unfortunately, the forest belongs to the National University of Life and Environmental Sciences of Ukraine, which uses it only for felling and selling timber.

The Winning Strategy

The campaign to create a nature sanctuary in the forest lasted 10 years and brought together many scientists and local residents. The University refused to support the forest protection plan and even expedited its felling plans. However, NGOs used tools from the Forest Stewardship Council (FSC) to provide FSC auditors with information on public opinion and distribution of rare flora and fauna. Consequently, in 2018, the University was forced to agree to the creation of a nature sanctuary on 420 hectares.

During the long fight for the creation of the sanctuary, UNCG members worked to create a national nature park covering the entire forest area (17,000 hectares). This idea was supported by 15 communities located next to the forest. Activists in each community had monitored violations and threats to forest conservation. Activists from several communities united and formed the NGO "Malyovnyche Peredmistia" ("Picturesque Suburbs"). The campaign for the creation of this national park -- "Pryirpinnia and Chernechyi Forest" -- is currently underway. The activists enjoy the full support of the state and hope that the creation of a large national park will be announced as soon as the country solves its main problem -- Russian aggression.

The organization of such a large-scale movement, and the support it received from the Environmental Committee of the Verkhovna Rada of Ukraine and the Ministry of Environment, was made possible due to the earlier success of creating the "Chernechy Forest" natural reserve.

Additional information is available at:

UNCG website: <https://cutt.ly/fcKpZKK>

Facebook page, Pryirpinnia Chernechyi: <https://www.facebook.com/pryirpinnia.chernechy>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Balka Pivnichna Chervona is not a Quarry!

Actors:

- Activists from Kryvyi Rih
- Environment-People-Law (EPL)
- Ukrainian Nature Conservation Group (UNCG)

Issue

The most famous nature conservation area in the Dnipropetrovsk region is the Balka Pivnichna Chervona sanctuary in the city of Kryvyi Rih. The sanctuary is home to many rare species and the subject of many scientific papers on protected areas in the region. Developers sought to turn the area into a 94-meter deep quartzite quarry!

The Winning Strategy

People first learned of plans to turn the nature sanctuary into a quarry from the well-known activist Mykola Korobko, the former People's Deputy of Ukraine (1937-2021). Activists at public hearings submitted objections to the proposed project but these were not accepted by the project investor and the Department of Environment and Natural Resources of the Dnipropetrovsk Oblast State Administration which moved forward and issued a positive environmental impact assessment (EIA) of the project. The EIA erroneously indicated that the sanctuary is located elsewhere.

This setback did not signal defeat for the environmentalists. Thanks to the EIA procedure, information about plans to destroy the sanctuary were made available to the public, making it possible to prepare arguments in favor of preserving the sanctuary and attract media attention. Reports on TV, in printed publications, and social media revealed to the public the indisputable fact that the quarry was indeed planned for inside the nature sanctuary. Following this, the Dnipropetrovsk Oblast Council changed course and, contrary to the positive conclusions of the EIA, forbade granting permits for quartzite extraction. The sanctuary was saved!



Aerial view of the Balka Pivnichna Chervona.
Screenshot from youtube video

Additional information is available at:

Video: <https://cutt.ly/7cZu9X7>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Oleshkivski Piski National Park is not a Military Training Ground!

Actors:

- Environment-People-Law (EPL)

Issue

In 2015, the Armed Forces of Ukraine deployed 4,800 military servicemen to Oleshkivski Piski National Nature Park ("Oleshkiv Sands") for military exercises. In Soviet times, this area -- Europe's largest desert -- was a military training ground, but it has been a national park since 2009.

The Winning Strategy

In a first, bold step the administration of the national park posted an announcement on the park website that its territory had been seized by Ukraine's own Armed Forces! Immediately after, the website stopped functioning "for unknown reasons." Thanks to the courage of Professor I. Moysienko at Kherson University, volunteers and EPL employees traveled to the park and collected photo evidence of military exercises and fragments of ammunition. Together with park employees, EPL held a press conference, displaying on a table the wreckage of anti-tank missiles picked up in the park. The public response was immediate, leading to the creation of a special working group in the Ministry of Environment dedicated to preventing the negative impact of military activities on protected areas in Ukraine. Other than national park employees, EPL employees were the only ones who openly stated that during the war the Ukrainian military was destroying its own national heritage. Such a stance was very unpopular and potentially dangerous.

Nevertheless, the publicity surrounding the campaign resulted in not only the military leaving the territory of the national park, but also in a decree signed by Ukraine President Petro Poroshenko to expand the national park by 3,650 hectares to compensate for the damage to the park (<https://cutt.ly/ocCnpGk>).



Wikipedia.org

Additional information is available at:

<https://cutt.ly/ZcCnIM4>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protecting a Regional Park from a Hydropower Scheme

Actors:

- Environment-People-Law (EPL)
- National Environmental Centre of Ukraine
- Regional Landscape Park “Granite Steppe Pobuzhzhya”
- Concerned residents of Mykolayiv Oblast

Issue

The National Nuclear Energy Generating Company “Energoatom” (NNEGC) operates all nuclear power plants in Ukraine. Energoatom planned to build the Tashlyk Hydropower Storage Plant (THSP) on the Pivdennyi Buh River near the South Ukraine Nuclear Power Plant (NPP). To operate the THSP, it would be necessary to create a reservoir on the Pivdennyi Buh River which would flood Hardovy Island, a 27.72 hectare cultural heritage site belonging to the Regional Landscape Park (RLP) “Granite Steppe Pobuzhzhya.” Flood waters would inundate habitat critical to species protected by the Bern Convention and national legislation. The NPP moved forward and flooded part of the Pivdennyi Buh River, and now there is an EIA process for an even larger flooding of the regional landscape park “Granite Steppe Pobuzhzhya” and “Buz’kyi Hard” National Nature Park.

The Winning Strategy

EPL launched a legal campaign to protect the lands and biodiversity of the Regional Landscape Park “Granite Steppe Pobuzhya.” Together with colleagues and activists, they also launched a large media campaign. EPL initiated five lawsuits over 12 years with mixed results. Some court proceedings lasted many years due to constant changes in procedural law and the judiciary. In addition, EPL’s right to represent the public in court was not always upheld by the courts.

EPL celebrated when the court cancelled the decision of the Mykolayiv Oblast Council to reduce the size of the Granite Steppe Pobuzhya by nearly 28 hectares. EPL also won the legal battle to annul the decision of the Cabinet of Ministers of Ukraine “On Provision of Land Plots for Permanent Use,” which had confiscated these lands for energy needs.

During the court proceedings, the NPP representatives obtained a state act on the right of permanent use of these nearly 28 hectares. EPL challenged in court the state acts on the right of permanent use of Nature Reserve Fund lands issued to NNEGC Energoatom, but unsuccessfully. However, the decision of the Supreme Court in the case of EPL vs. the Cabinet of Ministers of Ukraine became a very important precedent stating that a member of the public has the right to go to court in cases involving sites of state significance, such as Nature Reserve Fund sites.



Wikipedia.org

Additional information is available at:

<http://epl.org.ua/law-posts/zberezhennya-pzf-ukrayiny-i-zahyst-bioriznomanitya-2>

<http://epl.org.ua/en/law-posts/zakhyst-ekolohichnoho-aktyvista-o-malytskoho>



Getty Images

Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Rejecting Danosha's Polluting Pig Farms

Actors:

- Environment-People-Law (EPL)
- Concerned residents of Ivano-Frankivsk Oblast
- LLC "Danosha" (currently - LLC "Goodvalley Ukraine")

Issue

A Danish subsidiary agricultural company operating in Ukraine – LLC "Danosha" – constructed several industrial pig farms in Ivano-Frankivsk Oblast. As a result, community members lost water in their wells, fields around the village were polluted with manure, and villagers suffered the unbearable stench of the farms and lagoons filled with manure. When the developer began building a new pig farm in the Tlumach region, the investor faced serious resistance from local residents, so changed tactics and presented the project as that of a local farmer. Residents did not allow construction to start and court proceedings are still underway to appeal the construction permits granted by the local authorities.

The Winning Strategy

EPL launched a massive court campaign against new construction of industrial pig farms in the Tlumach region. The case is helping a local activist defend his environmental rights in court. Five years have passed and construction has not begun.

EPL helped residents expose the schemes of pig farm administrators who underreport air emissions from farms and conveyed the "truth" about the European investor to Danish citizens, the Danish embassy, and to the creditors of Danosha LLC - International Finance Corporation (IFC).

Although EPL feels pressure from the Danish investor (through its lobbying for reduced funding of EPL by European donors), EPL continues to help and advise local residents who suffer the consequences of the pig farm operations.

Additional information is available at:

<https://bit.ly/3SgzUHD>

<https://bit.ly/3gomyLz>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Rejecting Polluting Pig Farms in Bilyky



Getty Images

Actors:

- Environment-People-Law (EPL)
- Concerned residents of Bilyky settlement
- LLC "Silski Tradytsiyi" ("Village Traditions") (former – LLC "Belgrankorm-Poltavshchyna")

Issue

As a result of Silski Tradytsiyi's pig farm operation in Bilyky settlement, local residents suffer from constant unpleasant smells from sewage gas. The number of pigs on the pig farm exceeds the number of heads allowed for in the project documentation, and the size of the sanitary protection zone (500 m) does not correspond to the annual turnover on this pig farm. Also, the pig farm does not have required project measures in place to reduce the impact of the farm on the environment and manage waste appropriately. For example, there are no filters to treat air emissions, no four-stage sewage treatment system for farm sewage, which currently sits in the open.

Silski Tradytsiyi filed a lawsuit against 14 activists, seeking financial compensation of 11 millionn UAH allegedly incurred by the farm due to the blockage of feed supply to the farm by Bilyky residents.

The Winning Strategy

EPL provided legal assistance to the villagers who, after exhausting all possible non-judicial measures to protect their environmental rights, began a blockade of the pig farm. When the company went to court, lawyers at EPL stepped in to represent the villagers. The court quickly found the case had no merit and dismissed the case.

EPL then helped the Bilyky settlement council, under pressure from local residents, file a lawsuit to terminate the pig farm's land lease. The court terminated the lease and the landowner cannot find a new tenant. This case sets an important precedent, that when a tenant pollutes land and the environment it is grounds for legal termination of its lease.

Additional information is available at:

<https://bit.ly/3sd3uTw>

<http://epl.org.ua/law-posts/zahyst-ekologichnyh-aktyvistiv-sela-bilyky/>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protecting Ukraine's Forests



Getty Images

Actors:

- Charitable organization "Charitable Foundation of Dnipro District in the city of Kyiv"
- Kyiv Environmental and Cultural Centre" (EKCC)
- NGO "EcoPravo-Kyiv" (EPK)
- People's Deputy of Ukraine Ihor Viktorovych Lutsenko (MP of Ukraine)
- The Cabinet of Ministers of Ukraine (Government of Ukraine)

Issue

On May 23, 2017, Ukraine adopted the law "On Amending Some Laws of Ukraine on Virgin Forests Protection" (# 2063-VIII) to comply with the Framework Convention on protection and sustainable development of the Carpathians which came into force on September 3, 2017. This is the first attempt in Ukraine to regulate, at the national level, the protection of unique and extremely valuable natural areas, such as virgin, quasi-virgin, and natural forests. Law #2063-VIII amended the 1994 Forest Code of Ukraine and prohibited deforestation, clearing, and any other activities that threaten the preservation or degrade or change the original state of the protected areas as "nature monuments." This included all types of felling, including sanitary felling and rehabilitation, and any other activity that disrupts natural processes in nature reserves. It also obliged the Government of Ukraine to bring its bylaws into line with the new law within three-months of when it came into force.

Unfortunately, in 2018, the Government of Ukraine rejected the request of the plaintiffs to harmonize national bylaws with the new law, stating bylaws "do not require harmonization with the Law of Ukraine of 23.05.2017 # 2063-VIII).

The Winning Strategy

The Kyiv Environmental and Cultural Center (KECC), with legal support from EcoPravo-Kyiv (EPK), joined MP Lutsenko I.V. (Member of the Parliament of Ukraine) to sue the Government of Ukraine for its refusal to make the necessary changes to national bylaws. A public campaign included pickets, negotiations, letters, press conferences, and outreach through traditional and social media.

EPL made the case that the provisions for bylaws should be consistent with and not contradict relevant laws, to ensure the unity of legal regulations and law enforcement, in compliance with the rule of law.

The first trial (2019) ended in victory for the public and MP Lutsenko I.V with the court upholding the lawsuit, finding the Government inaction illegal, and ordering the Government to bring certain provisions of national bylaws in line with the laws of Ukraine. The Government appealed and both trials (2019 and 2021) ended in victory for the public and MP Lutsenko I.V, with the decision of the first instance court left unchanged. The ruling of the first instance court was fully enforced in December 2020.

Together, the public and the Member of Parliament of Ukraine successfully joined efforts and protected virgin, quasi-virgin, and natural forests through law by proving that the Government of Ukraine is obligated to harmonize national bylaws with the requirements of newly adopted laws of Ukraine, with a focus on those prohibiting destructive activities such as tree felling.

Additional information is available at:

Kyiv Environmental and Cultural Centre: <http://ecoethics.ru/>
NGO "EcoPravo-Kyiv": <http://ekopravo.kiev.ua/>

<https://reyestr.court.gov.ua/Review/79583352>
<https://reyestr.court.gov.ua/Review/81213698>
<https://reyestr.court.gov.ua/Review/95917615>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protecting the European Elk



Wikipedia.org

Actors:

- Charitable organization "Charitable Foundation of Dnipro District in the city of Kyiv "
- Kyiv Environmental and Cultural Centre
- NGO "EcoPravo-Kyiv"
- Open Cages Ukraine
- The Only Planet
- Limited Liability Company "Metos" (LLC "Metos")
- Public union "Association of Users of Hunting and Fishery Enterprises" (Association)

Issue

On December 19, 2017, the Minister of Environment and Natural Resources ordered that the European elk (Alces alces) be listed in the third edition of the Red Book of Ukraine (RBU). This order # 481 (On Amendments to the List of Animal Species Included in the RBU (Fauna)) was in response to a significant reduction in the population of European elk over 10 years, which required special urgent measures. According to Ukraine law, inclusion of an animal in the RBU establishes special (enhanced) protection for the animal, including a ban on hunting. This decision was not welcomed by some hunters and hunting organizations. A hunter named V. Rashko initiated a lawsuit in 2017 followed by a suit filed by LLC "Metos" in 2018. They held pickets, etc. to cancel the Ministry of Environment order # 481, seeking to exclude the European elk from the RBU and give back to hunters the right to hunt the European elk. They considered inclusion of the European elk in the RBU unreasonable and demanded additional inventories be taken of the number of animals.

The Winning Strategy

Kyiv Environmental and Cultural Center (KECC), EcoPravo-Kyiv (EPK), Open Cages Ukraine (OCU), United Planet (UP), a citizen (V. Haidar) worked to support the Ministry of Environment order # 481. They launched a nationwide campaign to preserve the European elk by keeping it in the RBU. The campaign included pickets, letters, negotiations with opponents, press conferences, and outreach through traditional and social media (for ex., Facebook).

Also, the public was active in two litigation cases initiated by hunting lobby in the effort to cancel the order #481. The Ministry of Environment lost in the first instance in the first case but the Appellate and Cassation courts (2019) ruled in favour of the Ministry of Environment and the public and kept in force the order of the Ministry of Environment # 481.

In the second case the plaintiff – LLC "Metos" dropped the case and the litigation was closed.

The European elk also remained in the RBU in the fourth edition of the national Red Book in 2021.

The public and the state authority – the Ministry of Environment managed to join their efforts and protect the European elk by proving in the court the legality of the Ministry of Environment order # 481 on including the European elk in the RBU.

Additional information is available at:

Kyiv Environmental and Cultural Centre: <http://ecoethics.ru/>
<https://mepr.gov.ua/documents/3327.html>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protecting Holosiyiv Forest



UNCG

Actors:

- Forest conservation activist Mykhailo Yukhymovych Mykhalko
- Public Committee on Saving Holosiyiv Forest

Issue

In the 1980s, part of Kyiv's Holosiyiv Forest was cut down to make way for residential buildings. Defenders of the forest launched a fight to preserve the forest, despite threats from Soviet authorities, the KGB, and the police.

The Winning Strategy

Mykhailo Yukhymovych Mykhalko (born 1940) is a member of a dissident movement fighting for the independence of Ukraine. He is also a member of The Green World, a management group of the Ukrainian Environmental Association. In 1988, a plan was proposed to clear 7 hectares of trees in Holosiyiv Forest to build the Higher School of Agriculture in this metropolitan park ecosite. Mykhailo Yukhymovych's workshop became the headquarters for the movement to protect Holosiyiv Forest.

The Public Committee for the Rescue of Holosiyiv Forest (PCRHF) was established and the Kyiv City Council Executive Committee set up a task force to neutralize its activities. PCRHF invited the TV media to broadcast the felling process and provided interviews about the crime of logging and the illegal documents used to advance the project. PCRHF sent telegrams to Mikhail Gorbachev in Moscow and was interviewed by the All-Union television program "Vzglyad" ("View").

On May 21, 1988, roughly 400 people participated in the first environmental rally in Kyiv to protect the Holosiyiv Forest. In addition to pickets and other rallies, the PCRHF held four large demonstrations that year.

2.7 hectares of forest were cut and on June 3 the State Commission for the Investigation of Felling began its work. PCRHF members were persecuted and intimidated, and two activists were attacked. At a June 12, 1988 picket on Independence Square, about 5,000 people gathered around the protesters while the demands of the PCRHF to the Council of Ministers of the Ukrainian SSR were announced. On September 25, 1988, a protest was held in Holosiyiv Forest at the Main Astronomical Observatory of the Academy of Sciences of Ukraine, where new construction had begun.

On October 6, 1988, Kyiv officials met with the participants of the "September 25 Action." To the question posed: "What's to be done for you to back off?" the forest defenders replied: "Guarantees for the preservation of Holosiyiv Forest." Two weeks later, the guarantees were ready: the Executive Committee of the Kyiv City Council made Decision No. 1008 (October 19, 1988) "On Granting the Holosiyiv Forest the Environmental Protection Status." This began the process of granting Holosiyiv Forest high environmental protection status. This was a great result of the efforts of Mykhailo Yukhymovych.

If you have any materials, photos, or testimonies about the events related to the protection of Holosiyiv Forest in the 1980-90s, we kindly ask you to send them to: k.polyanska@epl.org.ua. We shall give them to Mykhailo Yukhymovych for his keepsakes.

Additional information is available at:

Mykhailo Yukhymovych Mykhalko. Autobiography": <https://bit.ly/3yVxGGy>
National Nature Park "Holosiyivskyi" <http://nppg.gov.ua>



Wikipedia.org

Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protecting Hosiyyv National Nature Park from Plans for an Office Complex

Actors:

- Environment-People-Law (EPL)
- Hosiyyv National Nature Park
- Kyiv Prosecutor's Office
- Ministry of Environment of Ukraine
- local activists

Issue

The most valuable territories within the Bychok tract of Hosiyyv National Nature Park are under threat. In 2010, Kyiv City Council and LLC "Avesta-Bud" agreed to rent a 2.5 hectare plot in Hosiyyv NNP for 62 million UAH for the construction of an office complex, with hotels, restaurants, shopping, entertainment centres, and parking lots. Hosiyyv NNP was established by presidential decree on August 27, 2007. Any activity that disturbs the natural sites or prevents their intended use is prohibited by law. Despite this protection, Avesta-Bud began constructing a car sales center and gas station in the park, cutting down .4 hectares of valuable trees and removing fertile soil.

The Winning Strategy

A series of lawsuits were filed to protect Hosiyyv NNP's valuable natural areas. In September 2016, EPL filed suit in the Kyiv District Administrative court against the Kyiv City Council, claiming City Council illegally leased land in Bychok tract to Avesta-Bud. A second lawsuit was filed by a group of activists, with EPL joining as a third party and supporting the claim for a court injunction. Avesta-Bud was forced to halt logging and other activities until the final court decision, saving 2.2 hectares of valuable forest.

A third lawsuit was filed by Hosiyyv NNP, with EPL as third party. Unfortunately, the Supreme Commercial Court overturned all previous decisions due to procedural and substantive errors in the case, and called for a new trial.

Meanwhile, the Kyiv Deputy Prosecutor and the Ministry of Environment and Natural Resources asked the Kyiv Commercial Court to: 1) oblige the Kyiv City Council and Avesta-Bud to stop obstructing the management of Hosiyyv National Natural Park within the Bychok tract; 2) oblige Avesta-Bud to stop all construction at the aforementioned site; and 3) to restore the site to its pre-existing condition. EPL was also a third party to this case.

In June 2019, the Pivnychnyi Appellate Commercial Court ordered the defendants to remove all barriers to Hosiyyv NNP managing its territories, stop construction, and remove all illegal buildings. (In February 2019, the same court found the Kyiv City Council lease agreement with Avesta-Bud, for construction of the office complex, illegal.)

In related work, EPL has shined light on environmental violations in Hosiyyv NNP and surrounding areas through information campaigns, including billboards, information boards in the subway, leaflets, infographics, media tours, press briefings, and the creation of a map of Kyiv with protected areas marked. Additional reserves in land bordering Hosiyyv NNP have been created (Chernecky Lis and Khotskivsk). Finally, EPL conducted legal training for administrators at 28 national nature reserve sites, raising awareness about how to better protect these valuable natural areas.

Additional information is available at:

<https://bit.ly/3MLsWJd>



EPL

Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Preserving the Svydovets Massif

Actors:

- Environment-People-Law (EPL)

Issue

Developers proposed to construct a ski resort complex in the Svydovets massif that includes 60 hotels, 390 cottages, 120 restaurants, 10 multipurpose centers, and 230 km of ski trails and trails for offroad vehicles. The enormous development would accommodate at least 18,000 visitors a day. More than 400 hectares would need to be cleared, including pristine forests. The complex requires enormous amounts of water and threatens to pollute the untouched mountain site through lack of sewage and waste treatment systems. Approval of the project would violate Ukrainian law tied to public participation and procedures for approving construction plans.

The Svydovets is one of the highest ridges in the Ukrainian Carpathians with Alpine traces of ancient glaciation. It is a valuable natural site not only for Ukraine but for all of Europe. The Svydovets massif is home to 42 species of plants and 51 species of animals in the Red Book of Ukraine (2009) and dozens of other species from regional and international red lists. In 2016 this unique protected area was declared an Emerald Territory.

The Winning Strategy

EPL filed a lawsuit to challenge the developers' plans and the first round of litigation was completed with a decision of the Supreme Court on September 29, 2021. Civil society activists celebrated the Court decision which sent the case for a new review, due to procedural violations.

A key part of the court decision makes it possible to expand the group of plaintiffs, beyond a local activist and EPL, to include anyone willing to be a party to the litigation. EPL started the second round of litigation on July 19, 2022, and the court canceled decisions of local authorities allowing construction of the huge resort. EPL hopes that by uniting efforts with representatives of civil society who have demonstrated their devotion to protecting the Svydovets that they can put a final stop to plans of oligarchs to use natural treasures for personal enrichment.

Ukraine is party to the Framework Convention on the Protection and Sustainable Development of the Carpathians, the Agreement on the Protection of the Tisza River and its Tributaries, and has obligations under the Tisza Water Forum, under which it is obliged to protect natural complexes of the Ukrainian Carpathians and the Black Tisza river. EPL brought the case to the international level by submitting an appeal to the Secretariat of the Framework Convention on the Protection and Sustainable Development of the Carpathians on violations of the Convention provisions. An appeal was also submitted to the Bern Convention for the Protection of Particularly Valuable Areas of the Svydovets Massif.

This case is of great interest as it has brought together a large group of like-minded people who are committed to having the Svydovets massif declared a nature reserve fund site.

Additional information is available at:

<https://day.kyiv.ua/uk/article/tema-dnya-cuspilstvo/goram-tezh-potriben-zakon>

<https://day.kyiv.ua/uk/blog/suspilstvo/svydovec-vlada-zabula-pro-diyu-deyakyh-zakoniv>

<http://reyestr.court.gov.ua/Review/71714520>

<http://reyestr.court.gov.ua/Review/73842742>

<http://natura2000.eea.europa.eu/Emerald/SDF.aspx?site=UA0000259&release=2>

http://ecozakarpat.gov.ua/?page_id=61



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Prohibition of Aerial Application of Pesticides

Actors:

- The Union of Beekeepers of Ukraine
- Local residents
- Environment-People-Law (EPL)

Issue

The World Health Organization reports that there are 25 million pesticide poisonings every year. Uncontrolled use of pesticides is a major problem across Ukraine, with regular reports of pesticide spraying killing insects, including bees, rodents, small pets, and even wild animals that die from poisoned food. Pesticide poisoning causes a variety of disorders, including allergies and asthma. Pesticides can penetrate the human body and remain there for many years, transmitting to babies through breast milk. Pesticides can spread in the environment for thousands of kilometers and have been found in the adipose tissue of penguins! Pesticides have no barriers and their negative impacts affect everyone. Aerial application of pesticides is particularly dangerous.

The Winning Strategy

Akris Agro LLC is an agricultural company that regularly applies pesticides to crops on its leased fields. In 2015, due to non-compliance with laws regulating the use of pesticides in the sanitary protection zone, residents of Mylostiv village in the Rivne region suffered significant losses. Their trees and shrubs had withered leaves and flowers, some plants died, others did not provide the expected harvest, and bees died en masse. Among the affected villagers was Bohdan Lyamar who suffered losses of over 60,000 UAH. The health of local residents was also compromised. For example, after application of pesticides in the leased fields in the spring of 2016, many parents brought children to the Mylostiv medical center with diarrhea and vomiting -- symptoms of pesticide poisoning. Residents of Velyka Omelyana village also suffered due to the activities of the agricultural enterprise. EPL experts analyzed laws regarding pesticide application in Ukraine, with a focus on aerial application. They learned that the "State Sanitary Rules of Aerial Application of Pesticides and Agrochemicals in the National Economy of Ukraine," approved by Ukraine's Ministry of Health in 1996, state that before companies apply aerial pesticides they must inform residents in the relevant areas about the place and terms of pesticide use. They also must prohibit agricultural work and cattle grazing at a distance of less than 1 km from the application site, and apiaries must be more than 5 km from pesticide application, for up to 5 days. Pesticide applicers must post warning signs 300 meters from the application site and on roads crossing the relevant fields. These signs must indicate the timing of spraying. Only after taking these measures and securing permits is aerial treatment of land with pesticides allowed.

A detailed study of the area revealed significant violations. Thanks to the work of local deputies, aerial application of pesticides was halted! This followed the decision by the Velyka Omelyana, Dyadkovychy, Zorya, and Novoukrainka Village Councils in the Rivne district to prohibit aerial spraying in its territory. In addition, on March 16, 2018 the Rivne Oblast Council supported the appeal to the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine to prohibit spraying of pesticides and poisonous chemicals over Rivne.

Additional information is available at:

<https://bit.ly/3MUzLZ2>

<https://bit.ly/3DdxJji>

<https://bit.ly/3MLML2Q>



Getty Images



Getty Images

Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protecting Ukrainians from Asbestos

Actors:

- AUEPO "MAMA-86"
- Ministry of Healthcare of Ukraine (Ministry of Healthcare)

Issue

Asbestos is a hazardous material that builds up in people's lungs, increasing the risk of dangerous diseases like lung cancer, mesothelioma, and asbestosis. Ukraine's Ministry of Health approved rules and regulations "On Safety and Protection of Workers from the Harmful Impact of Asbestos and Asbestos Containing Materials and Products." Unfortunately, businesses, with the support of authorities, prevented the document from entering into force.

The Winning Strategy

For 15 years, AUEPO "MAMA-86" has been working to prohibit the use of asbestos and asbestos-containing materials and products in Ukraine. Their key concern is the negative impact of asbestos and cement dust on human health via air emissions, the main pathway for asbestos to enter the human body.

Ukraine does not produce asbestos but imports it from asbestos-producing countries such as Russia and Kazakhstan. Industry groups spread fake information about the safety of asbestos, threats to the asbestos-cement and construction industries in Ukraine, lack of funds to replace asbestos products, and safe disposal.

AUEPO "MAMA-86" and Ukraine's Ministry of Health argued in court for a prohibition on the use of asbestos. They presented critical information, including: 1) since early 2005, use of all types of asbestos has been banned in the European Economic Community (EEC); 2) fatalities are common when asbestos dust is found in work areas in concentrations exceeding norms; and 3) there is case law on the dangers of using asbestos-cement products in households.

The court canceled an order of the Ministry of Justice of Ukraine, which in turn cancelled an order of the Ministry of Health on norms and rules of safety and protection of employees from adverse impact of asbestos and materials and products containing asbestos. This court decision paved the way to restore control over safety measures tied to the use of asbestos. Lobbyists had helped the producers of asbestos and cement put pressure on state bodies, so this is a big victory for the Ministry of Health of Ukraine and the citizens represented by AUEPO "MAMA-86"! This victory inspires the public to continue the fight until a complete ban on asbestos is in place, as it is in most of Europe.

Additional information is available at:

Health without any Compromises – Ministry of Healthcare bans using asbestos and asbestos products
<https://bit.ly/3ySYlna>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Nazavyziv Says No to a Landfill in a River Floodplain

Actors:

- Environment-People-Law (EPL)
- local residents

Issue

The Nadvirna City Council ordered the construction of a solid waste landfill, with a sorting line, in the Chobitok tract. This gross violation of urban planning regulations failed to observe sanitary protection zones. The landfill was proposed for less than 3 km from the Bystrytsia River, less than 1 km from apartment buildings, and on the floodplain of the Cherlena River.

The Winning Strategy

The community of Nazavyziv village opposed the City Council's plans and turned to experts, including EPL, to fact check the legality of the proposed landfill. They blocked the road to draw attention to the problem and in the end were able to halt the construction.

Nazavyziv sits 400 meters above sea level. The proposed landfill site is 420 meters above sea level, with the pit planned for 2.5 meters. There is an aquifer at the same depth as the planned pit, says Liudmyla Ostapiuk, a public activist from Nazavyziv. Project proponents failed to take into account the Cherlena River which is 25 meters away and often overflows, flooding everything around it. With the landfill in place, the entire area was in danger of being seriously polluted.

EPL analyzed the allocation of land for the proposed: "New Construction of SDW Landfill and Sorting Line in the Tract 'Chobitok' in the town Nadvirna of Ivano-Frankivsk Oblast" and identified many violations to Ukraine laws regulating the construction of landfills. They also identified violations of water and urban planning laws.

EPL submitted an application to the Ministry of Regional Development, the Ministry of Environment, law enforcement agencies, Ivano-Frankivsk Oblast State Administration, and the Nadvirna City Council to cancel the Nadvirna City Council's approval of landfill construction in the "Chobitok".

EPL representatives attended a Nazavyziv community meeting and heard unanimous opposition to the City Council's plans. Together with local activists, EPL representatives visited the Chobitok tract and the Nadvirna sewage treatment plant, located near the tract. They were surprised to learn that in addition to the construction of the landfill in the coastal protection zone of the Cherlena River (the area subject to flooding), the project calls for the landfill leachate to be treated at the Nadvirna treatment plant. This violates laws on water resources protection and threatens the health of residents in the surrounding villages and the entire Ivano-Frankivsk oblast.

On October 19, 2016, the Nazavyziv Village Council asked the Nadvirna City Council to cancel its approval for constructing a domesticwaste landfill in the Chobitok tract. Thanks to the advocacy of local residents and the help of experts, the residents of Nazavyziv were successful in canceling plans for the landfill.

Additional information is available at:

Campaign website: <https://bit.ly/3TG7ibh>

<https://bit.ly/3MPDzdK>

<https://bit.ly/3EXRqgh>



Ivano-Frankivsk Oblast, Getty Images



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Lybokhory Village is an Example of Eco-Awareness



Photo by Serhiy Neupokoyev

Actors:

- Local residents
- Environment-People-Law (EPL)
- Serhiy Neupokoyev

Issue

In 2020, a meat processing plant put its bone dump on the banks of the Rika River. Communities in the Carpathian region already face the challenges of massive illegal logging and unauthorized landfills. They said "enough is enough" in what was a flash point for the community's environmental awareness.

The Winning Strategy

Serhiy Neupokoyev, a professional photographer, was with friends in the village of Lybokhory. In the evening, they spotted a truck with a local passenger, who they greeted. They noticed that the truck carried a strange load. Later, the truck returned empty. The event would have gone unnoticed if Serhiy and his friends had not taken their traditional evening walk. Before bed that warm summer evening, they headed down the road by the river. They were disgusted by what they found: mountains of bones with remnants of flesh and blood, and calf heads with eyes but no skin.

They took photos and noted the geolocation of the dumpsite. They approached the neighbor who they saw in the truck and asked why he polluted his own village. He had no answer. They appealed to the authorities, filing a complaint with the village council, police, and other law enforcement agencies. They learned that the man's wife works at the meat-processing plant and he works there too, as a security guard.

There was an extensive information campaign via traditional and social media. This brought together environmental activists across the region, and the head of the village council became aware of the serious environmental threat.

As a result, within 24 hours, the area was cleaned, including other waste found under a thin layer of soil.

This success inspired the community to defend their forests. One month later, they blocked the path of illegal loggers and prevented transportation of illegally cut trees.

Additional information is available at:

<https://bit.ly/3eTCZiF>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Celebrating New Nature Sanctuaries: Bilohorshcha and Solonytsia



Solonytsia Forest, Wikipedia.org

Actors:

- Velykyi Liubin community
- Lviv community
- Environment-People-Law (EPL)

Issue

During the land reform process, less and less land remains conserved. Meanwhile, it is extremely important to ensure that at least 15% of all land is preserved for the environment. Local communities can play a key role in ensuring that local land is conserved to protect quality of life.

The Winning Strategy

Residents near Solonytsia were well aware of local hot springs once used for medicinal purposes. And in Bilohorshcha, residents knew that the peatland that had not been used for peat extraction for 30 years served as an important buffer zone between the city's residential and industrial areas.

In Solonytsia, the springs became a nature sanctuary as part of a sustainable investment project for community development. In Bilohorshcha, the community won protection of the nature sanctuary as it opposed the construction of a waste recycling and pressing line. An electronic petition was used in this process (<https://petition.e-dem.ua/k/Petition/View/799>)

These victories would not have been possible without the ecologists who prepared the petition and later made the case to establish the sanctuaries. Thanks also go to the Department of Environment and Natural Resources of Lviv Oblast State Administration for its work advancing also the prospects for creating other sanctuaries in Zymna Voda, Ryasne-Ruska, and Lviv.

Additional information is available at:

<https://bit.ly/3TjJCdc>

<https://bit.ly/3Tfg7ZY>

<https://bit.ly/3TtMeoy>

<https://bit.ly/3eMQJf7>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Calculating Ecosystem Services Boosts Nature Reserve Funds



Regional Landscape Park "Znesinnia",
Wikipedia.org

Actors:

- Environment-People-Law (EPL)

Issue

Urban residents often do not understand why they should contribute money to Nature Reserve Funds in urban areas.

The Winning Strategy

To illustrate the importance of Nature Reserve Funds (NRF) for urban residents, EPL provided calculations of the ecosystem services provided by Holosiyiv National Nature Park and Lviv's largest natural area: Regional Landscape Park "Znesinnia". Ecosystem services include the many and varied benefits to humans provided by the natural environment and from healthy ecosystems. According to the UN Millennium Ecosystem Assessment document, ecosystem services are "direct and indirect contribution to human well-being."

It is important to raise awareness about the need to preserve biodiversity to maintain natural processes in the environment. Past civilizations have ceased to exist because they underestimated the importance of the natural environment. Today, it is clear that communities that invest in biodiversity protection receive dividends in the form of a clean environment, good health, rising real estate prices, and the arrival of new, talented people in their regions. Nature conservation is indeed an investment in personal well-being.

The Regional Landscape Park "Znesinnia" is a unique territory in the city of Lviv. For years, it has suffered because its value has been underestimated by residents who say: Why not build a road here? Why not allow construction?

When Lviv residents and officials learned that the true value of the park was calculated at twice the budget of the City of Lviv, they took a fresh look. The park has since become a center of health and recreation for city residents. The monetary evaluation of the ecosystem services provided by the park became a useful visualization that made people think deeper about the value of nature in urban settings.

Calculations of ecosystem services are now widely used for advocacy campaigns to further protect parks near urban areas.

Additional information is available at:

<https://bit.ly/3sa3Rhu>

<https://bit.ly/3eQ8VEH>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

The Checkered Lily Valley is Preserved!

Actors:

- Environment-People-Law (EPL)
- NGO "Nasha Planeta" (Our Planet)

Issue

The Rozvadiv Village Council allocated over 5 hectares in the Dniester floodplain for construction of a solar power station. The strategic environmental assessment documents, required for the permitting process, had violations.

The Winning Strategy

Developers proposed to construct a solar power station on two land plots in the territory of the Rozvadiv village council, in the Mykolaiv district. This is the area where the checkered lily grows, a Red Book listed species. The proposed site was in the floodplain of the Dniester River, within a water protection area. An inspection conducted by the State Environmental Inspection of Lviv oblast established that false information was entered in the permit application, violating several environmental requirements.

Land proposed for development within this protected area had to be approved by the Department of Ecology and Natural Resources of Lviv Oblast State Administration, and include a Strategic Environmental Assessment. This approval was not obtained.

A media campaign was launched to draw attention to the problem, and many complaints were filed with law enforcement agencies on the arbitrary nature of the Mykolayiv District State Administration and State Environmental Inspection officials' approval of the solar power station. As a result, the perpetrators were prosecuted, and construction was cancelled.

Additional information is available at:

<https://bit.ly/2BsPXQg>

<https://bit.ly/3MVh33I>

<https://bit.ly/3DeUTWB>

<https://bit.ly/2UYjSHw>

<https://bit.ly/3TlzPTQ>

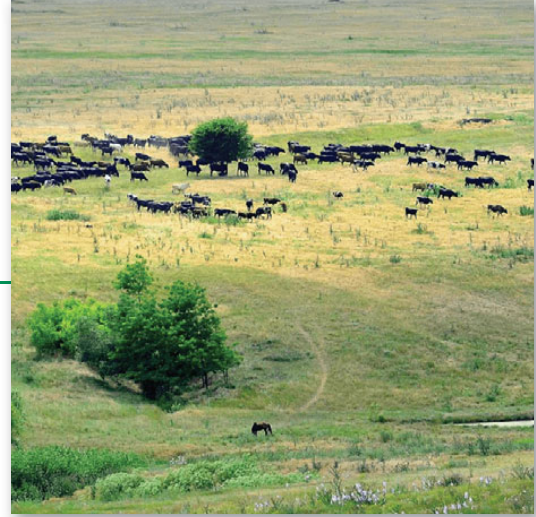


Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Tarutyne Steppe Protected



Wikipedia.org

Actors:

- Environment-People-Law (EPL)
- Tatarbunary Rayon State Administration,
- Bilhorod-Dnistrovskyi Apartment Management Unit
- Ministry of Defence of Ukraine
- LLC "Shans-2016"
- NGO "Regional Development Centre"
- Tatarbunary Rayon NGO "Vidrodzhennia"
- National Nature Park "Tuzlovski Lymany"

Issue

The Bilhorod-Dnistrovskyi Apartment Management Unit signed an agreement with Shans-2016 LLC to farm land for agricultural products, without having rights to the land transferred under the contract. The area is the site of a Nature Reserve Fund of Ukraine - LLSLS Tarutyne Steppe. As a result, more than 900 hectares of valuable steppe was plowed, and further work was planned.

The Winning Strategy

In the spring of 2016, the NGO "Regional Development Center" was conducting a study at a nature sanctuary when they found recently plowed virgin land. They identified the culprit and prepared relevant appeals to law enforcement agencies and authorities. After one month, the situation did not change, so they posted a plea for help on their organization's Facebook page.

EPL analyzed available documents and filed a court claim, asking that the contract be declared null and void. Later, the claim was revised and requirements added to return the land to its previous state. At the same time, EPL prepared and submitted an application for a preliminary injunction, to halt the destruction. The preliminary injunction was upheld and the court went further and declared the contract invalid.

Alongside the litigation, there was active public participation to protect the territory. Representatives of Regional Development Centre, Tatarbunary Rayon NGO "Vidrodzhennia," and NPP "Tuzlovski Lymany" organized round-the-clock citizen patrols of Tarutyne Steppe. In southern Ukraine, plowing takes place at night, when it is cold. Even so, citizens literally laid down under tractors to stop even 1 square centimeter of valuable steppe from being plowed.

Additional information is available at:

Court judgements

<http://reyestr.court.gov.ua/Review/72335252>

<http://reyestr.court.gov.ua/Review/67584165>

<http://reyestr.court.gov.ua/Review/66081646>

<https://www.youtube.com/watch?v=96BFRYvSajk>



Winning Strategies for Communities and Environment in Ukraine

Country

UKRAINE

Protection of dolphins and EPL's right to go to court

Actors:

- Environment-People-Law (EPL)

Issue

October 31, 2015 dolphinarium "Oscar Truskavets" owned by LLC "Akvadelf" was opened in the city Truskavets, Lviv region. Dolphinarium has 6 Black Sea bottlenose dolphins and 3 seals. The bottlenose dolphin is listed as an endangered species in the Red Book of Ukraine and needs to be kept in natural conditions, in particular in marine water. The Dolphinarium "Oscar Truskavets" LLC "Akvadelf" violates current legislation by keeping dolphins in artificial seawater. Moreover, the dolphinarium does not have the necessary permits for the maintenance and use of wild animals and rare species.

The Winning Strategy

In aim to protect animals from cruelty and stop illegal exploitation of rare species for getting profit, EPL went to Kyiv Commercial Court to obtain a court order to stop using dolphins by dolphinarium in their show. Despite the above-mentioned violations, as well as the activities that are prohibited by current legislation (using species listed in the Red Book of Ukraine for commercial purposes), the court refused to satisfy EPL claims. The Kyiv Commercial Court based its decision on the fact that the EPL does not have the right to go to court because the Aarhus Convention does not give it such right. At the same time, the court narrowly interpreted the Aarhus Convention, nor did it investigate all existing violations and circumstances of the case. The Kyiv Commercial Court of appeal upheld the position of the court of first instance. The case had exceptional legal problem regarding the use of Red List animals and regarding the conditions in which wild animals were kept in captivity. Also, there was a need to create single law-enforcement practice on these matters. Because of these reasons EPL prepared a motion on pending the case by Grand Chamber of the Supreme Court. The motion was satisfied.

- The Grand Chamber recognized the right of EPL to apply to the court in order to eliminate violations of the requirements of environmental legislation by the defendant, and noted that such right of EPL in this dispute should be implemented in the order of administrative proceedings.
- The court also noted that the absence of a special procedure for issuing permits established by current legislation does not entitle business entities to carry out activities involving the use of wild animals without appropriate permits.
- The special use of objects of the Red Book of Ukraine for the purpose of obtaining profit is prohibited.
- The court clearly recognized that the state authorities do not sufficiently protect animals that are used in entertainment events. It can be considered that the decision of the Grand Chamber of the Supreme Court is an important step to start a discussion about the existence of animal rights.

Additional information is available at:

<http://reyestr.court.gov.ua/Review/78977479>

<http://epl.org.ua/law-posts/porushennya-pravyl-i-norm-utrymannya-dykyh-tvaryn-v-nevoli-vidsutnist-dozvoliv-na-utrymannya-ta-vykorystannya-dykyh-tvaryn/>

<http://epl.org.ua/environment/strazhdayut-i-lyudy-i-tvaryny/>

<http://epl.org.ua/announces/zaboronyayetsya-vykorystannya-ob-yektiv-chervonoyi-knygy-ukrayiny-dlya-otrymannya-prybutku/>

<http://epl.org.ua/announces/velyka-palata-verhovnogo-sudu-stavyt-krapku-u-dyskusiyah-pro-potrebu-dozvoliv-u-pyrodoohoronnij-sferi/>



Bottlenose dolphin.
Photo Images (Ablestock.com)

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