

Environmental reforms for post-war recovery and European integration of Ukraine



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This analysis paper was developed within the “Green Recovery: Rebuilding for a Better Future” initiative. The document is intended to be used by environment and climate change policies specialists of the Ministry for Environment of Ukraine, Committee of Environmental Policy and Natural Resources Use of Verkhovna Rada of Ukraine, self-governance authorities as well as independent experts.

This publication was produced within the project “Support activities of UNP EaP CSF in 2021–2023” implemented by the Institute for Economic Research and Policy Consulting with the financial support of the European Union. Its contents (individual opinions expressed in the materials or voiced at the event) are the sole responsibility of the authors and do not necessarily reflect the views of the European Union or the Institute for Economic Research and Policy Consulting.

The Ukrainian National Platform of the Eastern Partnership Civil Society Forum (<http://eap-csf.org.ua>) is a network of more than 140 non-governmental organizations in Ukraine that advocates Ukrainian interests within the framework of the Eastern Partnership. The platform is part of the Eastern Partnership Civil Society Forum (EaP CSF).

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SUMMARY

In the recently published document of both platforms¹, “Post-war recovery of Ukraine: rebuilding for a better future”, the authors emphasized that in the long term, the process of post-war economic development should become Ukraine’s fundamental transition to a green and clean economy. The concept of green economy is closely related to the European Green Deal (EGD), the issue of implementation of which will become one of the priority tasks with the opening of the negotiation process under Chapter 27 (environment and climate change).

Green recovery is the systematic development of a new model of the country’s infrastructure and economy, which is based on the principles of sustainability and minimizes existing and future risks, mainstreaming the environment and climate pillar.

In the document of both public platforms “Environmental and climate sustainability of Eastern Partnership assessment of the prospect of achievement in Ukraine — 2” (2021) it was noted that compliance with and development of 5 basic principles of good environmental governance (GEG) — transparency/openness, participation, accountability, effectiveness and coherence of the policy related to the environment — lay the foundation for ensuring the irreversibility of environmental reforms in Ukraine.

If before the full-scale war, experts claimed that it is impossible to overcome the gap between the state of the environmental protection industry in the EU and in Ukraine in one leap (leapfrogging is impossible) and in order to successfully follow the requirements of the European Green Deal, Ukraine needs to take certain steps consistently, then the large-scale destruction caused by Russian aggression created new realities and conditions. Today, after a year of war, we see Ukraine’s huge opportunities for leaping over this gap, for rapid modernization and development.

Now that Ukraine has received the status of a candidate for joining the EU, we must switch to EU legislation, where the green economy is the main vector of development.

The path to the implementation of environmental and climate obligations will not be short and simple, because in the field of environment and climate in the EU there are about 200 (as estimated by the European Commission) normative legal acts, to which Ukraine needs to bring its legislation and policies into line.

It is clear that currently most of the efforts of the environmental protection system and public organizations are aimed at assessing and calculating the huge damages caused to our environment by the Russian invaders. Indeed, **war and the impact of military operations on the environment have become a major medium-term challenge.**

¹ Ukrainian National Platform of the Eastern Partnership Civil Society Forum and Ukrainian Side of the EU-UA Civil Society Platform.

However, **the long-term challenges have not been changed: to keep the strategic framework of goals and ensure their effective achievement. Environmental reforms must cover management macrosystems, not just its sectors.**

First of all, **the transition to good environmental governance (GEG)** — a new, horizontal way of governing compared to the traditional, hierarchical, state-centralized way of public administration — based on the principles of transparency, public participation and accountability, effectiveness and coherence of environmental policy.

However, **there is a risk that after the end of martial law, limitation of the GEG principles may remain and become a common practice**, which, in turn, will have a significant negative impact on obtaining a positive assessment of Ukraine's readiness for EU membership in the environment and climate change domain.

The next important element of a green post-war recovery is the achievement of environmental and climate change goals. Environmental policy reform also consists in establishing permanent monitoring of the achievement of these goals, regular analysis and assessment of the effectiveness of environmental policy, periodic updating in accordance with the results of the assessment — i.e., transition to a clear policy cycle. In other words, **regulatory activity on the preparation of laws and by-laws must be subordinated to a strategic vision and the achievement of certain target indicators. It is necessary to start with the preparation of an annual report on the implementation of environmental policy**, which is provided for by the Law of Ukraine on the State Strategy of Environmental Policy since 2020, but has never been implemented. The State Strategy of Environmental Policy includes 30 indicators for evaluating the effectiveness of environmental policy implementation.

A regular report on the implementation of environmental policy (not on the state of the environment, not on the implementation of the annual plan of the ministry and not even on the implementation of the Action Plan for the Strategy) **is not only an important tool for achieving the effectiveness of environmental protection activities**, but also **corresponds to the principle of accountability to civil society (GEG) and is a platform for dialogue on improving environmental policy.**

The draft post-war recovery plan does not currently appear as a coherent document with a shared vision and cross-cutting goals that would include decarbonization, climate neutrality, and consideration of environmental and climate issues in all areas. **Although the draft recovery plan contains goals for the medium-term development of Ukraine, in particular in the field of environmental protection and climate change, it cannot be perceived as replacing the important strategic documents adopted before the war:** strategy of environmental policy, strategy of regional development, economic strategy, strategy of ecological security and adaptation to climate change, SDGs for Ukraine.

The effectiveness of the policy depends on the successful implementation of the target indicators, however, for this, effective institutions and financing system are necessary.

The importance of institutional transformations in the environmental sphere, which will ensure, on the one hand, efficiency in achieving the goals of improving the state of the environment, and, on the other hand, the stability of the state administration system, is reflected in the Association Agreement (Article 365) and clearly indicates that a comprehensive strategy in the field of the environment must include “planned institutional reforms (with timetables) ... division of competence for the environmental administration at national, regional and municipal levels, procedures for decision-making and implementation of decisions; procedures for promotion of integration of environment into other policy areas; identification of the necessary human and financial resources and the review mechanism”. However, the State still lacks a vision of what environmental institutions should be, in accordance with the established practice of EU countries and based on common sense.

The reform of the procedure for receipt and targeted use of environmental funds, in particular, the establishment and support of transparent activities of a separate legal entity — the Ecological Fund — is an integral component of environmental reform to ensure the effectiveness of “green” transformations.

It is necessary to develop, accept and start in consultations with the public to implement the plan for the reform of the state institution and financial systems in the field of environmental protection.

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