

# Annual report for 2016 of International charitable organization Environment-People-Law

Lviv-2017

# Annual report of

# International charitable organization "Environment-People-Law"

#### 2016

Strong reasons make strong actions
William Shakespeare

# Stronger organization for strong actions

In 2016 EPL continued its work towards **strengthening the analytical capacity** of the organization by holding regular training for EPL staff and regularly engaging in policy analysis. The policy analysis training took the form of personal meetings with EPL staff in Lviv and Kyiv. Office and staff of both the Lviv and Kyiv office were involved in the training process via EPL's video conferencing system. The training process invloved the combination of enhancing theoretical knowledge accompanied by actual policy development and implementation.

Working to strengthen the analytical capacity of the organization, EPL developed **the guide on policy analysis** that enumerates types of analytical documents and their functions and characteristics. The guide also gives a general overview of public policy as a complex, dynamic and interactive system, that establish important preconditions of accomplishing real reforms that result in needed change. **The theory of change** is the primary philosophy that motivates EPL to undertake professional policy analysis and implementation that can lead to real change.

EPL's executive director and acting head of analytical department made study visits to think tanks in Bosnia and Herzegovina. These study visits were very important and helpful for strengthening all aspects of EPL's analytical work including that directed at quality of policy research, communication, advocacy and institutional development. EPL representatives visited three think tanks: GEA, Analitika and SEEChange Net. They shared their experience in the procedure of selecting staff, issues for research, methods of research, peculiarities of implementing full cycles of policy analysis with special focus on work with stakeholders, approaches to quality control of policy documents, and tools of communication and advocating in development of policy documents.

EPL also worked on improving and strengthening of its communication capacity and increased visibility in an important precondition of effective functioning of the organization.

On 17-19 December 2016, EPL conducted training sessions on strategic planning, that included presentations in PREZI and techniques of public speaking. Because EPL was involved in developing a new strategic plan for 2017-2019, it was crucial for the organization to train staff on the methods of strategic planning and also seek "out-of-the box" visions of organizational development. Improved skills of making presentations in PREZI are very important, particularly for creating presentations of analytical products. It is important for EPL staff's ability to develop and use professional quality skills of oral presentation in order to make effective presentations in court rooms, at meetings of various working groups of which EPL is a member, and at meetings with government authorities, communities and other stakeholders.



Importantly, EPL launched a series of public events hosted by **the Ukrainian Crisis Media Center** that highlighted crucial issues and delivered EPL's perspectives to a wide audience.





In 2016, EPL cooperated with **43 media** including national, regional and local radio and TV companies and newspapers. Importantly, EPL signed a memorandum of cooperation with **Star Light Media Group. EPL** plans to organize a national information campaign to raise environmental awareness of Ukrainians.

EPL also significantly increased its presence in social media (Facebook, Twitter); some of EPL's post have generated **up to 6200 repost.s** EPL's web-site receives **up to 3000 visits a week**.

It is important to emphasize EPL's success in maintaining and developing partnerships with national and international NGOs and authorities. As a member of the Reanimation Package of Reforms initiative, EPL was able to participate in several advocacy campaigns aimed at promoting governmental transparency and accountability, and addvancing anticorruption activities. In autumn 2016, EPL joined two working groups on waste management and ecoproducts at European Environmental Bureau ("EEB"). EEB is the biggest European network of environmental NGOs. EPL became a member EEB working groups focusing on developing the new National Strategy of Waste Management (subgroup 1 on electronic and electric waste, subgroup 2 on municipal waste and subgroup 3 on agricultural waste). These working groups seek to address issues of decentralization in the field of environmental protection, management of protected areas, protection of protected areas from adverse impact of military actions, management of the national park "Hutsulshchyna", and reformation of the State Environmental Inspectorate. Importantly, EPL became a member of the anticorruption committee of the Cabinet of Ministers of Ukraine. That membership facilitates promotion of EPL's anticorruption initiatives, including advancement of government transparency through the launch of an electronic system providing public access to environmental information.

## Strategic litigation

Strategic litigation remains among the key legal tools of attaining systematic changes. By focusing on establishing important court precedents, changing regulatory base and practice, raising overall awareness of socially important environmental issues, strategic litigation paves the way for implementation of EPL's mission – establishing the rule of law for environmental protection.

In 2016, EPL handled 30 court cases and won 6 cases.

### Promoting access to information

In spite of rather progressive Ukrainian legislation on public access to government information, in practice access to environmental information is often hindered and needs enforcement.

On 24 February 2016, the Lviv Circuit Administrative Court adopted a decision in EPL's case against Mykolayiv regional administration of water resources. The court found unlawful the refusal of the administration to provide EPL with requested information contained in water quality analysis reports (2-tp), This court decision was important in confirming the government's responsibility to be open and transparent. Ensuring access to such information is very important because conceived information can mean damage to human health or even life.

Reports on use of water are submitted by respondents (enterprises/companies) that intake water from or dump water into natural water bodies. Such reports indicate the amount of polluted water that is dumped into water bodies without purification or with insufficient purification. Information in such reports show whether (and in what concentrations) harmful substances are present in the water and therefore can reach private water wells and sources of drinking water adversely impacting human health.

In 2014, Mykolayiv communal enterprise "Mykolayivvodokanal" refused to provide EPL access to 2-tp forms on the ground that the requested information was classified as "confidential" statistical

information. In court, EPL proved its position that the requested information is environmental, and thus cannot be classified as confidential and withheld from the public. Also, in the course of the court hearing the State Water Agency of Ukraine that was the third party in the case on behalf of the defendant fully recognized the suit requirements and accepted EPL's position. It is f the first time in EPL's litigation experience that public authorities recognized their own mistakes. EPL is hopeful that, in the future, this court decision will stop the practice of withholding from the public information on water quality that the law mandates be available to citizens. Moreover, disclosure of such information will help ensure access public access to information on water quality and, in turn, assist in prevention of possible adverse impacts of water pollution.

#### **Enforcement of access to information possessed by the Ministry of Environment of Ukraine**

EPL worked to insure publication of conclusions of an environmental impact assessment ("EIA") prepared by the Ministry of Environment and Natural Resources of Ukraine. Following EPL's appeal to the ombudsman, the authorized representative of the Verkhovna Rada of Ukraine on Human Rights issued a Protocol focusing on administrative violations committed by the director of the department of environmental safety and waste management of the Ministry. The director had failed to reply to EPL's information request that sought access to documents containing the conclusions of environmental impact assessments. Under the pressure applied by EPL the EIA conclusions were published online at <a href="http://www.menr.gov.ua/expertyza/vysnovky">http://www.menr.gov.ua/expertyza/vysnovky</a>.

Other cases on access to information were aimed to open access to product sharing agreements, project documentation on construction of animal raising farms, and other important environmental information.

#### Protection of protected areas

This play on words reflects the need for the *actual* protection of Ukrainian natural areas ostensibly protected by law but not in fact because of failure of oversight and enforcement.

The National Nature Park "Hutsulshchyna" sought EPL's assistance as it was sued by the State Financial Inspectorate for assumingly unlawful funding of security service of the park. The park was obliged to pay hundreds thousand of UAH because it does not have the ownership certificate for the land. However, EPL's lawyers proved that the document on allocation of lands of for the national natural park and the President's Ordinance on creation of the park are sufficient bases for legal use of the land by the park. EPL provided legal assistance to the lawyer and administration of the park and the court ruled in favor of the park. The court ruling became an important precedent as it helped other protected areas to solve this problem with the State Financial Inspectorate. The same situation was with the Verkhovynskyi National Nature Park, where EPL also helped the park to win the case using the same legal model.

#### National Nature Park "Tuzlovski lymany"

The national park needs legal protection because of many issues related to attempts to capture the land of the park, poaching etc. Because the park has great natural resources, the role of the director in managing these resources is very important. Thus, EPL worked to solve the problem with the procedure of appointing directors of national nature parks. On behalf of the local Tatarbunary NGO "Renaissance", EPL filed a suit demanding the development of the regulation on the competition for managers of protected areas.

**Holosiyivskyi National Nature** Park is located in the vicinity of Kyiv and is home to unique flora and fauna. The Bychok tract belongs to the national park, and it is a particular valuable area of ripe oak forests. As detected by EPL, part of the Bychok tract lands (2,6 ha) was leased by Kyiv city council to "Avesta Bud" Ltd for a construction project. Construction works were started but later suspended

because of active civil protests. EPL filed a lawsuit to challenge this decision as a complementary measure to active protests of local residents and environmentalists.

#### "Tarutynskyi step" Natural Reserve

EPL reacted with a law suit to the fact that valuable Tarutyno steppe was ploughed by militaries without any permission from the administration of the reserve. EPL demands that the company that actually ploughed the steppe bears legal responsibility for this and restores the steppe to its original condition.

Therefore, strategic litigation helped us to get environmental information and importantly to teach business and authorities that environmental information should be open and cannot be made secret. It helped us to preserve territories of protected areas and in this way preserve valuable biodiversity. Also, it helped us to get the experience of successful fight and establish effective and long-lasting cooperation with various stakeholders who gained their belief in victory of the good.

# Building new environmental policy

#### Turning "full policy cycle" theory into practice

Practicing **full cycle of policy analysis** is what makes EPL's approach different from old school of policy building.

Having developed that model of *the new system of environmental governance in Ukraine*, EPL started the process of advocating it as this is exactly what the Ukrainian society needs so urgently.

On 25 February 2016, at the inauguration ceremony of Anna Yaroslavna Collegium think tank, EPL presented the concept of reformation of the system of environmental governance in Ukraine. This was a remarkable event because EPL presented a completely new intellectual product – **a policy agenda**. Currently when the Ukrainian government is accused of slow pace of reforms and actual efforts are very sporadic and unsystematic, developing complete models of reforms in specific fields is of paramount importance for moving the Ukrainian society towards true changes.

On 25 May 2016, EPL held consultations with stakeholders regarding development of a new system of management in the field of environmental protection and rational use of natural resources. Listening to and taking account of positions of various stakeholders is a crucial component of full cycle of policy analysis that ensures completeness and relevance of the analysis results. The goal of the discussion was to identify the positions of stakeholders on the new policy on environmental governance in Ukraine to prevent social tension through such changes. The new system of environmental governance was developed based on the analysis of the systems of environmental governance in Sweden, France, Canada, Poland and Australia.

The model of the new system of environmental governance was presented in the policy paper: "Ukraine of the Future: New Policy on Environmental Protection and Sustainable Use of Natural Resources".



In 2016, EPL submitted its proposals to the concept of **reformation of the State Environmental Inspectorate of Ukraine**. As an expert organization in these fields, EPL was addressed by representatives of ICITAP Regional Program Office of the US Department of Justice with the proposal to take part in the discussion of the proposal of the Ministry of Environment for the reform of the State Environmental Inspectorate. EPL participated in the meeting and the US Department of Justice asked EPL for advisory assistance in the process of development of the concept of reformation and referred to EPL's expertise and analytical documents.

EPL made a profound analysis of the problems in forest sector in Ukraine and started development of Green paper and White paper for **reformation of the forest sector**. The consultations with stakeholders were conducted in the form of round table discussions, meetings with and trainings for local communities and authorities.

On 21 October, the round table discussion entitled "Sustainable management of forests to overcome corruption" was held in Lviv. The round table was attended by wide spectrum of stakeholders including the leadership of the Department of Environment and Natural Resources of Lviv Regional State Administration, Lviv Regional Forest and Hunting Administration, State Environmental Inspectorate in Lviv region, state enterprise "Halsillis", representatives of the Prosecutor's Office in Lviv region, State Specialized Forest Protection Enterprise "Lvivlisozahyst", scientists of the Institute of Ecology of the Carpathians, the National Forestry University of Ukraine, representatives of NGOs. The participants of the round table stressed the importance of the environmental aspects of forestry, including the transition to the natural-style forestry management, stoppage of continuous sanitary felling. The participants noted the need for cooperation between the public, scientists, foresters, government officials to end violations in the forest sector and forest conservation. The results of the roundtable were used for developing proposals for regulatory changes and writing Green paper and White paper on forest preservation.

On 11 November 2016, the round table discussion on the same topic was held in Kyiv to discuss the problems of forest sectors with stakeholders from central part of Ukraine.



Also, in December 2016 EPL commented Lviv Complex Environmental Program for 2017-2022 and EPL's comments and proposals were taken into account.

In 2016, EPL worked on the following analytical documents:

- 1. Ukraine of the Future: A new policy in the sphere of environmental protection and sustainable usage of natural resources. Analytical document.
- 2. Green paper "Problems of legal responsibility for environmental crimes: causes and solutions" Green paper "New policy on supervision in the field of environmental protection"
- 3. Green paper "Problems of control over the state of the environment: causes and solutions"
- 4. White paper "Supervision in the field of environmental protection"
- 5. White paper "Creation of the model of effective control over the state of the environment"
- 6. Green paper on forest sector management in Ukraine
- 7. White paper on forest sector management in Ukraine

# Effective environmental legislation

For EPL the year of 2016 was under the auspice of two crucially important draft laws - on *environmental impact assessment (EIA) and strategic environmental assessment (SEA)*.g EPL continued active advocacy of the draft laws, co-author of which EPL is.

Introduction in Ukraine of the European style institute of environmental impact assessment has been on Ukraine's agenda for over a decade. This is primarily due to international obligations of Ukraine within the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (the Aarhus Convention) and the Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention), the Protocol concerning the accession of Ukraine to the Treaty establishing the Energy Community and the EU-Ukraine Association Agreement.

The EIA draft law complies with the best European traditions of this legal institute and ensures long-awaited proper implementation in Ukraine of the Aarhus and Espoo Conventions as well as the Directive of the European Parliament and the Council on assessment of the effects of certain public and private projects on the environment. It is important to emphasize detailed and clear provisions of the draft law regarding public participation in the process of impact assessment. The document envisages procedures of timely, adequate and effective notifying of the public about impact assessment; ensuring free access of the public to all information on the planned activity; the procedure of public discussion; maintaining the Unified register of environmental impact assessment accessible via the Internet.

In February 2016, the Committee on Environmental Policy of the Parliament of Ukraine gave a positive conclusion on the draft law on EIA.

After unsuccessful voting on 19 May 2016, the organization worked a lot with stakeholders to clarify their positions, identify concerns and finalize the draft laws so that the interests of stakeholders are fully taken into account.



On 12 July 2016, the EIA and SEA laws were adopted in the first reading.

On 4 October 2016, the Parliament of Ukraine voted for key environmental laws - the EIA and SEA Laws and the law on integrated management of water objects that have been on top of Ukraine's European integration agenda in the field of environmental protection for several years. The adoption of these laws was welcome by Ukrainian and European experts and civil society because they are the first environmental laws that have been developed to fully implement provisions of the relevant EU directives.

However, on 31 October 2016, the President of Ukraine vetoed the EIA and SEA laws issuing non-specific and ungrounded proposals to the laws. In general the comments formulated by the President demonstrate that the logic of the procedure and the substance of EIA have not been understood properly including in the context of the relevant EU procedures. Also, the vetoes were imposed in violation of the timeframes established by the Constitution of Ukraine. The law envisages a 15-day period for the President to release meaningful and specific proposals. The fact that the proposals were to be released on 28<sup>th</sup> October but in fact were released on 31<sup>st</sup> October we consider to be another violation.

EPL organized unprecedented advocacy campaign both on the national and international level to promote enactment of these particularly important for Ukraine laws. EPL continues the campaign and puts great efforts to attain tangible results.

EPL was involved into commenting and advocacy of the draft law on implementation of integrated management of water objects that introduced **principles of the Water Framework Directive** into Ukrainian legislation. On 4 October, it was adopted at the law 1641-VIII. For further implementation of the provisions of the law EPL developed a typical provision of a basic council.

Over the reporting period EPL lawyers analyzed and commented 22 laws and draft laws including the following:

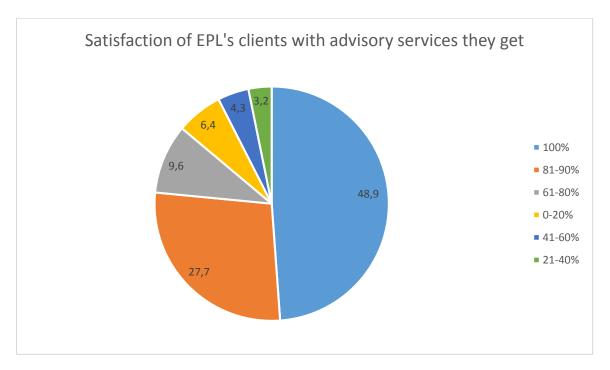
- "On Amending Laws of Ukraine Regulating the Procedure of Getting Permits"
- "On Administrative Services":
- On Permit System in the Area of Economic Activities"
- "On Court Application Fee"
- "On Waste"
- "On Amending the Legislation Regulating the Procedure of Using Territories Contaminated as a Result of Chornobyl Catastrophe".
- Legislation on land
- draft law on packaging and waste packaging
- "On amending the legislation of Ukraine on ensuring access to justice in environmental issues"
- Draft law on deregulation

# Advocating protection of the environment and environmental rights

EPL invests great efforts and time into empowering communities and individual citizens with consultations on various environmental issues. This is a tool of capacity building of communities and overall strengthening of Ukrainian civil society.

The survey EPL conducted among its clients shows that 50,5 % of clients regularly address EPL for advisory assistance.

The level of clients' satisfaction with EPL's services is reflected in the chart below.



#### Advisory assistance to civil society

Strengthening capacity of local communities and individuals for protection of their environmental rights is crucial for mobilizing people to stand up for their rights and for overall strengthening of the Ukrainian civil society.

EPL provided advisory assistance to NGOs, citizens and authorities on the following issues:

- protection of environmental educational centers for children;
- omissions of local authorities regarding funding river deepening works in Odesa region;
- legal regulations of greenery maintenance in cities;
- legal regulation of amber extraction;
- registration of new NGOs;
- labour legislation for staff of environmental educational centers;
- protection of environmental activists;
- pollution of soils with unpurified waste water in Zhovkva district;
- procedure of getting ownership right for animals;
- procedure of expropriation animals from beggars;
- allocation of land lots for water reserves;
- contamination of drinking water sources with untreated waste water;
- inspection of legality of tree cutting in cities and towns;
- disposal of dry vegetation;
- devastation of the lake Kachyne in Kyiv;
- air pollution in Obolon' district in Kyiv;
- illegal construction of a landfill near Dnistrovskyi water reservoir;
- spills of acid tars in Hrybovyshi landfill;
- segregation of hazardous waste (batteries, lumiscenet lamps).

In overall, over the reporting period **205 consultations** were provided by EPL staff during personal meetings and electronically. Also, EPL expanded written consultations on EPL's web-site to make the consulting process less time consuming.

Moreover, EPL created web-sites for 4 organizations: EcoPravo-Kyiv, Vidrodzennia, the Institute of Econology, Luhansk legal protection group.

We see our work on the grass-root level as a big advantage and possibility to learn about problems from the first hand. It is very inspiring to get positive feedback from our clients whose well-being is our priority.



## <u>УКРАІНА</u> МІНІСТЕРСТВО ЕКОЛОГІЇ ТА ПРИРОДНИХ РЕСУРСІВ УКРАЇНИ

Національний природний парк «Верховинський »

78712, присілок Печіще ЗА, с. Верхній Ясенів, Верховинський р-н. Івано-Франківська обл. тсл.03432-5-37-20

#### ЛИСТ-ПОЛЯКА

Національний природний парк «Верховинський» висловлює щиру подяку МБО «Екологія-право-Людина» за професійну допомогу у вирішенні судового процесу по справі яка знаходилась в Львівському апеляційному адміністративному суді та ряду складних юридичних питань.

Вашим висококваліфікований спеціалістом Софією Шутяк успішно вдалось забезпечити судовий супровід, зокрема, забезпечити присутність у судових засіданнях по оскарженню незаконних висновків планової перевірки Верховинської державної фінансової інспекції.

Національний природний парк «Верховинський» підтверджує, що МБО «Екологія-право-Людина» зарекомендувала себе як найдійний партнер, здатний швидко реагувати на проблеми природо заповідного фонду.

3 повагою

директора НПП «Верховинський»



Члени територіальних громад сіл Сівка-Войнилівська, Мошківці Калуського району Івано-Франківської області дякують Вам, керівнику юридичного відділу, адвокату, магістру права Ноттінгемського університету п. Ользі Мелень-Забрамній, Вашому колективу в цілому за надання нашим громадам правової та екологічної допомоги в розв'язанні спорів з ТзОВ «Даноша», які виникли через господарську діяльність цього ТзОВ із стопроцентним капіталом датської групи «Аххоп».

Проблеми стосуються нарушення прав та свобод членів територіальних громад, забруднення питної води, рік Дністер, Сівка, землі (ріллі), повітря, нашого довкілля, зникнення води в криницях.

Щиро бажаємо всьому Вашому колективу успіхів, наснаги в боротьбі:

- за потужну самостійну, українську економіку;
- за відродження села, захисту прав та свобод українців, захисту довкілля;
  - з корупцією.

Не за горами велике християнське свято – «Воскресіння Господнє».

Бажаємо Вам смачної паски, всіх Божих Ласк і Дарів, Божої Любові і всіх гараздів у Ваших родинах, у Вашому колективі! Всього, всього, всього найкращого! Дякуємо! Дякуємо! Дякуємо! Дякуємо!

Прийнято на загальних зборах територіальних громад сіл Сівка-Войнилівська, Мошківці Калуського району Івано-Франківської області.

17 квітня 2016 року.

Голова зборів Антонів М.В.

Секретар зборів Марунчак Г.С.

## Advocacy campaigns

#### Saving the Dniester river

At the end of 2015, EPL got to know about plans to construct 6 hydro power plants on the Dniester river, which would seriously harm the whole ecosystem of the river basin. Importantly, there are three national natural parks in the area allocated for the construction and industrial development would seriously impact the biodiversity of the region. EPL started an intensive information and advocacy campaign to stop these plans. As a result, at the end of December 2015, Ivano-Frankivsk regional council declared a ban on construction of hydro power plants in the region; the same decision was adopted by Ternopil regional council in March 2016.

#### Helping protected areas

In January 2016, EPL's environmental scientists made a study trip to **the Ostrivskyi reserve** where they detected that local population is denied access to lakes and there illegally functions a resort. EPL lawyers made necessary inquiries, analyzed documents, submitted complaints. The problem was given wide publicity through journalistic investigation and active media coverage including press-conferences. As a result of this advocacy campaign the free access to lakes was restored. Alongside with this, the work towards creation of **the Nobelskyi National Nature Park** was activated: a local activists group was created, the issue was raised at the meeting of Rivne Regional Council, two forest management units have already given their consent for creation of the national park.

EPL worked towards promotion of creation of Dniprovsko-Desnianskyi National Natural Park, in particular EPL experts prepared materials for maps, drafted letters, provided consultative assistance to Chernihiv regional administration.

Also, because of the war and the need to intensify training of military forces, numerous objects of protected areas are adversely impacted. For example, **the National Nature Park "Oleshkivski sands"** suffered from military trainings where trees were illegally cut and soils damaged. With this regard EPL appealed to the General Prosecutor's Office of Ukraine with a request to initiate criminal proceedings and conduct calculation of damage to the territory of the natural reserve fund through mechanical destruction, contamination of soils with products of explosions and unauthorized use of land. EPL conducted a wide information campaign, held negotiations with the Ministry of Defence of Ukraine and managed to stop military trainings in the national natural park.

EPL learned that a group of unknown persons who call themselves "Excursion auto, motorcycle tours in the Carpathians", planned in the period of 20-25 August 2016 to conduct a massive motorcycling race on the territory of **the Carpathian Biosphere Reserve.** EPL informed the administration of the Carpathian Biosphere Reserve about these plans that strengthened the protection of the reserve, organized a media campaign and in this way prevented this barbarian act.

Moreover, EPL prepared and submitted to Lviv Regional Council expert stipulation of the importance of creating **the reserve** "Bilohorska dolyna" on the outskirts of Lviv, which was also an attempt to prevent storage of solid domestic waste in this naturally valuable area. EPL also proposed the creation of "Bilohorska dolyna" reserve in Lviv Complex Environmental Program for 2017-2022. As a result, Lviv city council adopted the resolution #1346 of 26.12.2016 that prohibits in Bilohorshcha areas any activities related to waste storage and processing and obliges the environmental department of Lviv city council to ensure creation of "Bilohorska dolyna" reserve by envisaging relevant funding in the city budget for 2017. Residents of Bilohorshcha area submitted a stipulation regarding establishment of the reserve to the Ministry of Environment of Ukraine and the Ministry gave its approval.

#### Workshop on preservation of natural reserve fund of Polissia

On June 14-15, 2016 in the village of Lyubeshiv, the National Nature Park "Pripyat-Stokhid" together with "Environment-People-Law" and "The World Around Us" NGO held a regional workshop "Sharing experiences institutions natural reserve fund Western Polissia". of The workshop was attended by representatives of 7 institutions of natural reserve fund of Ukraine. staff of Pripyat National Nature Park (Belarus) and a representative of Wild World Fund (WWF) in Ukraine. Participants of the workshop considered various issues of functioning of institutions of natural reserve fund, analyzed the best practices in the field of recreation, environmental education, interaction with the public and with the local population. The results of the workshop were reflected the proposals for improving the legal framework and training materials.

Also, participants of the workshop declared it important to develop cooperation between institutions of natural reserve fund of Polissia through the implementation of joint research, educational and recreational activities in order to preserve natural systems of Polissia and improve the efficiency of protected areas.

#### Hryboivychi landfill

For many years, EPL has been working to stimulate regional and city authorities to work actively to address the problem of Hrybovytchi landfill. In May 2016, the tragedy on the landfill took lives of four people, but even after that the authorities were very slow in search of solutions of waste problem in Lviv. Thus, EPL worked to give impetus to the responsible authorities, local governments to move from promises to real steps. EPL was the first to organize open dialogue of all stakeholders by organizing a press conference, issuing regular information releases, organizing meetings with affected communities of local authorities.

The tragedy at Hrybovyshi landfill unveiled the depth of the problem with waste in Lviv and in Ukraine in general. The main cause of the problem is lack of strategic vision of handling waste on the national and regional levels. EPL has been working for years to stimulate regional and national authorities to think systematically about establishing an effective European system of waste management in Ukraine. After the tragedy in Hrybovychi EPL worked both with the regional and municipal authorities providing expertise and promoting adoption of systematic decisions. Under pressure from EPL Lviv municipality resubmitted to the Ministry of Regional Development the Complex project of solving the problem with solid domestic waste in Lviv. The first version was submitted in February 2016 and in the second version submitted on 21 June 2016 the emphasis was put on addressing the problem with Hrybovychi landfill.





EPL prepared several policy statements and actions plans for Lviv Regional State Administration and Lviv city council on ways to address the waste collapse in Lviv region. Importantly, EPL was included into the Commission of Lviv Regional State Administration focusing on selection of an

investor for construction of a waste incineration plant in Lviv region and performing complex measures to ensure effective waste management in Lviv region. EPL commented the tender documentation for selection of an investor and majority of EPL's comments were accepted. Now EPL works on a regular basis in the commission at the Regional State Administration that is in charge of procurement procedures for developers of the new system of waste management in Lviv region.

Another example of successful EPL's advocacy activity is prevention of illegal installment of a garbage press and garbage storage in Shevchenko St. in Lviv. In November 2016, Lviv city council announced a tender for installing the press for garbage and storing garbage in the city while the current legislation prohibits any storage of garbage closer than 1 km from the city line. Two weeks after EPL's effective information and advocacy campaign, Lviv city council cancelled the tender.

Thanks to EPL's advocacy activities, the organization managed to achieve several practical results for protection of environmental rights of citizens. One of the examples is EPL's intervention into the process of adopting the decision by Nadvirna city council to construct a landfill in the territory of Nazyvyziv village. After a series of EPL's expert stipulations and public statements, the village council of Nazyvyziv adopted the decision to prohibit construction of the landfill in the village.

#### Towards sustainable development of animal raising industry

Adverse impact of pig farms functioning on the environment and human health has become a serious problem countrywide. EPL received numerous requests for legal help from communities in Poltava, Ternopil, Lviv, Ivano-Frankivsk, Zhytomyr regions. Pig farmers violate environmental norms and build farms too close to residential areas, do not install purification facilities and manure pollutes agricultural fields. People suffer because of polluted drinking water, unbearable stench and health problems (asthma, allergies etc) that they develop as a result of the pollution.

Among other affected communities, EPL provide legal advisory to several local communities in Ivano-Frankivsk region that suffer from adverse impact on the environment of pig farms that were constructed by Danish company "Danosha". Because the construction of the farms was funded by the World Bank, it initiated the process of mediation between local communities and Danosha company and EPL lead local communities through this process. The main demand of the local communities was construction of a water pipe as they cannot use water from their wells because of its contamination by farming waste. Also, because the farms are located in the area contaminated with hexachlorobenzene, EPL studied cumulative impact on the environment of the two factors: pig farms and hexachlorobenzene. EPL filed numerous complaints to local authorities demanding to provide local residents with clean drinking water. Leaflets about threats to the environment and human health caused by pig farms were produced and disseminated by EPL to inform other neighboring communities about hazards they may face if investors decided to build more pig farming facilities in their villages.

At the end of 2016, EPL held the international forum "Development of animal-raising industry in Ukraine: the thorny way to environmental responsibility" aimed to develop specific recommendations and provide the tools for implementation of real changes for the development of environmentally responsible animal-raising industry in Ukraine. The road map developed as a result of the conference gives the recommendations of changes that should be made.



#### Protection of dolphins

In Truskavets in Lviv region dolphins are kept in water that is not suitable for them. EPL analyzed conditions of dolphin capture in Truskavets dolphinarium, worked to enforce punishments imposed by Lviv Environmental Inspectorate. Lawyers also analyzed legal norms of dolphin identification and registration, rules for dolphin capture. Results of the analysis were communicated to the Ministry of Environment and law-drafting initiatives to be reflected in amendments in legislation regarding dolphins.

#### Protecting animals from cruelty

EPL conducted versatile work in various directions of this topic. The organization established cooperation with lawyers of Animal Justice Ukraine working on the draft law "On amendments to some legislative acts (regarding the protection of animals from cruelty)", and looking for solutions to the problems in the field of animal protection.

#### Forest protection

EPL actively cooperated with General Prosecutor's Office ("GPO") to stop deforestation in Ukraine. Significant success was achieved in this effort, as the GPO was persuaded by our arguments to issue the instruction letter for all regional prosecutor's offices emphasizing that they should intensify their enforcement work directed at protection of forests, as required by law.

Also, in cooperation with members of the Parliament of Ukraine, EPL managed to enforce national law requiring transparency and openness of governemnt records relating to forest management. Civil activists had often been denied access to these records. As a result of EPL's advocacy campaign, the State Agency of Forest Management issued an official letter stating that such information must be made available to the public and should be disclosed to the public upon request.

#### "Do-Maidan" initiative in action

Together with the Ukrainian Helsinki Human Rights Group, EPL implemented the initiative "Do-Maidan"--- a combination large-scale research, expert and public discussion and advocacy campaign. The philosophy and goal of the initiative is to mainstream public disappointment, frustration, and protest activities into constructive discussion and motivate the Ukrainian public to

actively engage in transforming Ukraine into a developed European country where public activism to reform and advance democratic governance is the norm, rather than exspending time and energy complaining about conditions without accomplishing goals.. "Do-Maidan" means maidan actually accomplishing important things for our country. The initiative is also seeks ways of reconciliation, for finding compromise and solutions for the some of the most urgent problems in Ukrainian society.



The core of the "Do-Maidan" initiative consists of participating prominent economists, environmentalists, lawyers, historians, linguists – experts who will propose their visions regarding the democratic evolution of Ukrainian society based on clear economic principles and on-the-ground reality. The overarching theme of the initiative can be summarized as "stop criticizing – propose solutions".

The theme of "Do-Maidan" in 2016 was "Let us save green lungs of Ukraine" and the initiative worked to preserve green zones in cities and towns.





#### Approval of licensing conditions for handling hazardous waste

Over a year, the situation with issuing licenses for enterprises working with hazardous waste was suspended because new licenses could not be issued without licensing conditions for handling hazardous waste approved by the Cabinet of Ministers. Without the licensing conditions no new enterprises could get a license for handling hazardous waste, which was a serious obstacle for the whole process of recycling of hazardous waste.

EPL made numerous inquiries and requests to the Ministry of Environment and Natural Resources of Ukraine stimulating them to take necessary steps and finally on 12 July 2016 the Cabinet of Ministers approved the licensing conditions opening the way for new enterprises dealing with hazardous waste to start operation.

#### Electronic governance for environmental protection

EPL is the developer of the electronic database of environmental information that combines information modules on air, water, waste and therefore allows to assess overall environmental situation in an area covered by the system.



The development of the system is particularly important in view of the fact that on 3 February 2016, Ukraine ratified the Protocol to Aarhus Convention on Pollution Release and Transfer Register (PRTR) and in this way took an obligation to launch registers of environmental information that are crucial for effective environmental decision-making and control of environmental pollution. After ratification of PRTR Protocol EPL signed a memorandum on cooperation with the Ministry of Environment and Natural Resources, regional departments of environmental protection in Lviv, Zakarpattia, Kirovohrad and Ivano-Frankivsk regions towards expanding the system developed by EPL on the national scale.

EPL's electronic database is called "PRTR+" and accumulates and disseminates information on impact on the environment possessed by business structures on the basis of statistical reports and permits that are retrieved from governmental agencies through submission of information requests. EPL continued developing and expending the system that can be found in English at http://prtr.org.ua/en/, in Russian at http://prtr.org.ua/ru/, and in Ukrainian at http://prtr.org.ua/.

Importantly, EPL together with the Ministry of Environment of Ukraine are finalizing the concept of the system and are starting joint implementation of certain modules of the system.

Another success is inclusion of EPL's proposal to launch EPL's electronic system of environmental information on the national level into the government's list of anticorruption activities. The Cabinet of Ministers of Ukraine by its resolution #803-p of 05.10.2016 adopted the list of anticorruption activities that are to be performed by each ministry. For the Ministry of Environment and Natural Resources of Ukraine, the activity number one on the list is launching the electronic system of environmental information, which was proposed by EPL.

#### Awarding Ig Nobel Prizes



At the end of the year, EPL public ceremony of awarding Ig Nobel Prizes entitled "Piggishness of the year" for actions that were devastating environment. In this way we were trying to attract attention of business, authorities and the whole society to important environmental issues negative impact of ignoring them.

#### Building up on environmental research

EPL's research is important source of data for legal actions and advocacy campaigns.

Promoting increase of the territory of protected areas in Ukraine, EPL made historical comparative analysis of the changes in the state of protected areas in 9 regions of Ukraine to show the dynamics of the development of the sector, pinpoint key problems and identify directions and methods of further development.

Also, EPL worked to promote ratification of the EU-Ukraine Association Agreement by the Netherlands and at request of our Dutch colleagues EPL environmental scientists prepared an analysis of potential impact of the Association Agreement on European biodiversity.

#### The war and the environment

This topic remains on the research agenda of EPL and importantly we try to draw practical outcomes of the research. EPL regularly released information with advice for various groups of stakeholders (civilians, militaries) on how to minimize adverse impact of military actions on the environment and human health.



# SK CONTAIN BEEDELINCS BIT TOKCHAHNX LASIB BIT AND OPETIVIS

Не потрапити під кулі на війні ще не означає залишитися здоровим і неушкодженим, адже повітря під час обстрілів також міститъу собі небезпеку. Один кілограм вибухівки утворює декілька есятків убометрів токсичних газів (50, NOx, CO), серед яких є також недоокиснені органічні сполуки. Якщо не захистити свої дихальні шляхи, то такі тази можуть викликати тривалі захворювання, що будуть проявлятися у вигляді кашлю, важкого дихання, слабкості, а токсичні речовини в крові будуть отрумовати організм.

За перевищених концентрацій сірчаний газ викликає підвищене слизовиділення в дихальних шляхах, кашель, хрипоту, різь в очах. Чадний газ навіть за незначних кількостей викликає запаморочення і нудоту. Оксиди азоту викликають подразнення слизових оболонок. Крім того, навіть низькі концентрації цього газу можуть призвести до затримки дихання. Вплив двоокису на організм людини призводить до зниження опірності до захворювань, кисневого голодування тканни, сосбливо у дітей, цей газ погіршує нюх, послаблює нічний зір. При вдиханні парів ароматичних вуглеводнів слостерігається дія, кожа на наркотичну, потім наступає поступове пригнічення, судоми, зупинка дихання. Характерні також ураження кровоносної системи, розлади нервової системи, ураження печінки тощо.







#### Protection of green zones

Ukrainian urban areas are engrossed by the wave of uncontrolled destruction of green areas. Parks and gardens are pushed aside by aggressive construction projects that deprive local residents of recreational areas, fresh air and comfortable life. Kyiv municipal administration ignores appeals from the public and there are obvious difficulties with access to information and compliance with environmental legislation. Similar situation is in other Ukrainian cities. This phenomenon reached such a scale that it becomes hardly possible to address each case individually and EPL conducted a complex analysis identifying common characteristics and tendencies and proposing remedy actions. Results of the studies were summarized in a policy paper that was published.

#### Preservation of forests

Abuse in forestry industry in Ukraine is quite significant. Massive deforestation in the territory of forestry, as well as on the territory of natural reserve fund has devastating environmental impact. Particularly pressing is the problem in western Ukraine, in the Carpathian region, where the main forest resources of Ukraine are located. The problem has several key reasons, including lack of proper control over the quantitative and qualitative composition of wood that is cut down, lack of transparency of procedures in the timber industry, felling of healthy forest under pretext of "sanitary cutting".

EPL's experts did the analysis of the plans of forest logging in the regions in terms of their and environmental impact. Project experts also analyzed plans of forest logging in protected areas.

In July 2016, EPL made first trips to the Carpathian region in order to reveal violations in the forestry management. The first object of the survey was Burkutska forestry of the state enterprise "Verhovynsky forestry" (Ivano-Frankivsk region Verkhovyna district) where we analyzed the situation with forest logging and its impact on mountain ecosystems.

Three weeks later EPL made the second raid to the forest areas of Western Ukraine to inspect forest logging and its legitimacy. This time we examined management of forestry in the national nature park "Hutsulshchyna" and the state enterprise "Kutsky forestry."

In this area we have recorded a large number of illegal logging done by local people without official permission from the staff of the national park or the forestry. Results of the studies became important source of information for development of analytical documents on management of forest sector in Ukraine.

#### Impact of small hydro power plants on ecosystems

In 2016 EPL focused on studying the impact on flora, fauna and hydrological regime of mountain rivers and ecosystems as a result of construction of small hydro power plants. EPL hired 4 scientists for specific studies that were used by EPL experts for development of the policy paper on small hydro power plants.

#### Amber extraction

Having deeply analysing the problem with illegal amber mining, EPL clearly saw that the draft laws that were submitted to the Parliament are meant to lobby interests of specific groups and wouldn't solve the problem. Therefore, efforts of EPL were focused on blocking the legislative initiatives that were proposing new corruption schemes.

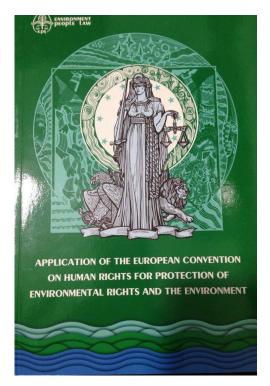
# Strengthening access to justice for environmental protection



In 2016 EPI finalized and launched the training course for judges "Human rights and environmental protection" that was piloted by Lviv branch of the National School of Judges. This is the first training course on environmental issues that was officially included into the curricula of regional branches of the National School of Judges. At the trainings for judges where the course was tested, judges got interested in environmental issues and some judges that went through training for trainers used their initiative to conduct additional trainings as trainers of the course.

Much attention was paid to analysis of provisions of the Aarhus Convention, practical problems of their application in courts, in particular for protection of violated right to environmental information. The initiative had great impact and regional branches of the National School of Judges (in Odesa, Kharkiv and Chernivtsi) decided to hold additional trainings for judges. EPL experts participated in these trainings and were impressed by growing interest for environmental protection issues among judges. Importantly, some judges who participated in the trainings later were hearing EPL's cases and their judgements reflect the important impact that the training course had on their understanding of the importance of environmental aspects.

#### Manual on the case-law of the European Court of Human Rights

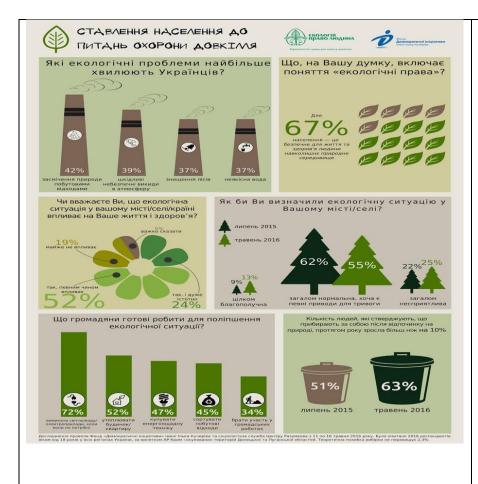


EPL published the manual "Application of the European Convention on Human Rights for Protection of Environmental Rights and the Environment". The manual constitutes the first Ukrainian edition of the analytical review of the practice of the European Court of Human Rights in cases relating to the environment. The authors analyze court judgments under specific articles of the Convention for the Protection of Human Rights and Fundamental Freedoms, the content of which was creatively expanded by the ECHR to include situations when unfavourable environmental factors caused violations of rights under the Convention, or when such rights were limited for the sake of environmental protection. The manual consists of two chapters. The first one is dedicated to the main principles of activities and the criteria for application to the ECHR in environmental matters as well as to the issues of the nature and importance of the judgments of the ECHR for national legislation and practice in Ukraine. The second chapter directly analyzes the case-law of the ECHR in the issues relating to the environment. Official texts of decisions in cases against Ukraine as well as non-official translations of summaries or press releases prepared by the Secretariat of the ECHR are provided as annexes in the manual. We believe the publication will be a valuable resource for public interest environmental lawyers, attorneys, law students and anyone interested in protecting environmental rights using judicial tools.

# Environmental education and awareness raising

#### Sociological survey

The survey was commissioned by EPL and conducted by Ilko Kucheriv Democratic Initiatives Foundation and sociological service of the Razumkov Center from 11 till 16 May 2016. 2016 respondents aged 18 and older were interviewed in all regions of Ukraine except for the Autonomous Republic of Crimea and occupied territories of Donetsk and Luhansk regions. Results of the survey were compared with results of similar survey conducted last year and the finding are used for planning information and advocacy work of EPL.



The survey showed extremely low level involvement of citizens in environmental initiatives or movements. Thus, about 2% of the population of Ukraine claimed to be active participants environmental movements. Lack of any experience of participation in movements or initiatives generally reported 82% (last year the figure was about 90%). People understand sustainable development mainly as a result of economy or GDP growth (47%). Last year understanding such "sustainable development" was shared by 52% of respondents. Moreover, over the year increased the those of understand the notion of "sustainable development" as "balanced interests of economy, environment and society" - 34% versus 27% last year.

#### **Education for local activists on forest protection**

EPL held a series of trainings for local activists in West Ukraine where the situation with forest logging is the most serious. The trainings were aimed to teach local activists to determine illegal forest logging and use legal tools to stop it or bring the guilty into account. Totally 4 trainings were held with totally 98 participants: on 8 November 2016 in Uzhhorod, on 19 November in Brody, on 23 November 2016 in Boryslav, on 29 November 2016 in Turka.



EPL published leaflets to inform local communities about specific legal norms regulating forest management, the ways of identifying illegal logging, tools of preventing illegal logging in forests.

#### EPL's clinical programs

EPL maintains two clinical programs: for law students and for students majoring in environmental studies. Totally, 12 students are active participants of the clinical programs.

In September 2016, EPL signed a memorandum on cooperation with **the European Law Student's Association (ELSA Lviv)**. The memorandum envisages a series of lectures, trainings and workshops for students. Also, there was held a competition of student essays on environmental protection. EPL lawyers and environmental scientists acted as supervisors for students who worked on academic papers on environmental issues. The best 5 academic papers will be published in the compendium.

On May 9, 2016, the head of the legal department of the International Charitable Organization "Environment-People-Law" Olha Melen-Zabramna gave a lecture to law students of Lviv National Ivan Franko University at the invitation of the League of students APU.



EPL representative told students about the organization, informed them about strategic lawsuits of EPL and described the process of working on the strategic case "Danube-Black Sea".

Olha also drew the attention of students to the opportunities available to them in EPL, namely: the use of a free online course on international environmental law, the opportunity to publish their research in the journal "Environment-People-Law" and obtain valuable practical experience together with EPL lawyers in handling court cases, doing legal consulting etc. The opportunity to participate in the legal clinic of EPL is unique for students who want to deepen their knowledge and skills in the field of environmental law.

#### On-line course on international environmental law

The online course on international environmental law that was piloted in 2015, in 2016 was elaborated and improved based on the lessons learned from piloting of the course. The training materials were updated, the essay topics and tasks were elaborated and the list of sources was expanded. We also worked on increasing attractiveness of the course and conducted more active recruitment campaign. In 2016, 18 people participated in the course while in 2017 we managed to recruit 34 participants, which is the indication that the course is gaining its reputation.

The online course can be viewed here http://e-learning.epl.org.ua:8090

#### Summer school on international environmental law

On 4-7 June 2016 EPL held the summer school for graduates of the course "International environmental law". The summer school helped train devoted, motivated environment defenders whom the organizations will help master instruments of international environmental law as an effective instrument of protecting the planet. Trainers who came from the USA, Canada, Mexico, Spain, Hungary, Moldova presented the best international experience of legal protection of the environment and served as great examples of successful public interest environmental lawyers.



#### The meeting of three environmental law networks

For the first time in history of public interest environmental law EPL was co-hosting the meeting with three leading international networks: Association of Environmental Law of Central/Eastern Europe and Newly Independent States (<u>GUTA</u>), <u>Justice and Environment</u>: European Network of Environmental Law Organizations, and the Environmental Law Alliance Worldwide (<u>ELAW</u>).

Climate changes and deforestation, illegal use of natural resources and deadly pollution of the environment, biodiversity preservation were on the agenda of the meeting.

Dozens of experts from the world's most effective international environmental networks strategized on this and other critical environmental issues faced by communities around the world at the meeting entitled "The State of the Environment: Challenges and Cooperation for Environmental Protection," June 9-11, 2016, in Zhdenijevo, Ukraine.

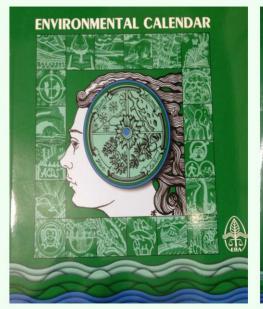
Legal and scientific experts participated from the U.S., Ukraine, Georgia, Moldova, Belarus, Estonia, Czech Republic, Romania, Hungary, Spain, Austria, and Chile. This was a great platform to discuss global environmental challenges and come up with recommendations for joint actions. This is a general understanding that together we are much stronger and much effective and the meeting was an opportunity to give this understanding a practical turning.

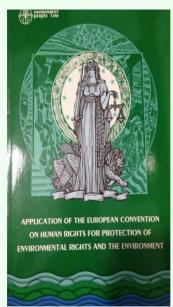


#### EPL's Publications in 2016

In 2016, EPL published policy papers, manuals, environmental calendar, information leaflets.







# Financial statement:

Income - 8,089,500 UAH

Expenditures - 8,089,500 UAH