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Analysis of regulatory and legislative acts on the conservation of the planet's biodiversity, ratified by Ukraine

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Abstract

The problems of studying, preservation and rational use of natural resources in modern conditions are no less relevant than the issues of politics and economics, and are absolutely connected with them. The analysis of regulatory and legislative acts on the conservation of the planet's biodiversity is made.

Keywords: normative-legal framework, biodiversity, sustainable development, stability of ecological systems

Introduction

Problems of studying, preservation and rational use of natural resources (inclusive flora and fauna) in modern conditions have no less relevant than political and economic issues. Regulatory and legal support is essential for the preservation of biodiversity, which aims at regulating relations between man and nature, the implementation of measures aimed at the balanced use of biological resources, the functioning of the conservation work and the organization of environmental activities.

Research results and their discussion

The first international agreement on the conservation of biodiversity can be considered the International Convention on the Protection of Birds, which was signed by a number of countries in 1902 in Paris. In 1948 was created the International Union for the Conservation of Nature, and in 1949 – a special public

Commission on rare species. Now there are several groups of organizations dealing with environmental issues. These are United Nations organizations (UNEP, UNESCO), various intergovernmental and non-governmental organizations (IUCN, Wildlife Fund, Greenpeace), scientific and educational institutions engaged in research on separate problems.

The United Nations Stockholm Conference (1972) declared its main areas: the rational use of natural resources, the preservation of flora and fauna, environmental pollution prevention and management of environmental protection.

In 1982, the General Assembly of the United Nations adopted the World Charter for the Conservation of Nature. It proclaimed that the gene pool of living beings and their livelihoods should not be endangered, the population of all forms of life should be maintained at a level sufficient for their survival. In this document for the first time at the international level, responsibility for the state of nature lies on human.

The need to conserve biodiversity in its entirety is recognized by the United Nations Conference in Rio de Janeiro in 1992 in the Declaration on Environment and Development. It was formulated the notion of biodiversity.

The main documents relating to the conservation of biodiversity are the Cartagena Protocol on Biosafety and the Pan-European Strategy for Biological and Landscape Diversity.

The Cartagena Protocol on Biosafety to the Convention on the Protection of Biological Diversity (Montreal, Canada, 2000) was adopted in pursuance of Article 19 of the Convention on the Protection of Biological Diversity. The purpose of the Protocol was to contribute to ensuring an adequate level of protection in the area of the safe use of living organisms received by modern biotechnologies that may have an adverse effect on the conservation and sustainable use of biological diversity, taking into account the risks to human health and with particular attention when transboundary movement.

The Pan-European Strategy for the Conservation of Biological and Landscape Diversity is a groundbreaking and stimulating approach aimed at halting and reversing the process of degradation of biological and landscape diversity in Europe. The strategy is Europe's contribution to the implementation of the Convention on the Protection of Biological Diversity (The Strategy was proposed by the Maastricht Declaration "On the Conservation of the Natural Heritage of Europe" (1993) and it was based on the Berne Convention), the European Strategy for the Conservation of Nature (1990).

Ukraine has ratified all international documents related to the preservation of the natural environment. It is party to more than 50 international agreements aimed at preserving biological and landscape diversity. The most important significance have The Convention on Biological Diversity (Rio de Janeiro, 1992), the Convention on Wetlands of International Importance (Ramsar, 1971), the

Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, 1973), the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979), and the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979).

State policy in the field of rational use and reproduction of natural resources is implemented by the Ministry of Ecology and Natural Resources of Ukraine. State Ecological Inspection, Main Department of National Parks and Protected Areas, Department of Nature Management are responsible for the conservation of biodiversity as part of Ministry.

The Ministry of Agrarian Policy of Ukraine, the State Committees of Forest and Water Management and Land Resources are also involved in the environmental sphere. Significant role is played by scientific institutes and higher educational establishments, nature reserves and national natural parks, public environmental organizations of Ukraine.

Among the specific features of Ukraine that need to be taken into account during legislative regulation, the further planning and development of a nature conservation case in the state, we will define such:

- large-scale plowing of the territory, the presence of large areas that have now been released from agricultural and other uses and are not used (territories that in the past belonged to military structures, careers, etc.); this creates the need and opportunity for scientific substantiation and further practical rehabilitation of natural ecosystems with their subsequent monitoring and environmental management;

- the region's natural, socio-economic and demographic mosaic of the country (densely populated and less populated regions, more or less transformed, belonging to economically depressed regions, the most valuable in the environmental context and their alternation with regions whose economic development has been purposefully promoted in the past, as well as regions, which are in a state of economic degeneration due to changes in the economic and political situation, in particular, above all, mountainous territories, etc.), which necessitates differentiation approach to territorial biodiversity conservation in different its parts.

A number of conceptual, organizational and terminological inconsistencies penetrate the whole range of legislative acts of Ukraine, which in one way or another are tangent to the legal maintenance of biodiversity conservation. First of all, from the point of view of the legal protection of biodiversity protection, it concerns the basic Laws of Ukraine: “On the Red Book of Ukraine”, “On the Nature Reserve Fund of Ukraine”, “On the Ecological Network of Ukraine”, “On the National Program for the Formation of the National Environmental Network of Ukraine for 2000–2015 years”, as well as related to them Laws of Ukraine “On Environmental Protection”, “On Plant World”, “On the Animal World”, Forest, Water and Land Codes of Ukraine and other normative-legal documents (Table 1.).

Table 1. The main regulatory – legal documents on regulating biodiversity conservation

Normative - legal documents	Date of adoption	The main document purpose
Laws of Ukraine		
On Environmental Protection	June, 25, 1991	Determines the legal, economic and social basis of the organization of environmental protection for the benefit of present and future generations
On Nature Reserve Fund of Ukraine	June, 16, 1992	Determines the legal basis for the organization, protection, effective use of the nature reserve fund of Ukraine, reproduction of its natural complexes and objects
On Wildlife	December, 13, 2001	Regulates relations in the area of the protection, use and reproduction of an animal world whose objects are in a state of natural freedom, on land, in water, soil and air, permanently or temporarily inhabit the territory of Ukraine
On Flora	April, 09, 1999	Regulates relations in the field of protection, use and reproduction of flora
On the Red Book of Ukraine	February, 07, 2002	Regulates public relations in the area of the protection, use and reproduction of rare and endangered species of animal and plant species included in the Red Book of Ukraine, in order to prevent the disappearance of such species from nature, ensuring the preservation of their gene pool
On the National Program for the Formation of the National Ecological Network of Ukraine for 2000-2015	September, 21, 2000	Involves changes in the structure of the land fund of the country by assigning a part of the land of economic use to the categories subject of special protection with the reproduction of the inherent diversity of natural landscapes
Resolution of the Verkhovna Rada of Ukraine		
About the program of the long-term development of the Protected Areas of Ukraine	September, 22, 1994	It is aimed at the preservation of unique and typical landscapes, other natural complexes, biological diversity, including the gene pool of flora and fauna, increasing the role of protected areas in the development of scientific foundations of rational nature management and nature conservation, the development of natural sciences, monitoring of the natural environment
Decrees of the President of Ukraine		
About the creation of nature reserves of national importance	December, 10, 1994	Preservation and reproduction of valuable natural complexes, gene pool of flora and fauna
About the territory of the natural reserve fund of national importance	February, 21, 2002	Preservation and reproduction of valuable natural complexes, gene pool of flora and fauna
About measures on the further development of the nature reserve case in Ukraine	May, 23, 2005	Improvement of the conditions for realization of a unified state policy in the field of development of nature protection, improvement of management of natural, biosphere reserves and national natural parks, acceleration of the formation of the national ecological network, development of international cooperation on these issues
Resolutions of the Cabinet of Ministers		
About the Concept of Biological Diversity Conservation in Ukraine	May, 12, 1997	Preservation, improvement of the condition and restoration of natural and disturbed ecosystems, habitats of separate types and components of landscapes
On Approval of the State Target Program "Forests of Ukraine" for 2010-2015	September, 16, 2009	Determination of the main directions of balanced development of forestry, aimed at strengthening the ecological, social and economic functions of forests

Order of the Cabinet of Ministers		
On Approval of the Concept of the National Program for the Conservation of Biodiversity for 2005-2025	September, 22, 2004	Overcoming the trend of degradation of living components of the environment, maximizing the reproduction of the primary state of natural complexes
Codes		
Forest Code of Ukraine	April, 21, 1994	The forest relationships arising from the use of land, subsoil, water, as well as the relation to the protection, use and reproduction of plant and animal life are regulated
About subsoil	July, 27, 1994	Mining relations are regulated in order to ensure rational, integrated use of the subsoil
Water Code of Ukraine	June, 06, 1995	Ensuring the conservation, scientifically sound, rational water use for the needs of the population and sectors of the economy, reproduction of water resources, protection of water from pollution, littering and exhaustion
Land Code of Ukraine	October, 25, 2001	Land relations that arise when using subsoil, forest, water, as well as flora and fauna are regulated

To ensure the further process of formation, preservation and non-exhaustive use of the ecological network, the Ministry of Natural Resources proposed to include the relevant tasks and measures in the draft law of Ukraine on amendments to the Law of Ukraine “On the main principles (strategy) of the state ecological policy of Ukraine for the period up to 2020” and the draft National Plan of Action on environmental protection for 2016–2020 years.

In the process of developing programs and projects for the conservation of biodiversity, especially in relation to flora, scientists, as a rule, are emerging from the situation that visually developed to date on the basis of the multidimensional transforming human activity. However, the issue of reproduction of indigenous landscapes (with the corresponding vegetation and floristic composition), which is especially directed at the guidelines of the activities of national parks, should be considered from the standpoint of historical geography.

Conclusions and suggestions

The stability of ecological systems and the biosphere as a whole largely depends on biodiversity. Compliance with regulatory requirements will allow controlling the state of biodiversity, introducing a number of measures aimed at the balanced use of biological resources, implementing measures to ensure compliance with the law, improve the preservation of the conservation area and organize environmental activities.

According to the Stockholm Declaration, a person at the same time is the creator and creation of his environment, which ensures its physical existence, provides opportunities for intellectual, social, spiritual and ethical development. Now, as a result of the intensive development of science and technology, humanity has acquired the ability to transform and improve its environment many times. The natural and artificial (created by human) environment has a decisive role for the existence of basic human rights, including the right to life.

Unfortunately, the preservation and improvement of the quality of the human environment still remains an important problem. It affects on the improvement and economic development of all countries of the planet Earth. In our time, the ability of a person to **reasonably** use natural resources and transform the environment (without destroying it), can bring all mankind the opportunity to enjoy the benefits of civilization and thus raise the quality of life of each person.

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