

Artículo de investigación**International-legal standards of cooperation of Ukraine in the field of environmental (climate) problems****МІЖНАРОДНО-ПРАВОВІ СТАНДАРТИ СПІВРОБІТНИЦТВА УКРАЇНИ В СФЕРІ ЕКОЛОГІЧНИХ (КЛІМАТИЧНИХ) ПРОБЛЕМ**

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Climate change because of global warming is one of the major and serious contemporary environmental problems that humanity has encountered. It is global climate change that causes the glaciers to melt, which increases the level of the global ocean and can cause the disappearance of some lands or even whole countries. Ukraine, like other countries, feels the consequences of climate change, as natural disasters such as floods, storm winds, and extreme temperatures are becoming more and more frequent. Natural disasters could be a reason for forest fires and other negative effects on the environment. Thus, the subject of the study is ways and measures of states on the issue of solving environmental problems and international legal regulation in this field. The object of the study is national and international legal acts on environmental issues. The methodology of research is formed by a set of general scientific and special methods of scientific knowledge. According to the results of

Анотація

Зміна клімату внаслідок глобального потепління є однією з гострих сучасних екологічних проблем, з якою зустрілося людство. Саме глобальна зміна клімату є причиною танення льодовиків, що, в свою чергу, збільшує рівень світового океану і може стати причиною зникнення земель і навіть держав в цілому. Україна, як і інші держави, гостро відчуває наслідки змін кліматичних умов, внаслідок чого стають частішими природні катастрофи, такі як повені, штормові вітри, екстремальні температури, які є однією з причин лісових пожеж та інших негативних наслідків для екології. Таким чином, предметом дослідження є шляхи та заходи держав щодо питання вирішення екологічних проблем та міжнародно-правового регулювання в цій сфері. Об'єктом дослідження є національні та міжнародні правові акти щодо питання вирішення екологічних проблем. Методологією дослідження є сукупність

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the study, following conclusions were drawn; global warming is one of the most serious threats to humanity, and to address this threat, it is necessary to unite States' activities that have been achieved within the United Nations when the United Nations Framework Convention on Climate Change was adopted and the annual conferences of the parties were held, that resulted in adoption of the Kyoto Protocol in 1997, and the Agreement in 2015. For today, Ukraine is also actively cooperating with the EU in the framework of the Eastern Partnership Program on the process of harmonization of Ukrainian legislation in the field of environmental law and rules governing emergency situations.

Keywords: International legal standards, climate issues, environmental problems, emergencies, climate change, international cooperation, environmental threats, global warming.

Introduction

Technocratic development of modern society, on the one hand, simplifies all kinds of human life; on the other hand, it has a significant impact on the natural conditions of its existence. Industrialization and urbanization have become indispensable for the development of modern states. Unmanaged deforestation, oil and gas production, man-made emergencies and others cause environmental pollution. As a result, it leads to global climate change.

Furthermore, climate change on Earth because of global warming is one of the major and serious contemporary environmental problems that humanity has encountered. It is global climate change that causes the glaciers to melt, which increases the level of the global ocean and can cause the disappearance of some lands or even whole countries. Climate change also can be dramatically dangerous because of increasing rates in natural disasters such as forest fires, floods and several others (Serov, 2010).

Thus, Ukraine, like other countries, feels the consequences of climate change, as natural disasters such as floods, storm winds, and extreme temperatures are becoming more and more frequent. Above listed natural disasters could be a reason for forest fires and other

загальнонаукових та спеціальних методів наукового пізнання. За результатами проведеного дослідження були зроблені висновки, що глобальне потепління на сьогоднішній день є однією з найсерйозніших загроз для людства, і для боротьби з цією загрозою необхідне об'єднання діяльності держав, яке вдалося досягти в рамках ООН при прийнятті Рамкової конвенції ООН про зміну клімату та щорічних конференцій сторін, на яких були прийняті Кіотський протокол 1997 року та Паризька угода 2015 року. Сьогодні, Україна активно співпрацює разом із ЄС у рамках Програми східного партнерства над процесом гармонізації українського законодавства в галузі екологічного права та норм, які регулюють питання протидії надзвичайним ситуаціям.

Ключові слова: міжнародно-правові стандарти, кліматичні проблеми, екологічні проблеми, надзвичайні ситуації, зміна клімату, міжнародне співробітництво, загроза екології, глобальне потепління.

negative effects on the environment. The information-analytical report on emergencies in Ukraine was published on October 1, 2019 by State Emergency Service of Ukraine and it states that 117 emergencies were registered during 2019 in Ukraine, among them 70 disasters are natural, 44 – are man-made and 3 – have social backgrounds (Information and analytical report of the State Emergency Service of Ukraine..., 2019)

It is worth noting that Ukraine is cooperating with other countries on environmental (climate) problems at the international level and with the European Union (hereinafter – the EU) and the European level. It makes the study of the current article relevant.

Methodology

To write this research, the authors used different methods of scientific research. For example, the authors to investigate international legal acts that regulate environmental issues used the method of analysis. Moreover, the authors used the method of analysis to investigate international legal acts that regulate environmental issues. In addition, the historical method allows us to trace the transformation of environmental protection and climate protection measures.

The current article studies the international legal standards of Ukraine's cooperation on environmental (climate) problems.

To achieve this goal, the following tasks were set:

- To carry out research on the international experience of legal regulation in the sphere of environmental (climate) problems;
- To establish the main directions of cooperation of Ukraine at the international level in this field;
- To identify, based on the conducted research, the available ways of improving the national legislation of Ukraine in the specified direction.

Analysis of recent research

It should be noted that scientific works that investigate the issues of solving environmental problems and international legal regulations on the problem of climate change and regulation were used in order to look into the problem. It is worth mentioning the works of Fesenko, M.V. (2019); Gnidiuk, N., & Pavliuk, S. (2016); Salawitch, R., Canty, T., Hope, A.P., Tribett, W.R., & Bennett, B.F. (2017); Serov, M. (2010). At the same time, the change of social relations in this sphere requires new researches on the identified problems.

The current research answers the challenges of the time and thus the presented article belongs to the works that analyze international standards of Ukraine's cooperation on the problem.

Presentation of key research findings

Global warming is a problem that has united almost all states that are quite active within international organizations. One of the most significant organizations in the world is the United Nations (hereinafter – the UN).

The UN is the most important organization that allows us to unite the states' actions to combat global warming.

It is rightly emphasized that an important role in the formation and development of "spiritual and cultural" justice belongs to the principles and axioms that express the most important foundations and properties of this type of legal consciousness, which seeks to meet the requirements of spirituality, to create in this direction the legal culture of the person

(personality) in general, the legal life of society. (Kharytonov, Kharytonova, Kharytonova, Kolodin, & Tolmachevska, 2019). One of the major events on the path to fighting against climate change and other environmental problems was the UN-sponsored "Rio Earth Summit" in 1992. The United Nations Framework Convention on Climate Change (hereinafter – the Convention) was adopted during the Summit. The Convention unites the efforts of UN member states to combat global warming and aims to prevent "dangerous" human interference with the climate system. Ukraine acceded to this international legal act by ratification on October 29, 1996 (United Nations Framework Convention on Climate Change, 2012).

The Convention is an agreement that has been reached between 180 States. Its main goal is to address the problems of stabilizing emissions and the concentration of greenhouse gases in the atmosphere. The level of emissions should be the following that it will not allow harmful anthropogenic impact on the climate system. In addition, each State Party is obliged to adhere to the principles established by the Convention in order to prevent climate change.

Each year, States Parties to the UN Framework Convention hold conferences of the parties, which are in fact the supreme body. During the conference of the state parties, the most important agreements are made. Among them are:

- The Kyoto Protocol of December 11, 1997, to the United Nations Framework Convention on Climate Change (hereinafter – the Protocol), which established rules for States and obliged them to reduce or stabilize greenhouse gas emissions. It was ratified by Ukraine on February 4, 2004 (The Kyoto Protocol of December 11, 1997, to the United Nations Framework Convention on Climate Change, 2004);
- The Paris Agreement of December 12, 2015, to the United Nations Framework Convention on Climate Change (hereinafter – the Agreement), which sets out standards for reducing the level of carbon dioxide in the atmosphere, and sets standards that are designed to prevent a temperature rise of more than 2 °C. Ukraine ratified the Agreement on July 14, 2016 (The Paris Agreement of December 12, 2015, to the United

Nations Framework Convention on Climate Change, 2016).

Regarding the Protocol, reducing and stabilizing greenhouse gas emissions are regulated differently for each State Party. For example, Ukraine was obliged by the Protocol to reduce industrial gas emissions to the level of 1990.

In addition, the Protocol provides for flexibility mechanisms under which States are allowed to trade quotas. Thus, the mechanism allowed to conclude a contract between Japan and Ukraine in 2009, under which Ukraine sold emission allowances to Japan. In its turn, Japan has committed itself to invest in several projects in Ukraine. One of these responsibilities was to hand over cars to Ukraine for the needs of the newly established patrol police (Japan has transferred to Ukraine 1,500 brand Toyota Prius new for the needs of the newly established patrol police, 2015).

Because States could not fully comply with the provisions of the Protocol, in 2015, a regular conference was held in Paris, at which another international act, the Agreement, was adopted. The Agreement aimed to reduce carbon emissions into the atmosphere starting from 2020. The Agreement has been signed by 197 countries and ratified by 185 States Parties as of January 2019. This indicates that this agreement is an international instrument in the field of ecology and climate change, which has been ratified by the largest number of member states. Thus, according to Article 2 of the Agreement, the main purpose of this document is to activate the application of the Convention, in particular, to curb global temperatures below 2 °C, which could be catastrophic. And states should strive to reduce the average air temperature to 1.5 °C.

The main achievements of the Agreement should be considered as the establishment of the following prerogatives to achieve the above objectives:

- Greenhouse gas emissions from industrial activities should be limited to the level that soil, trees and the ocean can process naturally. There is a period from 2050 to 2100 when this effect should be achieved;
- Each State party to this agreement shall make an appropriate contribution to the reduction of harmful emissions into the atmosphere every five years;

- A climate fund has been created, so that developed countries are obliged to allocate funds to help other countries.

It should be noted that according to the opinion of some scientists, the Paris Agreement is only a starting point of reference, which should push states to actions that will slow down the development of global warming, and on the basis of such a start in the future will create new mechanisms to continue the fight against climate (Salawitch, Canty, Hope, Tribett, & Bennett, 2017).

Another step in international cooperation on environmental issues is the 24th International Conference on Climate Change. It was held from 2 to 15 December 2018 in Katowice, Poland. At the conference, the Intergovernmental Commission on Climate issues presented a report. The authors of the report found that at current rates of greenhouse gas emissions for 10-30 years, warming by 1.5 °C is likely to occur in the world. It would accelerate sea-level rise and increase the possibility of natural disasters (Intergovernmental Expert Group Report on Climate Change of 2018, 2018).

As it was noted above, the Paris Agreement was adopted in 2015 to eliminate the threat of global warming and to regulate measures to reduce carbon dioxide levels. However, at the Katowice Conference, there was no set of rules for implementing the norms adopted in the Paris Agreement. It was within the framework of the 2018 Conference that the States were able to agree and draw up a set of rules for implementing the Agreement, which, according to the UN Secretary-General, is only the first step in the fight against global warming (Fesenko, 2019).

Thus, it can be stated that the Katowice Agreement provides absolute transparency in the activities of states, and the exchange of information on implementing national plans in the field of climate change, including emission reductions. In our opinion, it will strengthen confidence between states.

It is an interesting fact that there has not been a single approach to calculating pollution levels until now, and it was the agreement in Katowice that defined a single approach to calculating pollution levels. The agreement also envisages increased funding for climate change from 2025 to high-income countries.

Regarding to cooperation between Ukraine and the EU in solving environmental problems,

firstly it is important to note that on February 7, 2019, the Verkhovna Rada (Ukrainian Parliament) of Ukraine adopted the Draft Law of Ukraine "On Amendments to the Constitution of Ukraine (on the State's Strategic Course for Acquiring Full Membership of Ukraine in the European Union and in the North Atlantic Treaty Organization)". It constitutionally enshrined Ukraine's path to membership in the European Union. Nevertheless, to be a member of the EU, it is necessary to comply with the requirements of the Union and to harmonize legislation. It also includes the environmental law and regulations, standards to prevent emergencies and remedy consequences if such situations occur (The Draft Law of Ukraine "On Amendments to the Constitution of Ukraine"... , 2019).

Ukraine has signed an Association Agreement with the EU. It is also part of the EU's Eastern Partnership and therefore benefits from close cooperation with the EU within the European Neighborhood Policy. Ukraine is moving towards the harmonization of its legislation with the legal framework and the recommended EU standards in civil protection and disaster risk reduction. For this purpose, Ukraine became a member of the Eastern Partnership Integrated Border Management Flagship Initiative – the Program for Prevention, Preparedness, and Response to Natural and Man-made disasters (hereinafter – PPRD East-2).

Ukrainian stakeholders in the area of disaster risk management, who are led by the State Emergency Service of Ukraine together with the Program for Prevention, Preparedness and Response to natural and man-made disasters, have given priority to their efforts to bring legislation closer and achieve institutional sustainability in the areas of flood risks, disaster risk management, disaster loss data collection and processing, accident awareness, volunteerism in the areas of civil protection and support of the host country (Gnidiuk, & Pavliuk, 2016).

The PPRD East-2 itself is the EU-funded initiative designed to enhance the Eastern Partnership countries' ability to manage catastrophe risks, as well as to improve the level of population protection from the negative effects of natural and anthropogenic catastrophes for countries participating in the program. Participants of PPRD East-2 are Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine.

The main goal of the program is to promote peace, stability, security, and prosperity of the Eastern Partnership countries, as well as the protection of the population, the environment, cultural heritage, resources and infrastructure of the region, by enhancing countries' resilience, preparedness and response to technological and natural disasters.

The program also seeks to enhance the civil protection potential of partner countries in order to prevent, prepare for and respond to disasters, as well as strengthen regional cooperation and progressively bring the partner countries closer to the EU Civil Protection Mechanism.

PPRD East-2 is the second phase of the partnership, and it is important to indicate the results of the first phase. The first phase of the program ran from December 3, 2010, to September 2014, and significant progress was achieved.

First, awareness about the natural disaster was raised in the Eastern Partnership countries, information management at the national level was improved, and the knowledge of risk aversion and vulnerability to five threats was improved: earthquakes, floods, forest fires, landslides, and industrial accidents.

Relations have been strengthened between national partner countries' civil protection authorities and the EU Civil Protection Mechanism, in particular with the Emergency Response Coordination Center, and national readiness measures have been developed to work effectively with international support in the event of a large-scale natural disaster.

A major achievement of the first phase of the Program was the development of the Electronic Regional Risk Atlas (hereinafter – ERRA), which is an online tool designed to store data on threats, vulnerabilities and risk aptitude, including hazardous infrastructures, visualization of disaster risk maps, and help in assessing potential the consequences of disasters, as well as to determine the most effective way to use the resources and resources allocated for disaster risk management.

ERRA displays the level of threat, impact, and vulnerability associated with earthquakes, floods, forest fires, landslides, and industrial hazards to the Program Partner countries. Maps also show the location of key infrastructures (for example, roads, railways, dams, and airports) and important public buildings. The atlas is created

based on the Geographic Information System (hereinafter – GIS) with a web interface, characterized by quick accessibility and the high level of interaction with national systems, standards, and data formats. The risk assessment methodology is based on the latest developments at EU level and, in particular, on the provisions and approaches outlined in the European Commission's Guidelines for the assessment and mapping of risks in disaster prevention and elimination of their consequences. Disaster, threat, risk probability, vulnerability, and resilience data come from both partner countries and open international sources.

It is important to note that PPRD East-2 began its operation in 2014 and ended its activities in May 2019. Moreover, the results achieved in the Program's framework and the subsequent national actions after its completion will be discussed in each partner country at the end of February. They will draw its conclusions on the achievements of the PPRD East-2 as a whole.

But from the reports released during 2015-2018, we can conclude that the program has achieved some important results:

- The legal and institutional standards of the partner countries were approximated to the EU legislation in civil protection and disaster risk management;
- Enhanced civil protection potential of partner countries through joint exercises and training;
- Increased awareness of disasters;
- Member States have actively implemented the ERRA, which was developed during the first phase of the program.

Conclusions

The study found that global warming is one of the most serious threats to humanity, and to address this threat, it is necessary to unite States' activities that have been achieved within the United Nations when the United Nations Framework Convention on Climate Change was adopted and the annual conferences of the parties were held, that resulted in adoption of the Kyoto Protocol in 1997, and the Agreement in 2015. Ukraine has ratified both international instruments and has joined the world community by pledging its commitments.

For today, Ukraine is also actively cooperating with the EU in the framework of the Eastern

Partnership Program on the process of harmonization of Ukrainian legislation in the field of environmental law and rules governing emergency situations. In order to increase the effectiveness of the process, the EU has funded a Program for the prevention, preparedness and response to natural, and man-made disasters, which has been operating since 2010.

The main aim of the Program is to harmonize the rights of the Program participating States for emergency prevention, preparedness and response, and to increase the awareness of states and populations. The Program also aims to promote peace, stability, security, and prosperity in the Eastern Partnership countries, protect the population, the environment, cultural heritage, resources and infrastructure of the region by enhancing resilience, preparedness and response to man-made and natural disasters.

The PPRD East-2 has made a significant contribution to the development of the legal system of the participating States. Within the framework of the program, the Electronic Regional Atlas of Risks was developed, which increases the awareness among states, makes it possible to store data on threats and dangerous situations, and allows a better assessment of the potential consequences of disasters.

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