

Ecology and law: the human rights case

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1. On the beginning of the new millennium manhood decided to consider seriously the problem 'ecology and health'. Environmental health research and management both require multidisciplinary approaches. U.S. experience shows that implementation of risk assessment and risk management methodology in environmental decision-making process has been very successful.

2. According to the obligations taken at the conference of the World Organization for Health, held in Helsinki in 1994, all European countries must prepare national programs and plans for supporting clean environment. They also must start to realize these programs.

3. As is known, Ukraine has serious problems with the health of her population, owing to the pollution of the environment, man-caused catastrophes, changes in ecosystems, urbanization, etc. The importance of state environmental policy is reflected in the Constitution of Ukraine in the following way: To live and be healthy a human being has the right for safe environment as well as for the reimbursement of the losses incurred under the neglect of the right. Each person has the right to have the free access to the information about the conditions of the environment, quality of the goods and has the right to spread it. Nobody can make the information a secret. But environmental defence was and is a very pioneering and necessary job in Ukraine, which has become an independent state and started to create a Rule of Law society, respecting the court system as an independent branch of power. The environmental awareness of the population and of lawyers, including judges, remains very low.

4. The goal, priorities, mechanisms of the environmental policies and the ways of their harmonisation with the European environmental process have been formulated in detail in the following conception prepared by the Ministry on the Environment and Natural Resources of Ukraine 'Basic directions of state environmental policy, the use of natural resources and guaranteeing of nuclear safety.'

5. Thus, the goal of the environmental activities is to reach the best balance between the negative to the environment consequences that follow the development of the society with the potential capacities of natural resources to selfrestoring.

6. We are sure that positive shifts in the improvement of ecology will become possible only if the wide public will be sufficiently informed and will participate in monitoring the current processes. In order to protect one's rights, one must know them well enough. The right of citizens of Ukraine for life in the healthy environment is fixed in the corresponding articles of the Constitution of Ukraine, in the law 'On protection of the environment', in other laws on protecting health, in state building standards, etc. Nonetheless, all these laws have an important drawback: no control mechanism on the side of the public is stipulated. In the Ukrainian legislation some public control is stipulated only in the law 'On ecological expertise', but even in this law public control and monitoring are sketchy and not obligatory.

7. On 5 December 2000 the parliamentary hearings on the closure of the Chernobyl atomic electric station (ChAES) was held, and on 15 December the station was ordered to be closed. On this day you must recollect what was the Chernobyl catastrophe for the entire planet and especially for us living in the vicinity of Chernobyl. Recollect that the reason of the catastrophe was a chain of slight and grave violations of the operating laws, as well as the violation of instructions, norms and standards. Try to understand whether it is possible to violate the safety rules in the atomic power engineering, in particular when atomic stations are widened, as in the case of Khmelnitsky and Rivno stations. Lately we happen to hear the opinions of some MPs concerning the opportunity of shifting the term of the closure of the ChAES. These opinions cause an extreme worry if the Ukrainian and international public. Any speeches and actions concerning the atomic energy production must be regarded firstly from the viewpoint of safety. The safety of the atomic power production must be a top priority goal and internal need that will force everyone to self-control all the works concerning this safety.

8. Meanwhile the Orhus (Aarhus) Convention devoted to problems of informing the population about ecology, about the participation of the public in the decisions, which are taken by the government on problems of ecology, on the opportunity of court protection, was signed by Ukraine in June 1998. The Supreme Rada must be interested to ratify this Convention; NGOs and individual citizens must support the ratification. Alas, the mentality of our citizens is such that only 4% of the adult population believe that they can influence politic events in the country. Only 2% of the population believe that they must take on themselves some responsibility for the degradation of the environment and the nation's health. The totalitarian regime suppressed the population for many decades, which resulted in an almost complete atrophy of the public initiative. In the post-totalitarian countries the civil society is very weak, the power is strong, and there are very few people with an active citizen's position.

In May 2002 the first steps to create a public information centre and library in the office of The Ministry of the Environment and Natural Resources have been taken in Ukraine - a homepage about the Orhus (Aarhus) Convention has been established.