
Ecocatastrophe in Donbass Region and its Effect on the Public Administration Entity

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Abstract

Authors raise an issue of hostilities' environmental implications in the territory of Donbass as well as the current status of the area where the Joint Forces Operation is taking place. The scale of environmental contamination is shown as well as there has been analyzed the understatement fact of their importance from the direction of the profile state structure and also some unfavorable predictions for a short and middle-term prospect. There has been drawn a conclusion of real critical effect of the current situation on the environmental safety in Ukraine on the whole which requires the adequate legal assessment and the perfection in the sphere of public administration. It is recommended to adopt a single normative-legal act on the management issue in the sphere of environmental implication of Donbas hostilities as well as to establish the Inspection on supervision and control over the environmental situation in the Joint Forces Operation area in the structure of the Ministry of Temporarily Occupied Territories and IDPs.

Keywords: atmospheric air pollution, waste products and hazardous chemical agents management, ecocatastrophe, Donbass, the Joint Forces Operation (JFO), damage to the environment, public administration, executive authority body, normative-legal act (NLA)

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INTRODUCTION

Since 2014 Donbass region has been on the verge of ecocatastrophe caused by air, soil and water pollution as a result of a great amount of ammunition burning during the hostilities and floods on industrial enterprises (UN official site 2019). The situation is deteriorated by the region prehistory. One year before the war there were 5500 enterprises which produced 4.3 m. t., which is equal to 44 percent of Ukrainian emission on the whole. Due to the destruction of production infrastructure and emergency mechanisms the risks of environmental state deterioration significantly increased (UNEP official site 2019). There is an urgent need for the environmental monitoring of the assessment and minimization of the environmental risks connected with the armed conflict.

The flooding of mines, soil subsidence, chemical and radioactive pollution, the risk of man-made disasters all of these pose a threat both to Ukrainian regions and to the ecosystem of Europe on the whole. Today, there are closed 36 mines, their equipment is stolen but the work continues to fill with toxic waters. Another 70 mines are at a liquidation stage and in case of stoppage they are flooded. The UN has noticed that the escalation of hostilities close to infrastructure

facilities may lead to the deterioration of ecological crisis in Donbass (The official site of UNECE 2018).

Legal effects of such a situation are reflected in the activity of public administration bodies in the sphere of JFO consequences minimization management. Hostilities in Donbass and ecological implications, which they led to, mediate the necessity for the implementation of a new institutional mechanism of management in the sphere of environmental safety of the region.

Prerequisites for the Transformation of Donbass Region Territories into “The Second Chernobyl”

The man-made disaster threat in Donbass region since the USSR period were determined by the presence of a range of coal-mining enterprises in its territory (1225 coal mines, 15 open-cast mines, 13 trunk pipelines and branches, 4 oil fields namely, in Donetsk and Luhansk oblasts), chemical industry (PJSC “Concern Stirol”, Konstantynivka Chemical State Plant, Dzerzhinsk phenol plant, Donetsk State Plant of Chemical Products, Kramatorskiy zavod emalei, Insulating Materials Plant. Jsc, Lugansk Chemical-Pharmaceutical Plant), metallurgy industry (Illich Steel and Iron Works, Azovstal iron and steel works, Starobeshevskaya TPP and OJSC “Lisichanskaya

SODA”) and others. As a result atmospheric air pollution and carbon dioxide emission after 2000 reached the quarter of the total Ukrainian figure (for example, in 2013 the annual emission per one citizen amounted to 345 kg. of pollutant which was 3,5 higher than average in Europe) (Masyuk et al. 2013).

The additional environmental risk for Donbas region is the conduction of the experimental underground nuclear explosion in Bunge (Donetsk Oblast) at the “Yunyi komunar” mine. The explosion device was put into a specially created cell which was overridden with ferroconcrete straps the total thickness of which was more than 6 m. As a result the radioactive glass capsule, which consists of radioactive isotopes of caesium, strontium and plutonium, was created (Monastyrskii 2017).

The leak of poisonous substance namely, chloronitrobenzene happened at the coal-mine “Aleksandr-Zapad”, Horlivka in 1989. This mine has long been closed down (Lychenko, 2017). Both facilities are now under the control of illegitimate authority bodies. The absence of appropriate management measures in the sphere of security of environmental safety is equal to a delay-action bomb. As a result of mine flooding and uncontrollable explosions the risk of putting hazardous wastes to the ground has risen during the last years which may lead to the poisoning of Donets feeders and the Sea of Azov area of water.

Climax environmental problems of metal soil pollution were determined in the territory of Donetsk and Luhansk oblasts in 2013. It is necessary that the great amount of such metals was registered near industrial enterprises (in the cities of: Donetsk, Horlivka, Mariupol, Makiivka and Kramatorsk). Soil subsidence over excavations and the increase of ground water table led to flooding in the areas of mineral resource industry placement. The location of settlements in lowlands, climatic and geological conditions, inadequate state of water supply and disposal systems as well as the high rate of industrial area and others were the main reasons and factors of soil flooding (for example, as of 2011 the area of potential soil floods in Luhansk oblast exceeded 40 thousand ha.) (Vidrodzhennya Donbasu 2015).

Thus, before the hostilities in Donbass, this region had the range of environmental threats which have transformed into the ecocatastrophe for the whole Continental Europe since 2014. Today, as a result of natural processes there is a

real life threat and people habitation threat in the territory of JFO.

Main Environmental Implications of Hostilities in the Territory of JFO

According to the assessment carried out by the Socio-political platform of UNEP the conflict in Donbass region touched, damaged or destroyed ecosystems in the area of no less than 530 000 ha, including 18 ha of forests and 12 500 of forest fires broke out in the zone of military operations and the adjacent regions (UNEP official site 2019).

Water with the high content of salt and the admixture of heavy metals which makes it unsuitable for people and the ecosystem as a whole is made as a result of constant using of weapons in the territory of JFO. Such a situation is caused by the massive pump stoppage as the equipment and wiring are ransacked and destroyed to a greater extent in mines. According to the results of western territories environmental monitoring carried out in 2017 in the context of the joint project of OSCE Project Co-ordinator in Ukraine and the Ministry of Ecology and Natural Resources of Ukraine soil and underground waters pollution has reached its critical level in the region (The official site of the Ministry of Ecology and Natural Recourses of Ukraine 2018).

The phenol enterprise, which dumps the waste containing phenol, phenol compounds, sulfuric acid, formaldehyde, oil products, naphthalene and other chemical agents into settling tanks, is situated in urban settlement namely, Novgorodske (Donetsk oblast). Their penetration into the soil may lead to serious environmental implications. Phenol and its compounds are attributed to the second class of chemical risk (extremely hazardous substance). Bombardment in 2014 damaged the dam of settling tanks. Local “government” decided to partially repair the dam in 2016. The access to the damaged area is now closed. If the dam is burst, chemicals will go into Krivoy Torets river and then into Donets and then flow into the Sea of Azov (Avakov 2018).

Significant amount of hazardous emissions were released into the atmosphere as a consequence of fires in the by-product coke plant in Makiivka. After the undermining of the bridge in Novaya Kondrashivka the railroad coal delivery to TPP was stopped and soon after that, because of the transmission equipment damage, Luhansk power station was isolated from the power system of Ukraine. As a result, the power plant servicing more than 90% of Luhansk oblast was made to regulate

the frequency of the power grid by itself by means of using available high-sulphur and high-ash coal which led to a sharp deterioration in atmospheric air quality. On the other hand, the range of forest fires and illegal deforestation was noticed. As of today the main part of Donbass afforestation is lost which leads to the decrease of field protection, soil protection and recreational forest functions. About 60 facilities of natural-reserved funds of Donetsk and Luhansk oblasts were damaged as a result of conflict. The change in biodiversity including one of the species and the increase in the number of others, including those which pose a threat to sanitary and epidemic situation of the territory and to agriculture is recorded (Assessment of Environmental Damage in Eastern Ukraine and Recovery Priorities 2017).

Soil subsidence is a great ecological threat for Donbass region. According to the data of the satellite monitoring, as a result of mine floodings in Donbass the soil lied on average at 25 cm. but in some areas at 53-90 cm. Experts, who were attracted by the OSCE, say that the threat of a man-made catastrophe involves all the territory where the coal production was carried out. The Donets basin is a great anthropogenic-geological system where many mines are hydraulically connected with one another. Thus the closure of one of them leads to the packing of voids with mine waters and, properly, to the soil subsidence which, in its turn, causes damage to constructions, buildings and settlement communications (Avakov 2018).

In spite of the facts mentioned above we see the position of the profile entity of the public administration namely, the Ministry of Ecology and Natural Recourses of Ukraine and the Ministry of Temporarily Occupied Territories and IDPs to be unjustifiably neutral and actually zero towards the problem raised. Almost uncontrollable processes of vital activity in Donbass region during the hostilities naturally led to the region ecosystem degradation.

The Legal Support of Public Administration in the Sphere of Security of Environmental Safety in Donbass Region

The activity of Ukrainian government on stabilizing the environmental situation in eastern regions of Ukraine may be characterized through the presence or absence of normative-legal acts and these sphere conceptions. It is interesting that the mention about the Donbass region problem in the sphere of ecology is only in the Law of Ukraine “Ob osnovnykh printsypakh (strategii) gosudarstvennoi ekologicheskoy politiki

Ukrainy na period do 2030 goda”, which comes into force from January 1 2020. The mentioned normative-legal act states the presence of environmental safety problem in Donbass region and makes requirements to follow the situation (Zakon Ukrainy 2019).

The mention about the environmental problem solving of the JFO zone (previously known as the ATOZ) is absent in official documents which were signed as a result of negotiations namely, The Package of Measures for the Implementation of the Minsk Agreements as of February 12 2015 (The official site of the Ministry of Temporarily Occupied Territories and IDPs 2018). The same situation is with the Kontsepsyei Gosudarstvennoi tselevoi programmy vosstanovleniya i razvitiya mira v Ukraine (Pro schvalennya Kontsepschii 2016). The project of Gosudarstvennoi tselevoi programmy vosstanovleniya i razvitiya mira v vostochnykh regionakh Ukrainy has not been elaborated on ye in spite of the international community favorable reception of the Conception examined.

The range of normative-legal acts in the sphere of activity on the armed conflict problems elimination and stabilization of public relations which do not affect arrangement conditions for the environmental safety of the region namely, Zakon Ukrainy “Ob obespechenii prav i svobod grazhdan b pravovoi rezhym na vremenno okupirovannoi territorii Ukrainy”, “Ob osobom poryadke mestnogo samoupravleniya v otdel'nykh rayonakh Donetskoy I Luganskoi oblasti”, Postanovleniye KMU “Ob utverzhdenii perechniya naseleennykh punctov , na territorii kotorykh organy gosudarstvennoi vlasti vremenno ne osushestvlyaut svoi polnomochiya, i perechnya naselyennykh punctov raspolozhennykh na linii sopricosnoveniya”, “Ob utverzhdenii plana meropriyatii, napravlenykh na realizatsiu nekotorykh printsipov gosudarstvennoi vnutrennei politici po otdelnym rayonam Donetskoi i Luganskoi oblasti gde organy gosudarstvennoi vlasti vremenno ne osushesvlyaut svoi polnomochiya” and others were adopted (The official site of the Ministry of Temporarily Occupied Territories and IDPs 2018). **Thus, it is important to change the concept vector of government management as regards temporarily occupied territories. Providing of the environmental safety is the integral vector of situation stabilization in Donbass. The adoption of the Law of Ukraine “Ob obespechenii ekologicheskoi bezopasnosti na vremenno okupirovannoi territorii Ukrainy” is well founded.**

The institutional providing of public relations stabilization in eastern regions of Ukraine is not considered to be formed also. At least, there is established the Ministry of Temporarily Occupied Territories and IDPs the aim of which is the formation and realization of state policy on the issues of the temporarily occupied territory of Ukraine but it is not endowed with the practical competence. **It is necessary to establish the Inspection on supervision and control over the observance of ecostandards in the territory of Donetsk and Luhansk oblasts proving it with the corresponding control authority in the structure of the Ministry of Temporarily Occupied Territories and IDPs. It is exactly this organ which will carry out negotiations with international organizations and political opponents over the creation of a single plan of struggle against the environmental disaster of Donbass region.**

CONCLUSION

The current situation in Donbass region is critical and close to a real environmental disaster. The main reasons of such a state of affairs are as follows:

- the absence of appropriate state attention to the problem and the formal nature of the measures taken;
- a long-term use of the territories with the industrial view with the simultaneous emission of a huge amount of hazardous and especially hazardous

industrial waste without modern standard compliance and norms:

- the deterioration of tangible assets of enterprises and the absence of their modernization;
- uncontrollable processes of industrial complexes destruction on the territory;
- the absence of instruments of bringing to account for mines plunder and the equipment lay-up;

On account of preservation of these reasons in a short and middle-term prospect on the whole it is possible that irreparable damage will be caused to ecosystems and human life threat both in Ukraine and in adjacent countries.

The problem of the public administration activity entity on the issue of minimization of ecological damage considering the patent deterioration in safety conditions requires the individual approach. With this view such measures are thought to be necessary:

1. The adoption of the normative-legal act on the management issue in the sphere of providing of environmental safety in Donbass region at the legislative level.
2. The establishment of the Inspection on supervision and control over the observance and ecostandards in the territory of Donetsk and Luhansk oblasts providing it with the corresponding control authority at the legislative level.

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