

Accounting and Peculiarities of Formation of National Natural Parks of Ukraine

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Abstract: The state of the Ukraine's NNPs was examined in the context of the State registration of aNNP territory. The difference in approaches to formation and accounting of NNP territories by the central executive bodies was found.

The problems of state registration of NNP territories in the land cadastre were investigated. The difference in approaches to accounting of NNP territories of the Reserve Management and Studies Department (Minpryrody) and the Ministry of Agrarian Policy and Food of Ukraine (Derzhheokadastr) was highlighted.

Keywords: National natural park, functional zones, map-scheme, Minpryrody, State Land Cadastre, land management plan.

Objective of the paper

Identification of problems in the formation and subsequent State registration in the land cadastre of aNNP territory to prevent the loss of land of the Nature Reserve Fund (NRF). Analysis of accounting of the NNP territories by various central executive bodies, and the identification of consequences for further management decisions on resolving problems of NNP territories.

Relevance of the topic

Ukrainians are striving to live up to European standards, which means taking care of protected areas and sites. The area of protected areas in Ukraine is almost three times smaller than in European countries – it is 6.6% of the total area of the State. According to the standards of the European Union, it should be at least 15%. [1]

According to the domestic and foreign experts in land use of territories of the Nature Reserve Fund, the registration of their territory in the SLC is an integral step in ensuring their rational use and protection, which in the future enables to perform the tasks set for the NNP. The main task of the NNP is: - protection of valuable natural and historical and cultural complexes and sites from various man-induced and natural impacts.

Body of the article

An increase in protected areas is a today's requirement and ultimately testate policy that became determinative for most of the leading countries of the world three decades ago.

In May 2017, Minpryrody developed a plan of actions for expanding the natural reserve areas.

Minister Ostap Semerak emphasizes that the successful expansion of the NNP territories is possible only through constructive cooperation between their special administrations and local government.

National parks should become the focal point for the development of territories and the basis for the socio-economic development of nearby settlements. [1,2]

It is necessary to elaborate new regulations that would help local government to make compromise decisions which would contribute to conservation of natural resources in the first place.

Full investigation requires determination of the quantitative indicators of areas and sites of the NRF of Ukraine, identification of a range of specially authorized executive bodies that ensure the implementation of the State policy regarding the NNP sites.

According to the data of accounting the NRF territories submitted by local executive bodies, which ensure the implementation of the State policy in environmental protection, as of January 1, 2018, there are 8296 NRF territories and sites with a total area of 4.318 million ha within the territory of Ukraine. The actual area of the NRF territories and sites with respect to the State's area is 6.6%.

Today, there are 47 NNPs in Ukraine, their area is - 2444194,95 hectares, which is 1.84% of the total area of Ukraine and 32.8% of the total area of the NRF of Ukraine.

Management and implementation of conservation activities in the NNP territories are entrusted to the central executive body in environmental protection – *Minpryrody*, and to local special park administrations. [3]

In accordance with the Law of Ukraine "On the Nature Reserve Fund of Ukraine", the conservation regime of the NNP territory is ensured based on a differentiated land use regime, which involves dividing a

NNP into four functional zones: the conservation zone, the zone of regulated recreation, the zone of stationary recreation.

The main task of special park administrations is to ensure the implementation of the differentiated land use regime, and in accordance with the Law of Ukraine “On the Nature Reserve Fund of Ukraine” the main goal of creating aNNPis “...are created for preservation, reproduction and effective use of natural complexes and sites that have special environmental, historical, cultural, scientific, educational and esthetic values.”

In accordance with the Law of Ukraine “On the Nature Reserve Fund of Ukraine”, “... the territories of national natural parks are the property of the Ukrainian people. The NNPsare valuable environmental areas and sites of national importance, and their special administrations acquire the ownership of them from the moment they are registered in the SLC. This process is implemented in accordance with the land legislation, and consists of a number of stages.”

Registration of the NNP territory in the State Land Cadastre of Ukraine is performed after the development (in accordance with the Law of Ukraine “On Land Management”) of a land management plan and establishing the boundaries of the territories of the nature reserve fund and of other conservation, health improving, recreational, historical and cultural, forestry purposes, lands of the water fund and water protection zones, restrictions on land use and their regime-forming sites (land management plan), which is carried out in accordance with the Law of Ukraine “On the State Land Cadastre”. [4, 5]

Accordingly, in order to perform the State registration of the NNP territory, the special park administration should carry out a number of stages:

- a decision of local government to permit development of the Land Management Plan;
- development of the Land Management Plan;
- review of the Land Management Plan by the relevant central executive bodies;
- approval of the Land Management Plan;
- State examination of the Land Management Plan;
- registration of the NNP in the State Land Cadastre;
- setting out the boundaries of the NNP. [5]

In accordance with the land legislation, the NNPs are registered in the SLC by the special park administration as the permanent user, with the *intended purpose 04.03 “For the conservation and use of national natural parks”*. Other users ‘land plots that are part of the NNPs can be registered within the economic zone of the NNP without being withdrawn from landowners, which in turn is permitted by the use regime in accordance with the Law of Ukraine “On the Nature Reserve Fund of Ukraine”.

It was found that the mechanism of State registration of the NNP territory is implemented in accordance with the Presidential Decree on the basis of perpetual use of land plots that are part of the NNP without being withdrawn from land users, which in general represent the whole territory of the NNP.

The NNP must be registered on the Public Cadastral Map of Ukraine according to the classifier (section “C”, Land of the Nature Reserve Fund and of other nature conservation purposes), and be assigned with the code 04.03. [6]

The state of the state registration of NNP land was investigated: for Ukraine’s NNP sit takes 1 to 2 years to be registered (from the moment of obtaining the permit from the local government for the development of the land management plan by the moment of actual state registration, the average market value of the land management plan is 1.5 mln. hryvnias.

Methods

During 26 years of Ukraine’s independence in accordance with the Presidential decrees, there are 47 NNPs with a total area of 2,444,194.95 hectares in our state. So, 47 land management plans were (*should be*) developed... Their estimated cost was 70.5 million hryvnias from the State Budget of Ukraine.

It became known from the letters from the Minpryrody that there are 4 NNPs in Ukraine containing separate plots registered in the SLC and having cadastral numbers assigned, the purpose of these land plots 04.03 – “For the conservation and use of national natural parks”. The total area of these land plots is 12,112.4532 hectares. And 9 NNP are registered as prescribed and vested with the right of NNP perpetual use, their total area is 127,805.4166 hectares.

Land plots registered in the SLC as NNPs and land plots with state certificates of the right of perpetual use issued in respect of the NNP, are 139,917.9 ha in area and 12 in number.

During the years of Ukraine’s independence, there were whole land complexes registered in the SLC as NNP territories, in accordance with the Presidential Decree “On the establishment of NNP ...”. [9]

Having compared the indicators of accounting the territories of the Ukraine’s NNPs by various central executive bodies, namely, Minpryrody and the Ministry of Agrarian Policy and Food of Ukraine (Derzhheokadastr), we found a significant discrepancy. Minpryrody accounts the NNP territories in accordance

with the Presidential Decrees on their establishment, while Derzhheokadastr accounts the NNP territories as registered land plots allocated to the park for perpetual use and land plots included in the NNP without their withdrawal from land users:

-Minpryrody – 47 NNPs, the total area of 2,444,194.95 hectares;

-Ministry of Agrarian Policy and Food of Ukraine (Derzhheokadastr)– 12 NNP s including registered land plots that are part of the NNP, with a total area of 139,971.9 hectares. It was found that 2,304,277.05 hectares of NNP territories established in accordance with Presidential Decrees were not registered in the SLC, respectively, the special NNP administrations did not acquire ownership of these territories. Such a trend is quite threatening and has irreversible consequences for conservation of especially valuable land, which should be included in the nature reserve fund. Since according to the land legislation, if the territory is not formed and not registered in the SLC, then the status of this territory is free. Thus, local government and administrations can make decisions regarding free land, which in turn leads to its loss and protracted disputes over these territories to be included back in the NNP. Such disputes are handled in Kyiv and in Odessa, Kherson, Mykolaiv regions. Disputes last for years, meanwhile the territory, which, in fact, does not have an owner, degrades. [7.8]

Conclusion:

Formation of NNPs in accordance with the applicable legislation consists of a number of stages. An NNP is considered to be formed upon setting out the NNP boundaries, which is carried through pre-registration of its boundaries in the SLC.

According to the existing State system of forming NNPs, during 26 years of Ukraine's independence only 139,917.9 hectares of NNP territories were registered in the SLC, but according to the Presidential Decrees in Ukraine, 2,444,194.95 hectares were allocated for NNPs. And the formed Ukraine's NNP territories are 5.72%. There is no single NNP in Ukraine formed as a whole.

Derzhheokadastr accounts NNP territories in accordance with the registration of land in the SLC; at the same time, Minpryrody accounts NNPs in accordance with the Presidential Decrees. It is obvious that Minpryrody and Derzhheokadastr account the NNP territories differently. This difference in the approaches of registration of one NNP territory by the central executive bodies leads to misunderstandings, significant violations of the environmental legislation and runaway spending of the State Budget of Ukraine.

The existing state system of forming NNPs does not work. In fact, the NNP territory is not registered in the SLC and is free, there are no expected results from land management plans as land management plans have to undergo a lot of approvals and examinations, their development at the moment makes no economic sense, in fact, the State cannot register especially valuable land using its own budget in the shortest time possible. The leadership of Minpryrody seems not to notice this, and on the contrary, Minister Ostap Semerak declares the allocation of more than 100 mln. Hryvnias from the State Budget for the development of land management plans and their further registration in the SLC. It becomes obvious that the funds allocated will also be wasted, since the registration of NNP territories in the SLC is not the end. According to the land legislation, an NNP is considered to be formed upon setting out its boundaries. So, Minpryrody must allocate additional funds for setting out the boundaries.

Since the boundaries of an NNP are not set out, and the project documentation does not specify clear boundaries of the NNP, monitoring is impossible.

According to the environmental legislation, one of the main tasks of Minpryrodyand, accordingly, the special NNP administrations is monitoring.

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