

ENVIRONMENTAL PROTECTION REGULATORY MATTER IN UKRAINE IN 1960S-1980S

Lisohorova Katerina¹

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The Ukrainian Soviet Socialist Republic as a part of the Union of Soviet Socialist Republics remained dependent in a political sense on the Union centre, and its economy was a component of the national-economic complex of the USSR. In the second half of 1960s – at the beginning of 1980s the party-state leadership elite of the USSR tried to preserve the existing command-and-control management method.

In the mentioned period we could observe the decrease of natural environment, growth of man-induced impact on the nature, the continued intense chemicalization of agricultural sector.

In accordance with the provision of the Constitution adopted in 1978, the Ukrainian SSR had a right to carry out development and approval of economic and social

¹ Yaroslav Mudryi National Law University, Ukraine

development plans, support of scientific-technological progress, and implementation of measures focused on rational use and conservation of natural resources, establishment of a procedure for using land, mineral wealth, waters, forests.

In accordance with provisions of Article 73 of the Constitution of the Union of Soviet Socialist Republics 1977 the powers of the higher bodies of state authority and management of the USSR were as follows: to define main directions of scientific-technological progress and common measures related to the rational use and conservation of natural resources. Article 40 of the Constitution of the Ukrainian SSR 1978 ensured the right of the Ukrainian citizens to use safe environment. A part of these provisions bore declarative character. New Constitution of the Ukrainian SSR 1978 did not introduce essential changes into the state and social life of the Soviet Republic, democratization of society and growth of political activity of the masses [1, p. 407].

Legal protection of natural environment was reflected in adoption of series of legal acts regulating protection and rational use of land, its mineral wealth, waters, forests, protection of atmospheric air and wild life protection.

The Constitution of the USSR and the Constitution of the Ukrainian SSR, other laws of the USSR, laws of the Ukrainian SSR played a key role in the system of natural resources legislation. Fundamental principles of the land legislation of the Union of Soviet Socialist Republics and Soviet lands, fundamental principles of water legislation of the Union of Soviet Socialist Republics and Soviet lands, the Land Code of the Ukrainian SSR, the Water Code of the Ukrainian SSR, the Natural Resources Code of the Ukrainian SSR and other special legislative acts regulated legal condition of particular parts of state fund of natural resources. Normative edicts of the Presidium of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the Ukrainian SSR, ordinances and resolutions of the all-union and republican governments, regulatory orders and instructions made by the ministries and departments of the Union and republics were also focused on the regulation of procedure for natural resources use.

The legal norms related to the environment protection contained basic ideological directions of the party policy, in particular, in joint decrees of the Central Committee of the Communist Party of the USSR and Council of Ministers of the USSR there was control on the part of party organs of all levels both all-union and republican.

The sixties of the twentieth century actually signalled the beginning of the development of ecology law science. It was associated with the impact obtained by the scientific researches of that period of time conditioned by the adoption of the nature conservation laws in all union republics of the former USSR [2, p. 165].

In June, 1960 the Verkhovna Rada of the Ukrainian SSR passed the *Law on Conservation of Nature of Ukrainian SSR*, in June, 1964 and in August, 1970 it was amended.

Except for general provisions related to the natural object conservation, the law defined functions of both governmental agencies and social organizations with regard to state and social monitoring of measures aimed at the nature conservation, rational use of natural resources, rehabilitation and continuous development of flora and fauna.

Juridical imperfection of the *Law on Conservation of Nature of the Ukrainian SSR* turned out to be in its incompliance with the special legislation on land, mineral

wealth, waters, forests. Mismatch of norms of the mentioned law with the norms of other environmental acts became one of the reasons of “gap” of the law with the special legislation on conservation of nature, that weakened its role as a regulator of environmental relations [3, p. 138-139].

Great attention was paid to the protection of land resources. under the terms of article 11. of the Constitution of the Ukrainian SSR, land, mineral wealth, waters, forests were in exclusive ownership of the state. In July, 1970 during the development of the provisions of the Fundamental Principles of Land Legislation (1968) Ukrainian SSR adopted the Land Code of the Ukrainian SSR.

Similar to the land resources, the water resources of the Ukrainian SSR were owned by the state, that made them almost abandoned.

Pursuant to the provisions of the Fundamental principles of Water Legislation of the USSR and Soviet Lands (1970) in June, 1972 the Water Code of the Ukrainian SSR was adopted. The water legislation defined as objects of legal protection all waters (water objects) subject to protection against pollution, clogging and exhaustion.

The water legislation obliged to construct at enterprises, which discharged polluted water in water-storage reservoir, waste treatment facilities, to prevent contamination and accumulation of mud in rivers, lakes, ponds, irrigation and drainage channels and other reservoirs.

Industrial production has been discharging in the water-storage reservoirs coal, which was suitable for fuel, oil and petroleum products. The researchers calculated that the cost of valuable substances being lost annually with industrial wastes during the mentioned period in the USSR, made up tens of millions karbovanets [3, p. 110].

The water resources were polluted as a result of various kinds of economic activity. However, the increase in volume and complication of physical and chemical content of industrial wastes had the greatest impact on this process. In 1975 in general in the Ukrainian SSR the volume of the industrial wastewater was 20,6 cubic kilometres [4, p. 53].

In order to improve the water resources conservancy, one raised a question on the size of water rate which would encourage industrial enterprises to water resources conservancy.

In July, 1975 the Supreme Soviet of the USSR adopted the Fundamental Principles of Legislation of the USSR and Soviet Lands on Mineral Resources, and in June, 1976 the Natural Resources Code of the Ukrainian SSR was adopted. These legal documents captured a system of legal measures ensuring the protection of natural resources against exhaustion and pollution, occupational safety when using natural resources.

The issues of legal protection of atmospheric air were reflected in the *Law on Protection of Atmospheric Air* on the 25th of June, 1980 passed by the Supreme Soviet of the USSR and a similar law passed in the Ukrainian SSR in November, 1981.

The mentioned law contained a broad list of breaches of legislation on protection of atmospheric air, in particular, excess of regulation governing maximum permissible discharges of polluting agents and negative impact on the atmosphere.

In June, 1977 the Supreme Soviet of the USSR passed the Basic Forest Law of the USSR, and in December, 1979 the Forestry Code of the Ukrainian SSR. These legislative decrees, first of all, regulated forestry relationships in order to ensure rational use of forests, as well as their protection and conservation.

In June, 1980 the Supreme Soviet of the USSR passed the *Law on Wildlife Protection and Preservation*, the similar law was passed by the Verkhovna Rada of the Ukrainian SSR in November, 1981. The aim of the legislation on wildlife protection and preservation was to regulate relationships in the branch of wild animal protection and preservation in order to provide conditions of their living in the context of natural freedom.

In the Ukrainian SSR measures aimed at the improvement of environmental protection policy were taken, a good many of legal acts in the field of conservation of nature were adopted, but the command-and-control methods of the regulatory legal act provision implementation did not lead to the expected results.

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