

Environmental Collaboration for the Black Sea  
Legal and ICZM Working Group meeting.  
June 02, 2009  
Minutes

Participants:

Yelena Panina – National Team Leader Ukraine ECBSea Project

Experts: Tamara Panchenko, Victor Karamushka, Natalia Chyzhmakova,

The aim of the meeting was to discuss the improvement of the draft Law of Ukraine on Coastal Zone following the decisions of the Legal Stakeholder Meeting of 16 March, 2009 and consultations with the Ministry for the Environmental Protection of Ukraine, with participation of the Project key legal expert Clair Dupont.

At the beginning of the meeting Ms Panina pointed that the project legal activities were close to completion, and according to the decision of the 4<sup>th</sup> SC meeting the work on the improvement of the draft law developed by the project had to be finalized late June - early July. At the end of June Key legal expert Ms Dupont is arriving to Kyiv for having final revision and discussion of the draft Law on Coastal Zone, Guidelines on Territorial Planning and Survey of the National and Local Wetlands, and a meeting with the Ministry representatives. It was also mentioned that Mr. Bon of the Ministry promised to send detailed comments included in the text of the draft law by 25 May. However his comments had not been received by that moment which of itself couldn't prevent the expert group from finalizing their work.

Then national experts went through the text of the draft Law Article by Article.

Discussion:

It was suggested to give another wording to the first sentence.

It was decided that **Article 1** of the first Chapter needs clarification in terminology: ICZM is not a complex, but a system. It was suggested to add to this Article the following terms: marine territories (marine regions, oblasts), coastal protected area and water protected area to differ clearly coastal and protective areas.

**Article 2** caused many questions. It was suggested to restrict coastal zone to the limits of the water protected area. It was agreed that Ms Chyzhmakova would check with the existing legislation if the water protected area is really limited to 2 km. It was suggested to include and mark water protected area and coastal protected area into Scheme.

As for **Article 4** of the Chapter 1, Ms Panchenko suggested and all experts agreed that the most important issue connected with coastal zone, which can cause difficulties is land. That is why the issue of land management should be reflected in the objective of the Law on coastal zone. It was decided that she would think and formulate this article.

**Article 5 p.1** Ms Panchenko suggested mentioning historical zones in this paragraph.

**Paragraph 2** Mr Karamushka suggested adding wetlands to the list of lands which should be included in the nature protected fund.

**Article 6** caused many questions and discussions on terminology. Ms Panchenko suggested including water protected area and the coastal sea waters territory in coastal zone. As was already

mentioned the terms: coastal ( , ( - )  
– , ) territories, coastal protected area and water protected area  
should be defined in the paragraph 2 on definitions. Mr Karamushka suggested also adding one sub-  
paragraph to list all areas included in the Coastal Zone. It was decided that this article needs further  
development.

### **Chapter 2, article 7.**

It was pointed by Ms Panchenko that the building documentation has specific terminology (scheme – is a planning document at the rayon or oblast level, plan is at the city level, project – at level of building) and it would be logical to use this in the law. For example, project of the development of the coastal zone should be named as a **scheme of the territory planning of the coastal zone** (Ms Dupont asked about the document name in her suggestions).

It was also suggested to add tourist zones to the list of functional zones.

It was agreed that article 7 should be reformulated and the term **scheme of the territory planning of the coastal zone** would be inserted in the further text of the draft law.

**Article 8** It was decided that Ms Panchenko and Mr Karamushka would check and reformulate paragraph 2.

**Article 9** Ms Chizhmakova would check and reformulate the public hearing organisation (p. 2) and also p. 6 about public opinion.

**Article 10 p. 2** first sentence should be finished with the words “according to the legislation”. Ms Panchenko is concerned about the publishing of the full text of the Law because the whole Black Sea coast is border zone. She agreed to check with the law on Security what security restrictions exist for the border zones.

**Article 11** Mr Karamushka suggested and all experts agreed that the role of the State should be reflected clearer in this article. He is going to formulate it.

### **Article 13 of the chapter 3, p.2**

Mr Panchenko suggested formulating the p.2 in the following way: New building at a distance of up to 2 km before the establishment of the coastal protected and water protected areas and **before the development of planning documentation** is prohibited. She suggested that it's important to insert **before the development of planning documentation**. Mr Karamushka noted that the new building out of the limits of centres of population on the 2 km distance can be implemented and suggested to reflect this in the paragraph. Also it was mentioned that there is a contradiction between article 13 and article 14 regarding the building within the coastal zone limits. It was agreed to consult with Ms Malysheva and revise those articles.

**Article 18** Ms Panchenko suggested that the last sentence should be added with “**reservation of the resort –recreational resources**”.

It was mentioned that **article 19** should be more specific and all interests should be taken into account. It was agreed to reformulate it.

**Article 23** should be revised and rephrased.

**Article 25** it was agreed to revise and write it in more details.

In the **Article 27** the role of Councils should be written clearly.

After the detailed discussion of the draft law articles all the experts looked back at the key legal expert's recommendations and came to a conclusion that they would not agree to keep the coastal

zone (stripe) without determination of its limits. However, it was agreed that the relevant planning document would have to be included in the scheme for territorial planning of the relevant rayons and population centres (coastal territories). It should mainly serve to define the limits of water protection zones and belts (pribrezhnaya zaschitnaya polosa), to ensure that there is free access to beaches, to define sensitive areas such as dunes, to identify areas where the environment carrying capacity is at risk on the whole coastal territory. They also agreed that the name of the planning document should be the Scheme of territory planning which corresponds to the Planning documentation terminology. As Ms Dupont recommended it can include two parts:

- A scheme showing the main sensitivities, the outline of the water protection zone/belt and the relevant zones
- A 'proekt' showing more in details, beach areas, the water protection zone/belt and access to the sea: this proekt would only focus in terms of geographical scope on the water protection zone.

### Conclusions:

During the discussion it was decided that experts will review and add/reformulate the following Articles of the draft law: Ms Panchenko - Articles 4, 6, 7, 8 and 10; Mr Karamushka – Introduction, Art 6, 11, 19 and 23; Ms Chyzhmakova – Art. 2 and 9.

It was also agreed that the major bulk of the suggestions made by Ms Dupont to the draft law (sent in by email) would be considered and included.

Also it was agreed that Mr Karamushka would meet with Mr Bon at the Ministry for the final discussion and coordination of the new version of the draft law. Since the amendments/changes are done the final draft will be sent to Ms Malysheva, the senior legal expert of the project, for commenting/confirmation.

The final meeting will be held late June – early July when Key legal expert Ms Dupont comes to Kyiv. Within this time frame it was decided to complete the work on the draft law, Guidelines on territorial planning and pass them to the Ukraine beneficiary representative.