Insert country name: UKRAINE

1. Status of the main human rights conventions & other relevant instruments

This checklist is to enable you to track and assess the status of the main global and regional conventions on human rights with impacts on water management in your country.

	Signed	Ratified	Year
Conventions			
Universal Declaration of Human Rights		✓	1948
International Covenant on Economic, Social and Cultural Rights	√	✓	1968/1973
Convention for the Rights of the Child	✓	✓	1990/1991
Convention on the Elimination of all forms of discrimination against Women	✓	✓	1980/1981
Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	✓	✓	1986/1987
International Convention on the elimination of all forms of racial Discrimination	✓	✓	1990/1991
Regional Instruments (Europe)			
CoE Convention for the Protection of Human Rights and Fundamental Freedoms	√	✓	
CoE Framework Convention for the Protection of National Minorities	√	✓	1995/1998 entered into force 1998
UNECE Convention of the Protection and Use of Transboundary Watercourses and International Lakes		✓	1999
UNECE Protocol on Water and Health	✓	✓	1999/2003
UNECE Aarhus Convention	✓	✓	1998/1999
UNECE PRTR Protocol	✓		2003
Transboundary water courses agreements (if applicable)			
Rhine			
Danube			
Cooperation agreements with neighbouring countries on shared water resources	✓	✓	

Hungary; Romania; Czech Republic; Poland; Ukraine; Slovakia; Serbia and Montenegro: Framework Convention on the Protection and Sustainable Development of the Carpathians.

Date of text: 22 May 2003.

Entry into force notes: The Convention shall enter into force on the ninetieth day after the date of deposit of the

fourth instrument of ratification, approval, acceptance or accession. **Source:** Publication of the United Nations Environment Programme.

Type of text: Agreement

Ukraine; **Syrian Arab Republic:** Agreement between the State Committee on Water management of Ukraine and the Ministry of Irrigation of Syria on cooperation in the sphere of water management.

Date of text: 21 April 2002.

Entry into force notes: The Agreement enters into force on 25 June 2003.

Type of text: Agreement

Available web site: www.rada.kiev.ua

Comments: The present Agreement shall be valid for five years and it will be automatically extended for one or more five-year periods, unless six months before its expiry one of the Parties informs the other, in writing, of its decision to terminate it.

Ukraine; Belarus: Agreement between the Cabinet of Ministers of Ukraine and the Government of Belarus on joint management and protection of transboundary waterbodies.

Date of text: 16 October 2001.

Entry into force notes: The Agreement entered into force on 28 February 2002.

Type of text: Agreement

Available web site: www.rada.kiev.ua

Comments: The present Agreement shall be valid for ten years and it will be automatically extended for one or more ten-year periods, unless six months before its expiry one of the Parties informs the other, in writing, of its decision to terminate it.

Armenia; Azerbaijan; Belarus; Georgia; Kazakhstan; Kyrgyzstan; Moldova, Republic of; Russian Federation; Tajikistan; Turkmenistan; Ukraine; Uzbekistan: CIS Agreement on rational management and protection of transboundary waterbodies.

Date of text: 11 September 1998.

Entry into force notes: The Agreement entered into force for Belarus, Tajikistan and the Russian Federation on

6 June 2002.

Type of text: Agreement

Available web site: www.jointrivers.org

Comments: The present Agreement shall be valid for ten years and it will be automatically extended for one or more five-year periods, unless otherwise decided by the Parties.

Agreement on transboundary waters between Hungary and Ukraine.

Basin: Danube

Date of text: 11 November 1997.

Entry into force notes: Provisions of the Agreement should be observed since 15 May 1999.

Type of text: Agreement

Abstract:

This Agreement concerns the protection against damages caused by transboundary waters as well as the rational utilization of surface waters and other resources. Cooperation in the construction and maintenance of waterworks is also covered in the Agreement. It shall remain in force for five years from the date of its entry into force.

Cooperation Agreement between Ukraine and Egypt in water management.

Date of text: 15 June 1997.

Entry into force notes: The Agreement entered into force on 26 June 1998.

Type of text: Agreement

Available web site: www.rada.kiev.ua
Full text available (Ukrainian): bi-65832.doc

Comments: The present Agreement shall be valid for five years and it will be automatically extended for one or more five-year periods, unless six months before its expiry one of the Parties informs the other, in writing, of its decision to terminate it.

Ukraine; Moldova, Republic of: Agreement between the Government of Ukraine and the Government of Moldova on joint boundary waters management and protection.

Date of text: 23 November 1994.

Entry into force notes: The Agreement enters into force from the date of the exchange of the ratification

documents.

Type of text: Agreement

Available web site: www.rada.kiev.ua

Comments: The period of validity shall be five years and the Agreement shall be automatically extended for the subsequent five-year periods unless one of the Parties informs the other in writing of its decision to terminate it a year before the expiry.

Austria; Bulgaria; Croatia; Czech Republic; Germany; Hungary; Moldova, Republic of; Romania; Slovakia; Slovenia; Ukraine; European Community: Convention on cooperation for the protection and sustainable use of the Danube River (Danube River Protection Convention).

Basin: Danube

Date of text: 29 June 1994.

Entry into force notes: The Convention shall enter into force on the ninetieth day following the date of deposit

of the ninth instrument of ratification, acceptance, approval or accession (art. 27).

Type of text: Agreement

Available web site: europa.eu.int

Full text available (English): mul17444.pdf; mul17444.doc

Ukraine; Russian Federation: Agreement between the Government of Ukraine and the Government of the Russian Federation on joint transboundary waterbodies management and protection.

Date of text: 19 October 1992.

Entry into force notes: The Agreement enters into force from the date of signature.

Type of text: Agreement

Available web site: www.government.ru
Full text available (Russian): bi-65504.doc

Comments: The period of validity shall be five years and the Agreement shall be automatically extended for the subsequent five-year periods unless one of the Parties informs the other in writing of its decision to terminate it a year before the expiry.

(source http://faolex.fao.org/waterlex/index.htm)

2. Assessment of country context to implement a HRBA to water

This check list aims at helping with the assessment of the enabling environment in the country as well as the main socio-political problems in the country.

Socio-political context
Priorities for human development

Socio political context	
Priorities for human development in the country (development plan)	The United Nations country programme (2006-2010) ¹ for Ukraine builds on the common country assessment (2005), the United Nations development assistance framework (UNDAF) of 2005 and the findings of the assessment of development results (2004). The country programme for 2006-2010 aims to support the Government in its efforts to achieve European Union standards through a new wave of policy reforms; build institutional capacity and implement successful practices to help develop a healthy relationship between the State and its citizens; enact efficient decentralization; promote the growth of a vibrant private sector; and empower citizens. ² Also in place is the EU-Ukraine Action Plan building on the Partnership and Cooperation Agreement (PCA) ³ signed already in 1994. The implementation of the Action Plan will significantly advance the approximation of Ukrainian legislation, norms and standards to those of the European Union. The Action Plan is also designed to devise and implement policies and measures to promote economic growth and social cohesion, to raise living standards and to protect the environment, thereby contributing to the long-term objective of sustainable development. ⁴
Integration of WSS in the development plan	National strategy in place for WSS. ⁵ Access to clean water is included as a priority issue in the MDGs for Ukraine. ⁶
Current level of achievement of the MDGs on WSS	
Support in the country for HRBA to WSS	No information found.
Respect of rule of law in the country	The Constitution lacks an efficient system of checks and balances. Training of judges on human rights took place throughout 2007. Further efforts to improve the court reform process to ensure the independence, impartiality and efficiency of the judiciary are needed. ⁷
Fight against corruption in the country	Although the problem of corruption has been addressed at political level as a priority. To date, no real progress has been made. As a response to the urgent need for legislation in this field, drafting of laws targeted at eliminating corruption was initiated in 2006.

¹ United Nations Country programme document for Ukraine (2006-2010) http://www.undp.org.ua/files/publications/cp.pdf

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United Nations Country programme document for Ukraine (2006-2010) http://www.undp.org.ua/files/publications/cp.pdf

³ http://ec.europa.eu/world/enp/pdf/action plans/ukraine enp ap final en.pdf

⁴ http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_final_en.pdf

⁵ http://www.oecd.org/dataoecd/29/46/36388760.pdf

⁶ UNECE Environmental Performance Review Ukraine 2007 available under Publications on the UNECE Environmental Committee website.

Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine, SEC(2008) 402, Brussels 3 April, 2008 http://ec.europa.eu/world/enp/pdf/progress2008/sec08 402 en.pdf

⁸ Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine, SEC(2008) 402, Brussels 3 April, 2008 http://ec.europa.eu/world/enp/pdf/progress2008/sec08 402 en.pdf

	Drafting and implementation of these efforts were, to some extent, hampered in the turmoil of the political crisis following the April 2007 Presidential decree on early elections and dissolution of the Parliament. Thus the actual implementation of the initiatives still remains to be undertaken. Ukraine has yet to ratify the UN Convention on Anti- Corruption as well as the CoE's Criminal Law Convention on Corruption.
Minority and vulnerable and marginalised groups in the country with regard to access to water and sanitation	Radiation contamination in the northeast from the 1986 accident at Chornobyl Nuclear Power Plant continue to pose grave threats to the populations in these areas.
Any discriminatory practices identified and reasons for this	Ukraine is a transit country for irregular migrants coming from Asia, Arabic countries and Africa. It is important to take note, that at the same time as the number of migrants is rising legislation on refugees and asylum has major shortcomings. The refugee laws in place, for example, have no provisions on non-discrimination of refugees on grounds of race, religion or country of origin. (This is especially serious for the ethnic Chechens from Russian Federation, who are generally not recognized.) This may have consequences in regard to the right to water.
Transboundary water courses/bodies problems	The dispute over the boundary between Russia and Ukraine through the Kerch Strait and Sea of Azov remains unresolved despite a December 2003 framework agreement and ongoing expert-level discussions; The ICJ gave Ukraine until December 2006 to reply, and Romania until June 2007 to rejoin, in their dispute submitted in 2004 over Ukrainian-administered Zmiyinyy/Serpilor (Snake) Island and Black Sea maritime boundary; Romania opposes Ukraine's reopening of a navigation canal from the Danube border through Ukraine to the Black Sea.
UNDP indicators of human development – vulnerability and poverty in the country	"For Ukraine poverty is a fairly new phenomenon, which originated from the re-distribution of resources during the country's historic transformations on the way to a market-based economy. Ukraine the worst situation is observed in rural areas , where almost 40 per cent of the population are poor. Ineffective distribution of state budget social assistance funds and underdeveloped healthcare system has been named among the main reasons behind these alarming figures. Various research works show that through many years other social groups are at risk of poverty. These are: families with two and more children, families with a child aged under three, households with at least one unemployed, households with persons aged over 75, pensioners, and people with disabilities."
National resources (budget and programmes) – notice that according to UN, countries should spend 1% GDP for WSS	Many EECCA countries are currently spending a much smaller share of their public budgets to invest into environmental protection than most EU and EU accession countries. However, some EEECCA countries (Moldova, Georgia, Kazakhstan, Russian Federation and Ukraine) devote a share of their national income to environmentally-related expenditures comparable to OECD and EU accession countries. At the same time, tax collection and public capital expenditure are at very low levels in many places of EECCA. In many cases, there is, hence, a potential to both increase the total amount of public budgets (the size of the pie), as well as increasing the share of these resources

⁹Global price shocks threaten to increase poverty in Ukraine – UN experts say, Thursday, April 17, 2008, UNIAN Net, http://povertynewsblog.blogspot.com/2008/04/global-price-shocks-threaten-to.html

that is being allocated to environmental protection (the size of the piece). Description information on how much money is spent on WSS from budget not found. From 2001-2004 environmental expenditures as a whole represented about 1.7%-1.8% of GDP.

Identification of programmes and projects in the country (national and international)

The following national programmes are currently and/or are to be implemented:

- A national programme to clean up the Dnipro Basin and improve the quality of drinking water; The Drinking Water of Ukraine Programme;
- State programme to establish a national ecological network for 2000-2015;
- Complex programme for implementing at the national level decisions adopted at the World Sustainable Development Summit for 2003-2015;
- Comprehensive programme for top-priority provision of centralized water supplies to rural areas which utilize imported water for 2001-2005 and up until 2010;
- State Forests of Ukraine 2002-2015 Programme;
- State programme of water management for 2002-2011;
- Also formulation of the state programme of natural protection and development to 2020 has begun.¹²

Other projects include:

Support to Civil Service Reform in Ukraine

UNDP Ukraine

2007-2009

The Project's overall objective is to contribute to the Ukrainian Government reform programme towards a more transparent and efficient public administration, operating on the basis of EU oriented principles, as described in the Civil Service Development Programme adopted in June 2004. More specifically, it will contribute to the adoption of legislation and administrative regulations supporting these new policy developments and to building the capacity of the MDCS in fulfilling its mandate, in particular in its training and development activities.

National Capacity Self-Assessment for Global Environment Management in Ukraine

GEF UNDP

2004-2007

The objective of the National Capacity Self-Assessment for Global Environment Management is for Ukraine to undertake a capacity assessment so that it can meet its requirements under the global environmental conventions, in particular those pertaining to climate change, land degradation, biodiversity, migratory waterbirds, biosafety.

<u>Dnipro Basin Environment Programme - PDF B Stage</u> UNDP-GEF

¹⁰ http://www.oecd.org/dataoecd/60/53/34927542.pdf

http://www.undp.org.ua/?page=mdg

¹¹ UNECE Environmental Performance Review Ukraine 2007 available under Publications on the UNECE Environmental Committee website.

¹² National Analytical Report "Millennium Development Goals: Ukraine. 2000+5" (2005)

2005-2007

The Development Objective of a PDF B is the same as for the Full-Sized Project that is being prepared, "To reduce transboundary industrial chemical pollution from small industries currently discharging through municipal waste systems".

UNDP/GEF Consolidation of the Polissya ecological corridor

The project aims at ensuring proper conservation and sustainable use of freshwater ecosystems' biological diversity. Existing threats to wetlands' biodiversity will be removed by mainstreaming biodiversity protection with socio-economic goals in the targeted areas. Upon the project's completion we will develop sectoral integration in the management and conservation of the project's sites and in the areas adjacent to those sites. Project activities include expanding a system of conservation areas, taking remedial actions in areas under threat, promoting sustainable use and conducting public awareness and education components. The project contains built-in mechanisms for monitoring its outcomes, both in terms of ecosystem structure/function and sustainable use of land resources by the local population.

Municipal Governance and Sustainable Development Programme

UNDP Ukraine

USD 856 400

The Programme provides training and seed capital to implement plans under a partnership arrangement. The partners such as the municipality, the beneficiaries themselves, or other private and public sectors also contribute resources as a back up to the seed capital. The plans are implemented by the partner on a self-help basis. Implementation work and quality is monitored through a participatory monitoring system.

Millennium Development Goals Project

UNDP Ukraine

2004-2006

The mission works to ensure participatory development of effective economic strategy, planning and forecasting in Ukraine by integrating the UMDGs into the main country's development frameworks, building partnership, supporting democratic governance, and facilitating public involvement in policy making processes at all levels.

Agricultural Policy for Human Development

UNDP Ukraine

2001-2007

The overall objective of the project is to improve Ukraine's agri-food and rural development policy in order to systematically and consistently develop the contribution that agriculture and food processing can play, thereby alleviating poverty in rural areas, and more generally, stimulating growth in the Ukrainian economy for the benefit of all.

Environmental Collaboration for the Black Sea (Tacis)

EuropeAid 2006 -2009

EUR 2,200,000.00

The overall objective of the project is to contribute to the sustainable development of the Black Sea Basin by the prevention and reduction of input of pollutants and by the sustainable management and/or protection of natural resources.

Trans-boundary river basin management: phase II (Tacis)

EuropeAid 2005-2007 EUR 1,850,600

Trans-boundary river basin management for the Seversky-Donetsk river basin

Water Investment Support Facility (Tacis)

EuropeAid 2005-2008

EUR 2,699,100

The overall objective of the project is to improve access to safe drinking water and adequate water services, as well as strengthening water governance and reducing water pollution.

The specific objective is to provide consultancy services in order to facilitate project finance in the WS&S and IWRM sectors, by means of supporting project preparation on request by IFIs.

Sustainable Integrated Land Use of the Eurasian Steppes (Tacis)

EuropeAid 2007-2010

EUR 2,600,000

The specific objectives of this contract are to provide the beneficiary countries with the necessary technical assistance increasing sustainable land use in wetland, steppe and forest steppe ecosystems.

Water Governance in the Western EECCA countries (Tacis)

EuropeAid 2008-2010

EUR 2.088.740,00

The Overall Objective of this action in the region is to contribute to the reduction of pollution, to fair sharing and effective use of scarce water resources, to the improvement of the quality of shared water resources, such as trans-boundary rivers.

The specific objective is to have water legislation improved, implemented and enforced, approaching EU standards. Further to ensure fair distribution of water from resources available between beneficiary countries and consumers.

Municipal Services Support

EuropeAid Dec 2004-2007 EUR 1,996,950

The overall objective of the project is to improve the water services in Ukraine.

Capacity Building in Donetsk Oblast for Waste Management

EuropeAid 2005-2008

EUR 1,583,100

To implement and ensure the newly defined Regional strategy for solid domestic waste and to actively involve civil society and business in the process. The project will build on the results of a project ending mid-2004 and use a newly constructed recycling plant and a waste selective collection pilot project as basis for developing an integrated valorization chain involving both civil society and small businesses. The main components are: -legal framework; -demonstration project; -dissemination; -public awareness.

Technical assistance for the Lower Dnister River Basin Management Planning

EuropeAid 2005-2008 € 1,696,335

The project aims at improving the Lower Dnister river basin management including water quality, protection and restoration of the ecosystems using WFD as a general reference framework.

Sustainable Local Development

EuropeAid 2006-2010 EUR 4,981,00

The purpose of the project is to promote and demonstrate in a few middle-size cities, a comprehensive and holistic approach on sustainable local development. The project will design and develop a comprehensive sustainable development strategy in the selected municipalities. The project will also stimulate, focalize and coordinate other relevant EU assistance. In addition, the project will design, procure and monitor substantial works for upgrading municipality's essential services, such as water supply and treatment or other utilities.

Support to Sustainable Regional Development

EuropeAid 2008-2012

EUR 6.000.000.00 (max budget)

The project will focus on economic development. Its purposes are: (a) to strengthen the Ukrainian authorities' capacity in policy formulation and decision-making process for sustainable regional development, (b) to establish a National financial instrument for regional development, (c) to assist the Ukrainian authorities in implementing the plan of activities for sustainable regional development. The project will adopt a comprehensive approach at strategy, instrumental and implementation levels.

Transboundary Waters Management Experience in Europe, Caucasus and Central Asia (TWME-ECCA)

GEF 2005-2007 USD 1,944,717

The aim of the project is to capture Best Practices, Knowledge and Lessons from GEF-IW (Transboundary Land and Water Management) throughout the RBEC region.

Strengthening the Implementation Capacities for Nutrient Reduction and Transboundary Cooperation in the Danube River Basin (Tranche 2)

Tranche 2 Total: 25,118,000 (GEF 12,240,000; ICPDR 6,000,000; Governments/ NGOs / others 6,878,000)

2003-2006 (Phase 2) UNDP, GEF, EU

The long-term development objective of the proposed Regional Project is to contribute to sustainable human development in the DRB and the wider Black Sea area through reinforcing the capacities of the participating countries in developing effective mechanisms for regional cooperation and coordination in order to ensure protection of international waters, sustainable management of natural resources and biodiversity.

Establishment of Mechanisms for Integrated Land and Water Management in the Tisza River Basin

GEF, UNDP Bratislava Regional Centre (Implementing Agency), UNOPS (Executing Agency)

2006-2008

Total: 1,950,000 (GEF 1,000,000; Governments 400,000; EU 300,000; UNDP 200,000; UNEP 50,000)

A major product will be the development of a regionally owned Strategic Action Programme, which will to the extent possible be streamlined with an EU River Basin Management Plan for the Tisza, meeting the requirements of the Water Framework Directive, and a Flood Prevention and Risk Management Strategy, while at the same time addressing wider sustainability issues in the water, agriculture, energy, industry and navigation sectors, highlighted by the work of the UNDP in their Tisza Basin Sustainable Development Strategy. Thus the project will provide a bridge between these on-going initiatives in a single regionally owned and nationally coordinated planning document which will allow for deepening and widening the planning scope.

Implementation of Priority Interventions of the Dnipro Basin Strategic Action Program: Chemical Industrial Pollution Reduction and The Development of Joint Institutional Arrangements Reducing Trans-boundary Degradation of the Kura-Aras River Basin (GEF PDF-B)

UNDP/GEF

Total: USD 700.000 (GEF)

2005-2007

The PDF B Project will prepare a Full-Sized Project Proposal addressing the problems of cleaner production and effluent pretreatment for smaller and in many cases privatized industries, discharging through the Vodokanals. This will also address issues of sustainable financing mechanisms and legal and regulatory requirements.

Strategic Workplan to Strengthen the Regional Capacity on Water Governance

UNDP/BRC 2006 - 2007 EUR 350,000.00

Water Governance Community Strengthening

Zhytomyr Water and Wastewater Project

EBRD

2008

EUR 12.6 million.

Municipal and environnemental infrastructure.

Véolia Voda Equity Investment

EBRD 2007

EUR 105 million

The proposed project is an equity investment for the Bank to subscribe to newly issued shares in the capital of Véolia Voda (the Company) representing a minority interest. The proceeds from subscription will be used by the Company to continue it expansion plans in Central and Eastern Europe (CEE), including Russian and Ukraine.

"Every Drop Matters" – a Regional Water Partnership Initiative between UNDP Europe & CIS and The Coca Cola Company Eurasia and Middle East Division

Coca Cola / EMED (US\$ 5m); UNDP (US\$ 1.25m); others 2006-2011

minimum USD 6.25million

This Regional Partnership Project aims to provide the framework and a joint action plan for water-related programming in the countries of Europe and the CIS, with a particular focus on increased access to safe drinking water, facilitating the use of environmentally sound industrial technologies, and outreach and awareness raising activities to promote responsible water resource management.

This Regional Public Private Sector Partnership Initiative will initially focus on countries under the coverage area of UNDP-RBEC as well as Coca-Cola EMED, and on the following three intervention areas:

- 1. Improved Access to Safe Drinking Water
- 2. Improved regional and industrial water management
- 3. Advocacy and communication

Identification of relevant NGOs and services providers

See section 3 "Policy and legislation to implement a HRBA to water" under "competent authorities" for a list of national authorities who will be important stakeholders. Also see discussion paper for a broad description of the main stakeholders and their functions in the region as a whole. On cooperation on transboundary waters the following seem to be most active partners in the country: UNDP, WB, EU and national donors such as Canada, Denmark, Sweden and Switzerland. ¹³ These are just examples, in order to be useful this section should be filled in during a country mission as it is difficult to make this kind of assessment through a desktop study..

Indicators (*e.g.*, number of persons connected, development of disaggregate indicators)

Main water users (linked to previous but useful to balance interests and prioritise access) Out of the freshwater withdrawal:

- goes to agriculture;
- to industry;
- for domestic use.

Population size Population using "improved water source"	Population using "improved sanitation"	Urban population connected to centralized water supply systems	Rural population connected to centralized water supply systems
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¹³ UNECE Environmental Performance Review Ukraine 2007 available under Publications on the UNECE Environmental Committee website.

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46.9 million ¹⁴	96%15	$96\%^{16}$	69% ¹⁷	26%18

Only 66% of rural population have access to clean drinking water whereas 88% of the urban have access. ¹⁹ The hinge towards making progress in achieving MDG clean water targets is simply providing adequate financing. Currently, many problems with supplying drinking water that meets sanitary standards remain unsolved. In its 2005 report on the MDGs, the UNDP signalled a severe lack of financing for implementation of the comprehensive, top-priority programme to provide centralized water supply systems to rural areas which utilize imported water, during 2001-2005 period prevented Ukraine from achieving programme goals: in 2001-2004, only 10% of needed funds were allocated for programme needs, and only 13% of required amount is budgeted for 2005. Additionally, none of the planned centralized water systems were built for rural communities without access to clean water during 2001-2004. At the same time, the share of the urban population with access to clean drinking water reached 87% in 2004, which matches the forecast. ²⁰

Infrastructure

	No information	Non- existent	Poor conditions	Adequate	Excellent
Waste water treatment plants			✓		
Water infrastructures to convey water to urban areas				✓	
Water infrastructure to convey water to rural or isolated areas			✓		
Private wells				✓	

Strategies and plans developed at national, regional or local level

The implementation plans should establish specific targets, **indicators and time frames** and identify the national and international resources available. They should be realistic in terms of resources available and timing (prioritisation is needed).

No	Nothing in	Poor	Adequate	Excellent
information	place		-	

¹⁴ Human Development Index 2008, http://hdrstats.undp.org/countries/data sheets/cty ds UKR.html

¹⁵ Human Development Index 2008, http://hdrstats.undp.org/countries/data_sheets/cty_ds_UKR.html

¹⁶ Human Development Index 2008, http://hdrstats.undp.org/countries/data_sheets/cty_ds_UKR.html

¹⁷ Water Supply and Sanitation in Rural Areas of EECCA, Financing water supply and sanitation in EECCA Conference of EECCA Ministers of Economy/Finance, Environment and Water and their partners from the OECD, 2005 available at: http://www.oecd.org/dataoecd/42/27/35394474.pdf

¹⁸ Water Supply and Sanitation in Rural Areas of EECCA, Financing water supply and sanitation in EECCA Conference of EECCA Ministers of Economy/Finance, Environment and Water and their partners from the OECD, 2005 available at: http://www.oecd.org/dataoecd/42/27/35394474.pdf

¹⁹ National Analytical Report "Millennium Development Goals: Ukraine. 2000+5" (2005), http://www.undp.org.ua/?page=mdg

²⁰ National Analytical Report "Millennium Development Goals 2005, http://www.undp.org.ua/?page=mdg

	No information	Nothing in place	Poor	Adequate	Excellent
National strategy for equitable management and governance of water			✓		
Regional/local action plans on water and sanitation			√		
Cooperation on transboundary waters				✓	
Cooperation with other states is fact UNDP, WB, EU and national donor.	cilitated through ors such as Canad	international tech da, Denmark, Sw	nnical coopera eden and Swi	ation in this area, tzerland. ²¹	including
Adaptation to climate change plans				✓	
Ukraine has made further progress on climate change issues as altogether 157 joint implementation projects have been prepared, even if only one has so far been registered at UN level. The EU-UN working group on climate change meet three times a year (2007 practice) and has agreed to focus on Kyoto Flexible Mechanisms as well as promotion of research and international action on mitigation and adaptation. Ukraine supports the EU initiative to reach a global and comprehensive post 2012 agreement by 2009, as agreed on Bali. ²²					
Water efficiency programmes and incentives			✓		
Water infrastructure financing strategies			✓		
The Ukraine has specifically identified the sub-national credit market as an instrument it intends to develop to assist in urban environmental infrastructure financing (including WSS). The steps towards the development of such a market show the needed combination of a number of institutions, at international, national, and local levels. ²³					
Other strategies [add lines as needed] e.g., IWRM plan, PRSPs, UNDAF, MDG etc	✓				

²¹ UNECE Environmental Committee, Environmental Performance Review, Ukraine 2007,

http://www.unece.org/env/epr/epr_studies/Ukraine%20II.pdf

22 Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine, SEC(2008) 402, Brussels 3 April, 2008 http://ec.europa.eu/world/enp/pdf/progress2008/sec08_402_en.pdf

²³ Financing Water Supply and Sanitation in Eastern Europe, Caucasus and Central Asia http://www.oecd.org/dataoecd/29/46/36388760.pdf

3. Policy and legislation to implement a HRBA to water

This section is for evaluating the adequacy and completeness of the legislation in place in a given country for implementing a HRBA to water. The checklists ask whether the specific requirements have been adequately established in the national legal order. The check list follow the three main elements of the right to water (accessibility, affordability, and water quality and availability), policy and legislation. Monitoring and enforcement are included in next section.

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)	
A right to water and sanitation is formally recognised in the relevant laws/constitution				✓		
The Constitution provides for right to life, right to health and the right to a standard of living sufficient for himself or herself and his or her family that includes adequate nutrition, clothing and housing. (Articles 27, 48 and 49 respectively) Additionally, the Aquatic Code of the Ukraine, Article 6 provides for the peoples of the Ukraine's ownership of water bodies.						
"Waters (bodies of water) are only. The people of Ukraine exerci the Supreme Rada of Ukraine, the the People's Deputies. Individ	the exclusive pro se their proprieta Supreme Rada o	ary right to the of the Autonomo in command of	ownership of wa ous Republic of waters (water r	ters (bodies of v Crimea, and loc esources) can be	vater) through al Councils of	
Competent authorities and responsibilities clearly identified			✓			
a. Accessibility						
	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)	
Prioritisation for water access clearly established in legislation –differentiated by sector			√			
Provision to extend WSS services to marginalised and vulnerable areas and groups		✓				
Access to traditional water sources in rural areas protected	✓					
Specific provisions on access to water in schools, hospitals, prisons and refugee camps			✓			

²⁴ http://pims.ed.ornl.gov/BlkSeawebsite/regulations/Ukraine/Ukraine regs.htm

b. Affordability

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)
Adequate regulatory system in place for private or public water and sanitation service providers – procurement and concession			√		
Pricing policies transparent with flexibility and cross- subsidies –differences between different sectors			✓		
Specific measures on disconnection to address poor and marginalised people concerns		✓			
c. Water quality and	availability (renamed No	esource alloc Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)
Water quality standards established and realistic			✓		
Ukraine needs to adopt more string	gent standards on	water quality.			
Priority substances identified and regulated (elimination)		✓			
Specific rules for drinking water catchment areas	✓				
Waste water treatment regulated in the legislation			✓		
Water discharges and					
extraction regulated in legislation (e.g., permits)	✓				
extraction regulated in	✓ □		□		

²⁵ Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine, SEC(2008) 402, Brussels 3 April, 2008 http://ec.europa.eu/world/enp/pdf/progress2008/sec08 402 en.pdf

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)	
Water quality standards established and realistic			✓			
Ukraine needs to adopt more stringent standards on water quality.						
Priority substances identified and regulated (elimination)		✓				
Specific rules for drinking water catchment areas	✓					
Waste water treatment regulated in the legislation			✓			
Water discharges and extraction regulated in legislation (e.g., permits)	✓					
Integrated water management approach followed in legislation			✓			
River basin management approach				✓		
Dnipro river basin is one example.						
Please use the space below to list the relevant laws and administrative regulations.						

4. Institutional and administrative structures and procedures

For legislation to be effective, adequate institutional and administrative structures and systems need to be in place to ensure that legal requirements are implemented and enforced. Evaluation of the adequacy of institutional and administrative structures needs a different approach towards the elements involved. A coordination structure that consists only of information exchange or that has been named on paper but never meets in fact would be scored as "poor". A coordination structure that meets on an ad hoc basis would be considered "adequate". A coordination structure that has the form of a committee or working group, has specific competences set forth in a regulation or memorandum of understanding and is fully operative (e.g. meets regularly) would be scored as "excellent".

a. Institutional issues

	No information	Nothing in place	Poor	Adequate	Excellent
Decision making body for taking policy decisions (a ministry)				✓	
Structures for coordination among relevant government bodies			✓		
Staff in the relevant ministries assigned responsibility for water issues			✓		
Regulatory body at national or regional level (different from policy decision)	✓				
River basin management authorities			✓		
One of the recommendations in the latest UNECE progress report is to create structures and committees for each significant river basin in the country. All affected national, regional and local authorities should participate, possibly together with international partners (i.e. the Republic of Moldova in the case of the Dniester). The institutional responsibilities of the basin structure should be matched by sufficient funding provisions, so that the (local) water management objectives can be achieved, in particular with regard to waste water. ²⁶					
Local authorities for service provision	✓				
Consultation bodies (national, regional or local) with equitable representation	✓				
Independent institutions in charge of monitoring the right to WSS (human right commission or regulatory agencies ensuring full transparency and	√				

²⁶ UNECE Environmental Committee, Environmental Performance Review, Ukraine 2007, http://www.unece.org/env/epr/epr_studies/Ukraine%20II.pdf

	No information	Nothing in place	Poor	Adequate	Excellent
accountability)		•			
b. Administrative stru	ıctures				
	No information	Nothing in place	Poor	Adequate	Excellent
Monitoring systems in place to spot water pollution and illegal abstractions (surface and groundwater)			✓		
Currently about 700 enterprise laborate are responsively regulations. 27					
Inspectorates or other structures for enforcement of basic requirements			✓		
The overall number of inspectors en	mployed by the	State Ecologica	l Inspectorate ha	ns risen. ²⁸	
Systems for regular reporting to Convention secretariats	✓				
Bodies for cooperation on Transboundary water courses			✓		
c. Monitoring & enfo	rcement				
	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)
Provisions to carry out monitoring of water status and de-pollution			√		
Polution-standards are complicated require special attention. ³⁰	and need to be	simplified and u	ipdated. ²⁹ Monit	oring as well as	enforcement
Requirements to carry out inspections			✓		
Part of the problem relates to the un local inspection bodies. Moreover, cases. Even if requirements exist, for	priorities for ins	pections are no	t set out adding	to incoherent rep	
Penalties for breaches of the					
 UNECE Environmental Performance Revwebsite. UNECE Environmental Performance Revwebsite. UNECE Environmental Performance Revwebsite. 	iew Ukraine 2007 av	vailable under Publ	ications on the UNE	CE Environmental (Committee
 Implementation of the European Neighbo http://ec.europa.eu/world/enp/pdf/progress2 UNECE Environmental Performance Rev 	urhood Policy in 200 008/sec08 402 en.p	07, Progress Report	Ukraine, SEC(2008		

	No information	Nothing in place	Poor (framework only)	Adequate (basic regulations)	Excellent (detailed regulations)
legislation					

5. Cross-cutting issues

a. Access to information & Transparency

	No information	Nothing in place	Poor	Adequate	Excellent
Provisions requiring authorities or private companies to disseminate information on water issues (pollution and polluters)			✓		
Provisions ensuring a right to access to information upon request on water information held by authorities or third parties				√ ³²	
Systems for dissemination of information on water pollution (e.g., PRTR in place covering both intentional, unintentional & diffuse releases/transfers)			✓		
Ukraine has not published state-of- stakeholders on a regular basis. ³³	the environment	reports since 200	03, but contin	ues to consult wit	h
Administrative systems for prompt responses to requests for information from the general public			✓		
Guidelines on information held by authorities & how to request access to that information			✓		
Secure data management systems to handle commercially sensitive information & personal data		✓			
Guidelines for authorities on how to apply commercial confidentiality requirements, including when to disclose because of public interest		√			

b. Public Participation

³² UNECE Environmental Committee, Environmental Performance Review, Ukraine 2007, http://www.unece.org/env/epr/epr_studies/Ukraine%20II.pdf
³³ Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine, SEC(2008) 402, Brussels 3 April, 2008 http://ec.europa.eu/world/enp/pdf/progress2008/sec08 402 en.pdf

	No information	Nothing in place	Poor	Adequate	Excellent	
Non-discriminatory right of participation in decision-making process regarding to water (management, services, projects, installations)			✓			
Environmental impact assessment legislation including water projects and public participation			√			
"In 1999 the Parliament ratified Decision-Making and Access to harmonize existing Ukrainian le Parliament approved Law No. 2 legislative acts of Ukraine. Acc Danish project on "Assistance to mechanisms with direct effect in most regulatory Convention. Furthermore, the corequirements regarding access to appeal to the courts when their violated." The EC too reports limited progress.	o Justice in Envegislation with 254-IV of 2002 ording to an evo Ukraine on In acts hampers the ountry has to he own environments	rironmental Matthe requirement amending and raluation made umplementation on the successful imarmonize its legevelop effective ental rights and the	ters (Aarhus s of the Aarl making addinder the rec of the Aarhu plementation islation with mechanism the rights of	convention). In thus Convention to a number ently completed as Convention", an of the requirement the Convention as that enable cit their association.	n order to , the er of I Ukrainian- the lack of ments of this n's izens to	
Procedures for enabling public participation in decision making: river basin management plan; provision of water services; regulation and monitoring of service providers; infrastructure and development projects			✓			
Citizen's rights with regard to accelerate broadened. NGO's today participa Environmental Performance Review	te in environmen					
Equitable representation of minorities and marginalised groups	✓					
c. Accountability (including access to justice and redressing mechanism)						
	No information	Nothing in place	Poor	Adequate	Excellent	
34 UNECE Environmental Comminattp://www.unece.org/env/epr/epr 35 Implementation of the European	studies/Ukraine	%20II.pdf			2008) 402,	

Implementation of the European Neighbourhood Policy in 2007, Progress Report Ukraine, SEC(2008) 402,
 Brussels 3 April, 2008 http://ec.europa.eu/world/enp/pdf/progress2008/sec08_402_en.pdf
 UNECE Environmental Performance Review Ukraine 2007 available under Publications on the UNECE

Environmental Performance Review Ukraine 2007 available under Publications on the UNECE Environmental Committee website.

	No information	Nothing in place	Poor	Adequate	Excellent
Effective right to access to justice on water claims against government and/or private parties (pollution, failure to provide services and so on)		✓			
Despite important steps taken, much remains to be done in implementing the Aarhus Convention in the Ukraine. ³⁷ The country still has to harmonize its legislation with the Convention's requirements regarding access to justice and develop effective mechanisms to enable citizens to appeal to the courts when their own environmental rights and rights of their associations have been violated. ³⁸					
Effective legal remedies when access to information or public participation are denied			✓		
Judicial or administrative body to solve water claims			✓		
Arbitration mechanisms		✓			
Please use the space below to lis	t the relevant l	laws and admin	istrative reg	ulations.	

³⁷ UNECE Environmental Committee, Environmental Performance Review, Ukraine 2007, http://www.unece.org/env/epr/epr_studies/Ukraine%20II.pdf
³⁸ UNECE Environmental Committee, Environmental Performance Review, Ukraine 2007, http://www.unece.org/env/epr/epr_studies/Ukraine%20II.pdf

6. Stakeholders capacity

This section is to be used for assessing the capacity of various stakeholders to implement a HRBA to WSS. The stakeholders have been divided into governmental officials at central level and local level; civil society, farmers and industry. It is intended to be a first step towards identifying needs for technical assistance, including training and investment in equipment and infrastructure.

a. Government officials at central level

	No information	Nothing in place	Poor	Adequate	Excellent
Central laboratory for testing of chemicals in water			✓		
NATO has set up of a small netw which form the borders between					
Monitoring instruments for surface and groundwater	✓				
Computers & internet access for all officials responsible for water management	✓				
Databases of information on chemicals and priority substances, polluters.	✓				
Officials trained in HRBA (human rights standards) and water issues	✓				
Trained inspectorates & enforcement authorities			✓		
b. Government offici	als at regiona	l & local leve	ls		
	No information	Nothing in place	Poor	Adequate	Excellent
Regional and Local authorities trained on HRBA to WSS	✓				
Databases of information on chemicals and priority substances, polluters.	✓				
Computers & internet access for local officials responsible for chemicals management	✓				
Local laboratories for testing			✓		

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³⁹ http://www.nato.int/science/news/2003/n031111c.htm

	No information	Nothing in place	Poor	Adequate	Excellent
drinking water					
Transportation & communication equipment to enable monitoring/inspection/enforcement	✓				
c. CSO, NGOs and o	others				
	No information	Nothing in place	Poor	Adequate	Excellent
Civil society aware of their rights and how to exercise them			✓		
Civil society organised and active (providing training, participating, advocacy activities)			√		
Computers with internet access	✓				
Information on low cost technologies	✓				
d. Water services pro	oviders				
	No information	Nothing in place	Poor	Adequate	Excellent
Low cost technologies	✓				
Water treatment technologies (primary, secondary)	✓				
Monitoring equipment	✓				
e. Farmers & agricult	ural workers No information	Nothing in place	Poor	Adequate	Excellent
Training on safe pesticide management, including waste management and access to information on alternative pest control methods	✓				
Awareness on impact of agricultural and farming	✓				

	No information	Nothing in place	Poor	Adequate	Excellent		
practices in water (private wells)							
f. Industry (including	g industry wor	kers)					
	No information	Nothing in place	Poor	Adequate	Excellent		
Training on impacts of industrial activities on water	✓						
Capacity (equipment, skills) to self-monitor releases of chemicals	✓						
Wastewater treatment in place	✓						
g. Health practitione	rs No information	Nothing in place	Poor	Adequate	Excellent		
Doctors & other health workers trained to identify cases of water born diseases	√						
Monitoring of health issues related to poor access to WSS and reporting	√						
Computers with internet access	✓						
h. Awareness raising and education campaigns No Nothing in Poor Adequate Excellent							
	information	place					
Education programmes on water	✓						
Dissemination of technologies	✓						
Gender and marginalised groups problems addressed	✓						
Hygiene promotion campaign	✓						