

CIVIC SPACE FOR PARTICIPATION IN CLIMATE POLICIES IN UKRAINE



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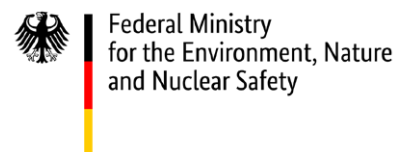
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Abbreviations

BMU: German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (Bundesministerium für Umwelt, Naturschutz und nukleare Sicherheit)

BTI: Bertelsmann Transformation Index

BTR: Biennial Transparency Report

BUR: Biennial Update Report

CIF: Climate Investment Fund

CoM: Covenant of Mayors

COP: Conference of the Parties

CPI: Corruption Perception Index

CSO: Civil Society Organisation

EBRD: European Bank for Reconstruction and Development

EDI: Environmental Democracy Index

EEB: European Environmental Bureau

EIA: Environmental impact assessment

FAQ: Frequently asked questions

GHG: Greenhouse gas

GIZ: German Society for International Cooperation (Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH)

HIK: Heidelberg Institute for International Conflict Research (Heidelberger Institut für Internationale Konfliktforschung)

ICCC: Ukrainian Inter-Agency Commission on Climate Change

IKI: International Climate Initiative (Internationale Klimaschutzinitiative)

LEDs: Low Emission Development Strategy

LULUCF: Land Use, Land-use Change and Forestry

MEEP: Ukrainian Ministry of Energy and Environmental Protection

MENR: Ukrainian Ministry of Ecology and Natural Resources

NAMA: Nationally Appropriate Mitigation Action

NASA: National Aeronautics and Space Administration

NC: National Communication

NDC: Nationally Determined Contribution

NECP: Integrated National Energy and Climate Plan

NERP: National Emission Reduction Plan

NGO: Non-governmental organisation

NOAA: National Oceanic and Atmospheric Administration

NREAP: National Renewable Energy Action Plan

RPR: Reanimation Package of Reforms

SAEE: State Agency of Energy Efficiency

SEA: Strategic environmental assessment

SEAP: Sustainable Energy Action Plan

UCN: Ukrainian Climate Network

UfU: Independent Institute for Environmental Issues (Unabhängiges Institut für Umweltfragen)

UNCED: United Nations Conference on Environment and Development

UNDP: United Nations Development Programme

UNEP: United Nations Environment Programme

UNFCCC: United Nations Framework Convention on Climate Change

USAID: United States Agency for International Development

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1Introduction

1.1 Background and overarching questions

In 2015, Ukraine agreed on the Paris Agreement and committed itself to undertake ambitious efforts to keep the rise in global temperature in this century well below 2 °C and to pursue efforts to limit the temperature increase even further to 1.5 °C.

Analyses by the National Aeronautics and Space Administration (NASA) and the National Oceanic and Atmospheric Administration (NOAA) show that Earth’s global surface temperatures in 2019 were the second warmest since modern recordkeeping started in 1880. The five years between 2015 and 2019 were the warmest in the last 140 years.¹ The United Nations Framework Convention on Climate Change (UNFCCC), adopted in May 1992, set limits on greenhouse gas (GHG) emissions to prevent this dangerous anthropogenic global warming. At the Conference of the Parties of the UNFCCC in 2015 (COP 21), 195 countries, also Ukraine, agreed on the Paris Agreement. Thus, they committed themselves to undertake ambitious efforts to keep the rise in global temperature in this century well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 °C. The long-term goals of each country to reduce national emissions and adapt to the impacts of climate change are demonstrated in the Nationally Determined Contributions (NDCs) that must be updated regularly. However, time is running out and current climate actions are insufficient.

Within this political process, civil society actors, such as civil society organisations (CSOs) and non-governmental organisations (NGOs) play a key role. They should be involved in developing and implementing climate policy because they act as “watchdogs” and “advocates” for a fair socio-environmental transformation. The scope of their activities and advocacy work ranges from raising awareness about climate change, building capacity, supporting climate change mitigation and adaptation activities to conducting research, developing strategies and measures, and influencing concrete climate policies (Reid et al., 2012).

Since 1992 different declarations, agreements, treaties and national laws have been developed that promote the participation of civil society in environmental matters. The **Rio Declaration** documented the results of the United Nations Conference on Environment and Development (UNCED), informally known as the Earth Summit, in 1992. The 27 principles laid the foundation for sustainable development around the world and still serve as a set of guidelines for states and intergovernmental bodies. **Principle 10** highlights the role of the participation of citizens in environmental issues. It sets out the three fundamental pillars of public participation: access to information, access to public participation and access to justice. **The Bali Guidelines** (Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters), adopted in 2010, aim to guide governments to align their national environmental governance with Principle 10 of the Rio Declaration and enforce adequate laws and regulations. The **Aarhus Convention** (Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters), adopted in 1998, is the first legally binding treaty on the three pillars of public participation and codifies environmental protection rights for all. Similar to the European Aarhus Convention, the **Escazú Agreement** (Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean) has the objective

1 www.ncdc.noaa.gov/sotc/global/201913, accessed 20 January 2020.

of guaranteeing the full and effective implementation of the three pillars in Latin America and the Caribbean.

However, the global alliance of CSOs and activists “CIVICUS”² stated that the real influence of civil society on crucial climate-related decisions is limited and that the currently available opportunities to participate are not very effective. Moreover, participatory democracy and citizens’ freedom of association and expression cannot be taken for granted. In many countries, civic space is shrinking and fundamental rights have to be defended every day. A recent report by the European Environmental Bureau (EEB) shows that barriers to public participation are numerous and growing in the EU. Even though international treaties, such as the Aarhus Convention, formulate clear requirements in terms of access to information, public participation and access to justice on environmental matters, the space given to civil society in some member states is not aligned with such agreements (European Environmental Bureau (EEB), 2019).

Yet in spite of the potential and obvious threats climate-related civil society participation is facing, detailed information on its status in different countries is still rare. Moreover, there is a lack of knowledge on the various possible ways to strengthen the involvement of civil society in making climate policies.

Which opportunities do civil society actors have to participate in climate policy? Which legal framework does exist that requires public participation and the involvement of civil society within climate-related policy making? How does the practical implementation of these rights look like? And which barriers hamper meaningful participation and how can they be overcome? These questions were analysed in the framework of a comprehensive study by the Independent Institute for Environmental Issues, supported by local research teams, in the framework of the international project “Strengthen civil society for the implementation of national climate policy”. The project that was supported by the Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety (BMU) as part of the International Climate Initiative (IKI), analysed the situation in Colombia, Georgia and Ukraine. This country report presents the results of Ukraine and evaluates the environment and conditions for climate-related participation and concrete practices of participatory policy making in the country.

Civil society actors should be involved in developing and implementing climate policy because they act as important “advocates” for a fair socio-environmental transformation. Since 1992 different declarations, agreements, treaties and laws have been developed to promote their participation in environmental matters.

2 <https://monitor.civicus.org>, accessed 13 August 2020.

1.2 Framework of this study

Aim and contents of the study

The purpose of the full study was to investigate the environment and conditions for climate-related participation as well as concrete practices of participatory policy making in Georgia, Ukraine and Colombia.

The full study analysed the civic space and participation opportunities of CSOs in Colombia, Georgia and Ukraine working on environmental and climate issues. The purpose of the study was to investigate the environment and conditions for climate-related participation, such as the legal framework for participation, as well as concrete practices of participatory policy making in the three countries. Considering that Ukraine, being party of the Paris Agreement, has committed to undertake ambitious action to keep global temperature rise in this century well below 2 °C above pre-industrial levels, this country report explores how national civil society is being involved in the related political processes. The focus thereby lies on organised groups, rather than individuals and the general public. The study furthermore identifies concrete country-specific barriers that hamper or avoid meaningful, effective and long-term participation, and gives advice for overcoming these barriers.

In order to give a systematic overview of the findings, we additionally introduce a standardised evaluation scheme that assesses the general conditions for participation, as well as concrete opportunities and practices. It comprises 5 criteria with 25 indicators. This classification enables the evaluation of the situation in further countries as well.

In addition, “good practice” examples of participation processes and supporting governance and structures from other countries around the globe were collected in the full study. Although each country has its own unique context and the adaptation of one certain country’s approach to another country might be difficult, these examples can nonetheless inspire other countries and spark ideas to strengthen civil society involvement based on their individual shortcomings.

Methodology

The study is based on desk research, analysing reports, scientific papers, reviews, and other secondary literature that deals with civil society participation in climate policy. It furthermore refers to the results of focus group workshops with different experts that were organised in each country in spring 2019. Each focus group consisted of eight to twelve participants from CSOs, ministries, scientific institutions, foundations, international programmes and organisations such as UNDP, the German Society for International Cooperation (GIZ), and the Heinrich Böll Foundation. The focus of the workshops was on assessing the framework and opportunities for CSOs to participate in national climate policy as well as on discussing existing barriers that hamper participation, and collecting solutions on how to overcome them. In addition to this, semi-structured interviews and consultations with representatives of CSOs and other key stakeholders were conducted between July 2017 and November 2019, either in person or via Skype/ phone. Country research teams were additionally engaged in completing the analyses based on their local knowledge, contacts, experience and access to sources in national languages.

In Ukraine, the focus group, interviews, and consultations were conducted with representatives from the following organisations and institutions:

Table 1: Sources in Ukraine

Ecoaction - Centre for Environmental Initiatives	Ecoclub Rivne	Environment-People-Law
Ukrainian Climate Network	Heinrich Böll Foundation (regional office Kyiv)	Friedrich Ebert Foundation (regional office Ukraine)
National Ecological Centre of Ukraine	National Academy of Science of Ukraine: Institute for Economics and Forecasting	Ministry of Ecology and Natural Resources of Ukraine
Consultant of the Clima East Project		

Evaluation scheme

The research team of the Independent Institute for Environmental Issues (UfU), supported with feedback from the project partners in the countries investigated, developed a standardised evaluation scheme to analyse and assess the general conditions for participation as well as concrete opportunities and practices in different countries (see Appendix). Even though we are suggesting a universal scheme in this study, it should be noted that it is not necessarily suitable for every country in the world. There may be country-specific particularities that are not considered in the proposed assessment.

Based on international literature on civil society participation and civic space, and the findings and conclusions of our case studies, the following five evaluation criteria were defined:

1 FUNDAMENTAL REQUIREMENTS
2 ENABLING LEGISLATION
3 SUPPORTING GOVERNANCE & STRUCTURES
4 QUALITATIVE PARTICIPATION PROCESSES
5 CAPACITY BUILDING

Afterwards, a set of four to eight indicators was determined for each criterion. In total, 25 indicators were defined. Each indicator has an associated scoring system. The scoring options are not the same for every indicator. Depending on the question, a graduated answer or a clear yes or no may be required. With regard to complex topics, such as stability and conflicts, corruption, or the security of citizens, we suggest to use existing indices, such as for instance the Corruption Perception Index (CPI), to assess the respective indicators.

Regarding the legal framework for participation (second criterion), our assessment methodology mainly derives from the Environmental Democracy Index (EDI), that measures the degree to which national laws in 70 countries promote environmental democracy rights harmonised with the Bali Guidelines. Although the EDI also tracks national progress in promoting environmental democracy in practice, the focus clearly is on legal frameworks. Our scheme, however, also aims to evaluate further aspects and concrete practices. It therefore also comprises other criteria and indicators. The indicators are based on international standards for public participation that are defined in the Aarhus Convention and the Escazú Agreement. They have been adjusted based on the findings of this study and furthermore inspired by other participation guidelines, codes, recommendations and evaluations (including the Conference of INGOs of the Council of Europe, 2009; Council of Europe; Pompidou Group, 2015; LIFE PlanUp, 2019; Milano, 2019; United Nations Economic Commission for Europe, 2014; United Nations Environment Programme (UNEP), 2015).

In total, a maximum score of 59 points can be achieved. However, due to the varying numbers of indicators, certain criteria are given more weight than others. By scaling each criterion to a maximum score of 20, we balance out the criteria evenly (Table 2). The detailed evaluation scheme with indicators and scoring options can be found in the annex.

Table 2: Weighting of the scores

Criteria	Possible max. score	Scale factor	Scaled max. score
1 Fundamental requirements	10	2	20
2 Enabling legislation	17	1.18	20
3 Supporting governance & structures	7	2.86	20
4 Qualitative participation processes	17	1.18	20
5 Capacity building	8	2.5	20
Total	59		100





³ United Nations data, based on the results of the 2014 Population Census, <https://unstats.un.org>, accessed 21 November 2019.

⁴ <https://edgar.jrc.ec.europa.eu/overview.php?v=booklet2018&dst=CO2emi>, accessed 26 March 2020.

⁵ CIVICUS Monitor is a research tool built by civil society that aims to share data on the state of civil society freedoms (civic space) all over the world. It analyses to what extent states fulfill their duty to protect the freedom of association, the freedom of peaceful assembly and the freedom of expression. Each country is assigned a rating of the following categories: open, narrowed, obstructed, repressed or closed. For more information: <https://monitor.civicus.org/methodology>, accessed 27 April 2020.

2.1 National climate policy

Ukraine ratified the **United Nations Framework Convention on Climate Change (UNFCCC)** in 2004, and the **Paris Agreement** in 2016. As an Annex I Party to the UNFCCC, Ukraine has to submit **National Communications (NCs)** that regularly provide information on the state of implementation of climate protection measures. The latest Sixth National Communication was submitted in 2013. In the same year, Ukraine handed in its first **Biennial Update Report (BUR)**, which included updates of the national greenhouse gas inventories, information on actions taken for climate change mitigation and adaptation, their effects in the national context, and an outline of needs and international support received. At COP 24 in 2018 it was decided to replace the Biennial Update Reports with Biennial Transparency Reports (BTR) that also give information on tracking progress in implementing and achieving the Nationally Determined Contributions (NDCs) to the Paris Agreement.

The first **NDC** of Ukraine was submitted in 2015 and includes the commitment to reduce greenhouse gas emissions to 60% of the 1990 levels by 2030, a decrease of 40% in comparison to its emissions in 1990.⁶ But in 1990, Ukraine was one of the world’s highest-emitting countries, responsible for greenhouse gas emissions of 944.4 megatons of carbon dioxide equivalent (mt CO₂ eq.) or 874.6 mt CO₂ eq. including land use, land-use change, and forestry (LULUCF) activities.⁷ Structural change starting in the 1990s, the financial crisis in 2009, and the war in Donbass have caused a significant decrease in greenhouse gas emissions in recent years. In 2017, Ukraine emitted 320.95 mt CO₂ eq. excluding LULUCF, thus 66% less than in 1990 (Ministry of Ecology and Natural Resources of Ukraine, 2019). Experts underline that these current reductions in per capita GHG emissions have occurred obviously due to disruptions and conflicts rather than being a result of ambitious climate policy.⁸ Several Ukrainian NGOs criticise the low ambition of the first NDC and fear that the intended decrease of emissions by 40% in comparison to 1990 could even lead to a future increase of emissions (Kovac et al., 2019). The Climate Action Tracker ranks the commitments of Ukraine as “critically insufficient” as they “are not at all consistent with holding warming to below 2°C let alone with the Paris Agreement’s stronger 1.5 °C limit.”⁹

Existing climate-related sectoral policies and strategies, such as the 2050 **Low Emission Development Strategy (LEDS)** that was published in 2018, are more ambitious and could even lead to an over-achievement of the NDC. The most important Ukrainian climate policy instruments are those related to energy, e.g. the **Energy Strategy for 2035**, because the energy sector is responsible for 84% of Ukraine’s greenhouse gas emissions. The shutdown of 32 unprofitable state-owned coal mines and the loss of coal reserves in the Donbass region as well as a desire for less dependence on Russian energy supplies are strong supporting arguments for a decarbonisation of Ukraine’s energy sector. However, the expansion of renewable energy is still slow. NGOs argue that an emission trading system as favoured by several ministries should not be implemented. Instead, a tax on CO₂ should be raised and the NDCs should be furnished with concrete, measurable programmes. The climate-driven civil society also criticises that sector specific climate relevant strategies were neither aligned to one another nor to the NDC (Kovac et al., 2019).

The development of the second NDC began in 2019 and uses a new baseline scenario that matches Ukraine’s current emissions more closely. Since the elections in July 2019, the new government has dissolved the Ministry of Ecology and Natural Resources and the Ministry of Energy and Coal of Ukraine and has transformed the two ministries into the Ministry of Energy and Environmental Protection (MEEP).

⁶ www4.unfccc.int/sites/NDCCStaging/pages/Party.aspx?party=UKR, accessed 19 December 2019.

⁷ Ibid.

⁸ www.climate-change-performance-index.org/country/ukraine, accessed 19 December 2019.

⁹ <https://climateactiontracker.org/countries/ukraine>, accessed 19 December 2019.

2.2 Climate-engaged civil society in Ukraine

In Ukraine, the Revolution on Granite in 1990, the Orange Revolution in 2004, and the Euromaidan, also called the Revolution of Dignity, in 2013-2014 have strongly influenced the civic space and environment for CSOs.¹⁰ Freedom of association and assembly as well as freedom of expression are guaranteed by the constitution and different laws. According to the Bertelsmann Transformation Index (2018), these rights have been widely respected since Euromaidan. Civil society and CSOs have increased their presence in public discourses and policy making and have become a strong driving force behind ongoing reforms. They have improved their advocacy activities and joined forces in networks and coalitions. In order to increase pressure on the government, CSOs cooperate closely with international actors and donors (Bertelsmann Stiftung, 2018). After the Revolution of Dignity, open policy making became a common practice so that civil society gained different possibilities to participate in political processes. Due to national legislation, every governmental institution is obliged to consult with civil society on legislative initiatives (Hughes & Huss, 2017), for instance through public councils or advisory bodies. The EU accession plays a major role in this context. Chapter 26 of the EU Agreement highlights the importance of cooperation with civil society. Article 469 stipulates the establishment of a civil society platform.¹¹ Decree 68/2016 approving the National Strategy for Supporting the Development of Civil Society Organisations of Ukraine for 2016-2020 was signed by the president of Ukraine in February 2016 (Palyvoda et al., 2018). In November 2016, the Coordination Council for Civil Society Development was established. This CSO advisory body enables CSOs to participate in national decision-making processes and to promote better relations between the state and civil society (United States Agency for International Development, 2017). Compared to other former Soviet countries, Ukraine has the richest civil society in terms of number and variety as well as levels and range of activities (Ghosh, 2014).

However, the CIVICUS Monitor that tracks the state of civil society freedoms worldwide, reveals that the above described rights are significantly influenced by the ongoing conflict between Ukraine and Russia in the region of Crimea and in Eastern Donbas. Even though there are a lot of active CSOs, several legal and practical constraints limit their power. The space for non-state media and editorial independence is restricted and journalists as well as activists are faced with attacks. The CIVICUS Monitor rates the civic space in Ukraine with the category “obstructed”. This means that “civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights”.¹² Amnesty International recently drew attention to numerous human rights violations.¹³ Freedom House¹⁴ rates Ukraine as “partly free” and also mentions attacks towards journalists and civil society activists. A prominent case was the death of Kateryna Handziuk. The Ukrainian civic activist died in 2018 after she was injured in an acid attack.^{15,16}

CIVICUS Monitor rates the civic space in Ukraine with the category “obstructed”. This means that “civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights”.

10 For more information see for instance the Special Issue “Civil Society in Post-Euromaidan Ukraine, <http://kmlpj.ukma.edu.ua/issue/view/7148/showToc>, accessed 07 May 2019.
11 http://trade.ec.europa.eu/doclib/docs/2016/november/tradoc_155103.pdf, accessed 07 May 2019.
12 <https://monitor.civicus.org/country/ukraine>, accessed 07 May 2019.
13 www.unian.info/society/10441440-amnesty-ukrainian-authorities-slow-to-react-to-attacks-against-journalists-rights-advocates-media.html, accessed 07 May 2019.
14 <https://freedomhouse.org/report/freedom-world/2019/ukraine>, accessed 07 May 2019.
15 www.taz.de/Getoetete-Aktivistinnen-in-der-Ukraine/15570765/, accessed 07 May 2019.
16 www.deutschlandfunkkultur.de/ukraine-der-druck-auf-die-zivilgesellschaft-waechst.2165.de.html?dram:article_id=441703, accessed 07 May 2019.

In Ukraine, CSOs are mainly focused on democratisation and human rights, but also environmental and climate topics have become more and more important in recent years, especially after the ratification of the Paris Agreement in 2016.¹⁷ NGOs and think tanks such as Ecoaction, Ecoclub Rivne, OPORA, Greencubator and DiXi Group work on climate issues and campaign for more ambitious climate and energy policies that meet international requirements (Yeremenko et al., 2019). In 2000, 17 NGOs founded the Ukrainian Climate Network (UCN) to join forces and influence national policy making. Today, 30 CSOs cooperate in this network, from the local to the international level. Members describe the cooperation as being fruitful and successful since it enables them to initiate joint campaigns and develop common positions. The government respects the members of the network as competent stakeholders and gives them the possibility to comment on draft laws, strategies and plans related to climate and environmental issues (Kovac et al., 2019). CSOs can participate in consultations and meetings, and the Ministry of Ecology and Natural Resources of Ukraine (MENR)¹⁸ stays in contact with civil society.

A recent study by the Ukrainian think tank CEDOS shows that both government officials and CSOs believe that the opportunities for cooperation in the field of climate policy have slightly increased over the past few years. One reason is that authorities have become more open to the participation of civil society, according to the experts that were interviewed for this study. Another reason could be that young, motivated people from the climate movement have now begun to work for public authorities. However, this study has also revealed that there are still various obstacles preventing successful cooperation between CSOs and the authorities. Examples of these obstacles include mutual mistrust, the authorities’ lack of interest in ecology and climate change, a lack of financial resources and a lack of public interest for environmental and climate topics, all of which prevent interaction and collaboration (Verbytsky et al., 2020).

In addition to the UCN, different NGOs, including Ecoaction, Ecoclub Rivne, Ecoltava, 350.org Ukraine, and Khmelnytskyi Energy Cluster founded the 100% Renewable Energy Coalition at the end of 2018. During 2019, the members of the coalition organised several meetings to establish working procedures and to develop the new platform that they support with their expertise.¹⁹

The work of NGOs is supported by a growing awareness for environmental concerns in society. A study published by the Ukrainian Resource and Analysis Centre shows that Ukrainian and EU citizens share many similar concerns about the environment. Both consider environmental issues as personally important and Ukrainians think that environmental problems should be tackled through enhancing the role of supervisory authorities as well as in cooperation with the EU. While EU citizens name climate change as the major environmental challenge, Ukrainians consider droughts and floods to be the main challenges (Resource and Analysis Centre “Society and Environment,” 2018). A further study of the Friedrich Ebert Foundation showed that Ukrainians think that Europeans care more about the environment than they do. Moreover, they admitted that environmental issues fade into the background when there is financial benefit (Buhbe, 2017). Even though a poll among 2,000 young Ukrainians from 2017 showed that activism and volunteering is unpopular (only 6% volunteered over the past year, reference year:

In Ukraine, CSOs mainly focus on democratisation and human rights, but also environmental and climate topics have become more and more important in recent years. In 2000, NGOs founded the Ukrainian Climate Network (UCN) to join forces and influence national policy making.

In addition to the Ukrainian Climate Network, different NGOs founded the 100% Renewable Energy Coalition at the end of 2018.

17 Focus group workshop, Ukraine, 05 March 2019.
18 After the parliamentary elections in June 2019 the Ministry of Ecology and Natural Resources and the Ministry of Energy and Coal of Ukraine were liquidated and transformed into the Ministry of Energy and Environmental Protection (MEEP).
19 <https://energytransition.in.ua>, accessed 12 December 2019.

2017) (Zarembo et al., 2017), hundreds of children and young people participated in the Fridays For Future demonstrations that took place in March 2019 in seven Ukrainian cities.²⁰

2.3 Legal framework for participation in Ukraine

2.3.1 International level

Ukraine is party to different international treaties (Table 3) that are linked to public participation in climate-related decision-making and play a significant role, not only with regard to participation, but in the overall national policy formulating process, influencing environmental governance at national level.

Table 3: International treaties ratified by Ukraine that are related to public participation

Treaties	Date of Ratification
Vienna Convention for the Protection of the Ozone Layer	1986 (Acceptance)
Montreal Protocol on Substances that Deplete the Ozone Layer	1988 (Acceptance)
United Nations Framework Convention on Climate Change (UNFCCC)	1997
Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters	1999
Kyoto Protocol to the United Nations Framework Convention on Climate Change	2004
London, Copenhagen and Beijing Amendments to the Montreal Protocol on Substances that Deplete the Ozone Layer	1997-2007
Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (SEA Protocol)	2015
Paris Agreement on Climate Change	2016

In 1999, Ukraine was one of the first parties to ratify the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in

²⁰ <http://climategroup.org.ua/?p=5585>, accessed 07 May 2019.

Environmental Matters, usually known as the **Aarhus Convention**. The Convention entered into force in 2001²¹, yet it became an integral part of the national legislation with its ratification in 1999.

In 2003, Ukraine also became party to the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (SEA Protocol, Kyiv 2003). However, this protocol was not ratified until 2015.²² The objective of this protocol is to provide a high level of protection of the environment, including public participation in Strategic Environmental Assessments (SEA).

The **United Nations Framework Convention on Climate Change (UNFCCC)**, which was ratified by Ukraine in 2004, plays an important role regarding participation rights in the context of climate change. Article 4 of the convention specifies that all parties shall “promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations”²³. In 2016, Ukraine ratified the **Paris Agreement** which clearly demands public participation and public access to information in Article 12.²⁴

Apart from these international conventions, the **EU-Ukraine Association Agreement** from 2014 had a significant influence on the framework for participation of civil society. Chapter 6 (Environment) underlines that cooperation shall improve the access to environmental information and decision-making processes. To foster dialogue, the agreement demands a civil society platform and a civil society forum.

2.3.2 National level²⁵

From 2000 to 2010, the process of implementation of the provisions of the Aarhus Convention, especially those on public participation in specific decisions, was slow. Ukraine has been repeatedly found to not comply with Article 6 of the Aarhus Convention. Yet, both the Law of Ukraine on the Protection of the Environment (1991, as amended in 2002-2006) and the Law on Principles of Regulatory Policy in Economic Activity (2004) require public participation in the development of policy and planning documents (strategies, plans and programmes) relating to the environment and normative acts (laws, decrees of the government and separate ministries etc.) regulating economic activities. It is only with the EU-Ukraine Association Agreement (2014) that the new laws on Environmental Impact Assessment (EIA, 2017) and Strategic Environmental Assessment (SEA, 2018) were enacted, finally establishing a proper legal framework for participatory rights in the development of plans, programmes and specific activities that may significantly impact the environment.²⁶

²¹ https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=_en, accessed 26 September 2019.
²² Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.
²³ <https://unfccc.int/resource/docs/convkp/conveng.pdf>, accessed 17 December 2019.
²⁴ <https://unfccc.int/process/conferences/pastconferences/paris-climate-change-conference-november-2015/paris-agreement>, accessed 17 December 2019.
²⁵ Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.
²⁶ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A2014A0529%2801%29>, accessed 17 December 2019.

In the Aarhus Convention Index (2017)²⁷ Ukraine scored as follows²⁸:

Table 4: Aarhus Convention Index of Ukraine

Aarhus Convention article	Score based on law	Score in practice
Article 6 “Public Participation in Decisions of Specific Activities”	1.23/3	0.64/3
Article 7 “Public Participation Concerning Plans, Programmes, and Policies relating to the environment”	1.6/3	1.25/3
Article 8 “Public Participation during the Preparation of Executive Regulations and/or Generally Applicable Legally Binding Normative Instruments”	2.2/3	1/3

²⁷ <https://accessinitiative.org/resources/aarhus-convention-indicators-summary-report>, accessed 26 September 2019.
²⁸ It should however be considered that the research for project was conducted in 2016 prior to adoption of the laws on Strategic Environmental Assessment (2018) and Environmental Impact Assessment (2017).

As of September 2019, the legal framework for public participation in climate-related decision-making in Ukraine can be summarised as follows:

Table 5: National legal framework for public participation in climate-related decision-making in Ukraine

Level of climate-related decision-making	Forms of public participation	Instrument that involves public participation	Relevant legislation
Development of environmental (including climate) policy, plans and programmes	Written comments Public hearings (optional) Other forms	Within the general framework for public participation in 1) the development of strategies, plans and programmes related to the environment; 2) development of regulatory acts; 3) development of national policy	Law on the Protection of the Environment (1991) Law on the Principles of Regulatory Policy in Economic Activity (2004) Resolution of the Cabinet of Ministers of Ukraine 996 on Ensuring the participation of the public in the formulation and implementation of the national policy (2010) Resolution of the Cabinet of Ministers of Ukraine 771 on the Procedure for public involvement in discussing decisions that may impact the environment (2011)
Development of policies, plans and programmes that may have an impact on the environment (including climate)	Written comments Public hearings (only for local urban planning documents)	Strategic Environmental Assessment (SEA)	Law on Strategic Environmental Assessment (2018) Law on Urban Development (2011) Resolution of the Cabinet of Ministers of Ukraine 771 on the Procedure of public involvement in discussing decisions that may impact the environment Resolution of the Cabinet of Ministers of Ukraine 555 on the Procedure of holding public hearings in the course of development of local planning documents
Decision-making on specific projects that may have an impact on the environment (including climate)	Written comments Public hearings	Environmental Impact Assessment (EIA)	Law on Environmental Impact Assessment (2017) Resolution of the Cabinet of Ministers of Ukraine #989 on the Procedure of holding public hearings in the Environmental Impact Assessment procedure

Public participation in the development of climate policies, plans and programmes

The legal framework for public participation in environmental policy making in Ukraine is quite complex. It comprises the respective provisions of the Aarhus Convention, provisions of sectoral legislation on public participation in environmental decision-making, as well as legal acts of a general nature providing for civic involvement in policy making. The national legal framework neither defines nor explains the term ‘policy’ (and does not define which documents are considered as being a ‘policy’), and it does not regulate its development and adoption procedures. Ukrainian laws do not consider the NDCs (National Determined Contributions), the National Energy and Climate Plan, or any other specific policy or planning document related to climate change as being a policy or environmental policy, and they do not specifically require public participation in their development or revision.

However, policy choices are often made within framework laws. For example, the Law on Protection of the Environment contains several policy provisions. Other policy documents (e.g. various strategies) are usually adopted by an act of parliament or government. The two most recent environmental strategies, the Main Principles (Strategy) of the National Environmental Policy of Ukraine for the Period until 2020 (2010)²⁹, and the Main Principles (Strategy) of the National Environmental Policy of Ukraine for the Period until 2030 (2019)³⁰ were adopted by acts of parliament (laws). Thus, as of today, public participation in the development of environmental policy is required by these acts containing rules for public participation in the preparation of legislative and governmental documents.

According to the Ukrainian constitution, international agreements ratified by the Ukrainian parliament (such as the Aarhus Convention) become integral parts of national legislation with direct applicability. Due to the given complexity and conflicting legal norms governing public participation in environmental decision-making, Ukrainian courts often rely on the respective provisions of the Aarhus Convention to form their decisions.

The Law of Ukraine on Protection of the Environment (1991)³¹ is the central and oldest piece of environmental legislation in Ukraine. In 2002, it was amended for transposing the provisions of the Aarhus Convention into domestic legislation.³² According to Article 6 of the law (as amended in 2002), ministries and other governmental bodies, have to involve the public in the decision-making process when developing environmental programmes by publishing the drafts of environmental programmes in a way that the public can study them, prepare their comments, and participate in public hearings regarding environmental programmes. The law is missing a paragraph on public involvement in the development of environmental policy. However, Articles 9 and 21 (on the rights of citizens and environmental NGOs) allow public participation in the development of plans and programmes relating to the environment as well as legal normative acts on environmental matters.

In 2003, the Ministry of Environmental Protection adopted a **Procedure of Public Participation in Environmental Decision-making** through Order 168³³ to implement the respective provisions of the Ukrainian Law on the Protection of the Environment. As well as giving guidance for participation in specific projects, the procedure also covers public participation in the development of intergovernmental, state, regional and local programmes, plans, strategies, and concepts as well as legislative and other normative acts. Although lacking some basic elements of effective public participation and being dramatically outdated³⁴, the procedure is technically still in force. Its other disadvantage is that it only covers decisions made by the Ministry of Energy and Environmental Protection³⁵.

²⁹ <https://zakon.rada.gov.ua/laws/show/2818-17>, accessed 26 September 2019.

³⁰ <https://zakon.rada.gov.ua/laws/show/2697-19>, accessed 26 September 2019.

³¹ <https://zakon.rada.gov.ua/laws/show/1264-12>, accessed 26 September 2019.

³² <https://zakon.rada.gov.ua/laws/show/254-15>, accessed 26 September 2019.

³³ <https://zakon.rada.gov.ua/laws/show/z0155-04>, accessed 26 September 2019.

³⁴ Refers to the procedures that preceded EIA and SEA procedures introduced in 2017 and 2018.

³⁵ A Ministry solely dedicated to the environmental issues existed in Ukraine since its independence in 1991 until September 2019.

In 2011, the Cabinet of Ministers of Ukraine approved the **Procedure for Public Involvement in Discussing Decisions that may Impact the Environment** through Resolution 771³⁶. One of the goals of this document was to oblige all governmental bodies to involve the public when making decisions relating to the environment. Yet, the scope of the decisions covered by the procedure and the elements of the prescribed public participation procedure were insufficient to guarantee the effective implementation of Article 7 and 8 of the Aarhus Convention.

In parallel, in 2004, the parliament passed the **Law on Principles of Regulatory Policy in Economic Activity**³⁷, which provides for public participation in the development of regulatory acts (laws, resolution of the government and ministries etc.). The objective of this law is to protect business from overregulation by the state. According to Article 1, a regulatory act means a normative act which is aimed at regulating economic (business) relations and relations between regulatory authorities and economic entities. The law provides for all essential elements of effective public participation (via written comments). Although it is limited in scope to relations between the state and business, in practice the law with its public participation provisions was applied to the processes of the development of many draft laws and governmental normative acts formulated by various branches of the government.

In 2010, the government adopted the **Resolution of the Cabinet of Ministers of Ukraine 996 on Ensuring Public Participation in the Development and Implementation of National Policy**³⁸. Just like the Law on the Principles of Regulatory Policy in Economic Activity, this document is not sectoral (environmental) and covers all areas of state policy. According to this resolution, all ministries (including the Ministry of Energy and Environmental Protection) have created respective public councils, serving as an official communication and consultation channel between the government and the public. Although it does provide certain elements of public participation, some provisions of the resolution are quite general and unclear.

Finally, a good level of adherence to international standards on public participation in the development of policies, plans, and programmes was achieved due to the adoption of the **Law on Strategic Environmental Assessment (SEA)** and the accompanying legislative and regulatory package. Among others, the procedure for public involvement in discussing decisions that may impact the environment, approved by the Cabinet of Ministers of Ukraine's Resolution 771, was significantly amended (2019)³⁹. As of today, the procedure covers normative acts and state planning documents (strategies, plans, programmes etc.) developed by national and local governmental authorities. The procedure includes the necessary elements of effective public participation and is in line with Aarhus obligations and provisions for respective directives. However, public participation is not required at the beginning of the procedure, but only when a draft document is already prepared. In contrast, within the SEA procedure, participation can be carried out in parallel to the development of the document itself, or when the draft is finished. In any case, public participation is required twice within the SEA procedure – at the stage of scoping and at the stage of the final SEA report. Participatory rights

³⁶ <https://zakon.rada.gov.ua/laws/show/771-2011-n>, accessed 26 September 2019.

³⁷ <https://zakon.rada.gov.ua/laws/show/1160-15>, accessed 26 September 2019.

³⁸ <https://zakon.rada.gov.ua/laws/show/996-2010-n>, accessed 26 September 2019.

³⁹ <https://zakon.rada.gov.ua/laws/show/128-2019-n>, accessed 26 September 2019.

are vested in the general public. Nevertheless, the legal basis for such participation is missing in Ukrainian laws (namely the Law of Ukraine on Protection of the Environment). Such a legal basis is required for the full implementation of the respective Aarhus provisions as well as the European Public Participation Directive (Directive 2003/35/EC of the European Parliament and of the Council of 26th May 2003), providing for public participation in regards to developing certain plans and programmes relating to the environment.

Public participation in the development of policies, plans and programmes that may have impacts on the environment

In March 2018, the Ukrainian parliament adopted the **Law on Strategic Environmental Assessment (SEA)**⁴⁰. The law was approved to implement Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment and came into force in October 2018. The law provides for effective public participation in SEA procedures for strategies, plans and programmes for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, urban and rural planning, and land use. The implementation of the law may have a significantly positive effect on the environment. According to Article 1, the environmental impacts that are assessed within the SEA procedure include impacts on the climate.

The law lays down the procedure for public participation in the scoping phase, requirements to publish draft documents as well as the notification of the beginning of the public consultation phase, a public's right to submit written comments, and the authorities' obligation to take due account of the result of public participation. As a rule, holding public hearings is optional in SEA procedures. If being held, public hearings have to be carried out according to detailed rules outlined in the Procedure for Public Involvement in Discussing Decisions that may Impact the Environment, approved by the Cabinet of Ministers of Ukraine's Resolution 771⁴¹.

Furthermore, according to Article 12 of the Law on Strategic Environmental Assessment and Article 21 of **Law on Regulation of Urban Development Activities**⁴², public hearings are mandatory for local planning documents (city master plans etc.). A detailed **procedure for the announcement and the implementation of public hearings on local planning documents** is required by the Procedure for Holding Public Hearings in the Course of Development of Local Planning Documents, approved by the Cabinet of Ministers of Ukraine's Resolution 555⁴³.

In 2019, both of the above mentioned procedures were amended and now require effective public participation procedures within the respective strategic or planning decisions.

The major setback of the new Law on Strategic Environmental Assessment in terms of public participation is its definition of the public that are entitled to have participatory rights. According to Article 1 of the law, 'the public' is defined as one or more natural or legal persons, or their associations, organisations or groups, registered in the area covered by the respective strategic/planning document. This

40 <https://zakon.rada.gov.ua/laws/show/2354-19>, accessed 26 September 2019.

41 <https://zakon.rada.gov.ua/laws/show/128-2019-п>, accessed 26 September 2019.

42 <https://zakon.rada.gov.ua/laws/show/3038-17>, accessed 26 September 2019.

43 <https://zakon.rada.gov.ua/laws/show/555-2011-п>, accessed 26 September 2019.

narrow definition of 'the public' results in a significant restriction to the concerned public that is allowed to participate in SEA procedures.

Public participation in decision-making on specific projects that may have significant impacts on the environment

In May 2017, the Ukrainian parliament adopted the Law on Environmental Impact Assessment (EIA)⁴⁴. This law was approved to implement the European EIA Directive 2011 (Directive 2011/92/EU of the European Parliament and of the Council of 13th December 2011 on the assessment of the effects of certain public and private projects on the environment) and came into force in December 2017. The law provides for effective public participation during EIA procedures for projects that may have significant impacts on the environment.

According to Article 1 of the law, environmental impacts that are assessed within EIA procedures include impacts on the climate. According to Article 6, an EIA report has to include a description and an assessment of possible impacts of the planned activity on the environment, in particular the project's impact on the climate (for example the nature and magnitude of greenhouse gas emissions), and the vulnerability of the project to climate change.

According to Article 1, 'the public' means one or more natural or legal persons, their associations, organisations, or groups. This means that anyone can participate in the decision-making process (submit written comments and participate in public hearings).

The law lays down detailed procedures for public participation in the scoping phase of an EIA, requirements to publish an EIA report as well as a notification of the start of the public consultation period, a public's right to submit written comments and participate in public hearings, and an authority's obligation to take due account of the result of public participation. Holding public hearings is obligatory in EIA procedures. They are carried out according to detailed rules outlined in the **Procedure of Holding Public Hearings in Environmental Impact Assessment Procedure** approved by the Cabinet of Ministers of Ukraine's Resolution 989⁴⁵.

Apart from the above mentioned laws and mechanisms, referenda, public initiatives and petitions are tools of direct democracy that can be used by civil society to influence political decision-making in Ukraine. National referenda are binding and calling them requires three million signatures of eligible voters, including at least 100,000 signatures from each region.⁴⁶ At the national level, Ukrainian citizens can submit online petitions to parliament, the president and the Cabinet of Ministers. If 25,000 signatures have been collected within three months, a review by the authorities is mandatory (Council of Europe, 2016).⁴⁷

44 <https://zakon.rada.gov.ua/laws/show/2059-19>, accessed 26 September 2019.

45 <https://zakon.rada.gov.ua/laws/show/989-2017-п#n10>, accessed 26 September 2019.

46 Law of Ukraine On all-Ukrainian referendum (2012): <http://zakon5.rada.gov.ua/laws/show/5475-17>, accessed 18 June 2020. A draft of the newly developed Law of Ukraine "On all-Ukrainian referendum" (2020) is available online. The public is requested to submit remarks and proposals for its improvement: <https://rada.gov.ua/en/news/News/page/en/news/News/190587.html>, accessed 18 June 2020.

47 Law of Ukraine On Amendments to the Law of Ukraine On Citizens' Appeals (2015): <http://zakon3.rada.gov.ua/laws/show/577-19>, accessed 18 June 2020.

2.4 Structures and institutions enabling participation in climate policy

Our analysis revealed different structures, institutions and initiatives which support the involvement of Ukraine’s civil society in climate-related policy. Some of them are state or EU-driven, others were initiated by civil society itself.

2.4.1 EU accession and the Eastern Partnership

The fact that Ukraine is aiming towards EU accession strongly influences political developments, the environment for CSOs and the nature of cooperation between civil society and the state. Experts in the focus group, held as part of this study, described it as a “stick and carrot” strategy that has effected a lot of change in Ukraine. Due to EU regulations the government is obliged to drive reforms, and NGOs should benefit from this window of opportunity to advocate for their positions. According to the interviewed CSOs, nothing would change without the pressure from the EU. Even under the current requirements, some ministries such as the Ministry of Energy and Coal Mining ignored comments from the EU in regard to the Energy Strategy of Ukraine for 2035.⁴⁸

87 Ukrainian NGOs are members of the **Eastern Partnership Civil Society Forum** that was founded under the **Eastern Partnership** in 2008 in order to cooperate with other CSOs and the EU.⁴⁹ Environmental organisations such as Environment-People-Law, Ecological Club Kray, Ecoaction (the successor of the National Ecological Center of Ukraine), and OPORA take part and can get involved through the Ukrainian National Platform and different working groups, in particular Working Group 3 (environment, climate change, and energy security). Activities and the coordination of the platform are mainly financially supported by the **Civic Synergy Project** that is funded by the EU and the International Renaissance Foundation (IRF).⁵⁰ Another European platform that aims to strengthen public participation in the implementation of European integration reforms in Ukraine is the **EU-Ukraine Civil Society Platform**.⁵¹ In the framework of this platform, Working Group 5 (energy, transport, environment and climate change) published a report which analyses Ukraine’s progress in meeting its international climate commitments, including the provisions of the association agreement.⁵² It also highlights the powerful expert and civil community in the area of climate change that developed in recent years (Working Group 5 of the EU-Ukraine Civil Society Platform, 2018).

The cooperation between municipalities is supported by the EU-funded **Covenant of Mayors** (CoM) (Kovac et al., 2019). In Ukraine, 164 municipalities signed the CoM with the aim of implementing sustainable energy policies and facilitating their contribution to climate change mitigation and adaptation in the framework of their Sustainable Energy Action Plans (SEAPs). Experts of the focus group emphasised the importance of powerful municipalities in the context of sustainable development. The current decentralisation process in Ukraine

48 Focus group workshop, Ukraine, 05 March 2019.
49 <http://eap-csf.eu/members>, accessed 03 May 2019.
50 www.civic-synergy.org.ua/en, accessed 03 May 2019.
51 <https://eu-ua-csp.org.ua>, accessed 03 May 2019.
52 Interview with Ecoclub Rivne, Berlin, 13 February 2019.

gives much more power and financial means to the local level and supports self-governance instead of the former top-down approach. This new setting opens doors for civil society to bring in ideas at the local level and to accelerate concrete activities.⁵³

2.4.2 Public councils

At the national level, civil society can formally participate in political decision-making through public councils or advisory bodies which must be established by each Ukrainian ministry according to the Cabinet of Ministers Resolution 996. The public council that was led by the Ministry of Ecology and Natural Resources (now the Ministry of Energy and Environmental Protection) until the elections in 2019, was founded in 1996 and aims to ensure public participation in environmental policy in line with the Aarhus Convention (World Bank, 2016). It is divided into several committees, including a committee on climate issues and ozone layer protection (Marcu et al., 2017). Although public councils represent a formal format enabling public consultation, some NGOs criticise that they are not appropriate to find solutions and to change current policies as they do not influence the ministry.⁵⁴

2.4.3 Inter-Agency Commission on Climate Change (ICCC)

The ICCC was founded in 1999 and brought together representatives of the MENR, the Ministry of Economic Development, the Ministry of Energy and Coal Industry, the Ministry of Infrastructure, and other ministries and departments until the parliamentary elections in 2019. The Ukrainian Climate Network represented civil society within this intergovernmental body (Melnikova et al., 2017). The NGOs that were interviewed mentioned the ICCC as a positive structure but also pointed out that the ICCC is too closely connected to the Chamber of Commerce that acts as a civic institution in this context.⁵⁵

2.4.4 Aarhus Information and Training Centre

To meet the requirements of the Aarhus Convention, the Aarhus Information and Training Centre was established within the Ministry of Ecology and Natural Resources of Ukraine (MENR) and the State Ecological Institute of the MENR in 2014. Its aim is to promote the three pillars of the Aarhus Convention and to raise awareness among the public and governmental authorities concerning environmental issues and participation.⁵⁶ However, the experts from the NGOs that were interviewed mentioned that the financial and organisational barriers are too high for NGOs to use the centre for organising workshops or other events. In their opinion, it is rather a room for the ministry itself to carry out internal seminars, meetings and briefings.⁵⁷

53 Focus group workshop, Ukraine, 05 March 2019.
54 Ibid.
55 Ibid.
56 www.unece.org/env/pp/acintro.html, accessed 03 May 2019.
57 Focus group workshop, Ukraine, 05 March 2019.

2.4.5 Climate Investment Funds (CIF)

The Climate Investment Funds have been financing climate action in the fields of clean technology, energy access, climate resilience, and sustainable forests in developing and middle income countries since 2008. It comprises of two funds, the Clean Technology Fund and the Strategic Climate Fund, with a total of 8 billion dollars. Observers from civil society have the opportunity to participate in Trust Fund Committee and Sub-Committee meetings. In Ukraine, Irina Stavchuk, former executive director of Ecoaction, followed the process for three years within the Clean Technology Fund. The selection process of observers is organised by the NGO RESOLVE, and based on a set of criteria (Elges & Martin, 2014). The meetings take place twice a year and provide the opportunity to comment on draft reports, policy papers and planned projects or programmes as well as to ask questions and get information about ongoing processes. Besides the meetings, observers are involved via e-mail. According to Ecoaction, while on the one hand, the meetings are a good possibility for NGOs to participate in decision-making, on the other, they require a lot of time, knowledge and human resources that in turn have financial implications that cannot always be met by CSOs. Transparency International also assessed the possibilities for participation as strong and advanced: “The funds’ policies are advanced regarding civil society participation both as observers in the Trust Fund Committee and Sub-Committee meetings and as consulted stakeholders at the project level.” (Elges & Martin, 2014, page 3). Nevertheless, they point out that, “This process is ongoing, however, and such participation can be further strengthened to enable more open, meaningful engagement and better uptake of citizens’ concerns. Ongoing actions being undertaken by the funds should be supported and monitored.” (ibid.).

2.4.6 Ukrainian Climate Network (UCN)

In 2000, CSOs dealing with climate issues founded the Ukrainian Climate Network (UCN), at that time named “NGOs Working Group on Climate Issues”. Nowadays the UCN unites 30 CSOs from various regions of Ukraine and is headed by the General Session of Member Organisations. The executive and coordinating board is elected biannually and is currently led by the climate coordinator from Ecoclub Rivne. The members of the network act on the local, regional, national, and international level, and focus on the topics: sustainable energy, climate education and adaptation to climate change. At the international level, they play the role of watchdog regarding the compliance of Ukraine to its climate commitments, for instance, by participating in UN negotiations as public observers (Ukrainian Climate Network, 2019). Unfortunately, this was not possible in 2018 when Polish authorities detained two staff members from Ecoaction and denied their entry to the COP 24 in Katowice. This incident was considered as a strong violation of their civil liberties.^{58,59}

⁵⁸ www.bund.net/service/presse/pressemitteilungen/detail/news/cop24-polnische-sicherheitskraefte-halten-partner-von-bund-und-germanwatch-in-kattowitz-und-an-der-l/, accessed 03 May 2019.

⁵⁹ www.climateactionnetwork.org/press-release/civil-society-representatives-denied-entry-poland-participate-climate-talks, accessed 03 May 2019.

On the national level, the UCN works on topics such as energy efficiency measures in buildings and the 2035 Energy Strategy, and provided comments to the draft state policy concept on climate change (Ukrainian Climate Network, 2019). Members of the UCN promote the transition to 100% renewable energy in Ukraine, based on a recent study⁶⁰ that was initiated by the Heinrich Böll Foundation Regional Office in Ukraine. With regard to local policy, the focus lies on sustainable transport, energy efficiency, energy saving and climate change mitigation and adaptation (Ukrainian Climate Network, 2019).

2.4.7 Reanimation Package of Reforms (RPR)

After the Revolution of Dignity in 2014, the Reanimation Package of Reforms (RPR)⁶¹ was initiated by leading NGOs, public activists, experts, journalists, and researchers to promote political reforms and enhance the participation of civil society. Within this network, 84 NGOs work together in 22 working groups. One of these working groups focuses on the energy sector reform and one deals with environmental protection and sustainable development. Participation in the RPR offers actual information about recent legislative procedures and facilitates access to decision makers. CSOs can demonstrate their expertise by commenting on draft laws and influencing policies. However, missing financial resources make it difficult to guarantee the long-term commitment of working group leaders (Kovac et al., 2019).

⁶⁰ <https://ua.boell.org/en/2017/11/07/transition-ukraine-renewable-energy-2050>, accessed 06 May 2019.

⁶¹ <https://rpr.org.ua/en>, accessed 03 May 2019.



2.5 Practices and examples of climate-related participation

Thanks to the legal requirements and supported by the structures described above, Ukrainian CSOs were involved in the development of some climate-related policies, strategies and plans during the last few years, mostly through formal consultation processes. However, it has to be taken into consideration that many documents related to climate change were developed and adopted by the Cabinet of Ministers of Ukraine before the enactment of the law on SEA (on 12th October 2018), thus without a legal framework for public participation in the development of policies, plans and programmes that may impact the environment.

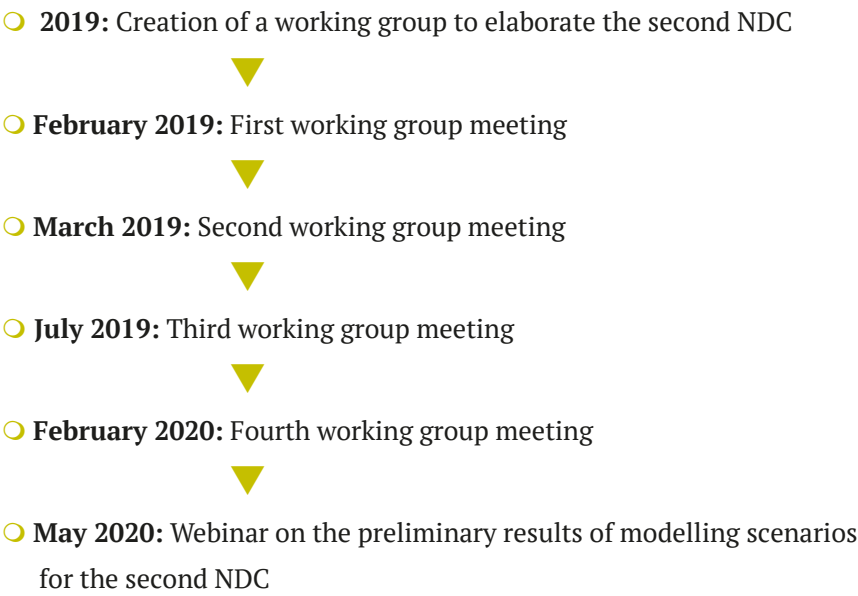
2.5.1 Revision of the Nationally Determined Contribution (NDC)

CSOs were already involved in the development of the first NDC (submitted in 2016), coordinated by UNDP and supported by the United States Agency for International Development (USAID) within the project “Municipal Energy Reform in Ukraine”, but they were not very satisfied since the process was neither open nor transparent in their opinion.⁶²

The current process to update the NDC started in 2019, and was originally organised by the MENR. Now, it is being led by the new MEEP with support of the Institute of Economics and Forecasting of the National Academy of Science of Ukraine. A working group that comprises of 50 participants including CSO representatives meets regularly to update the NDC of Ukraine.⁶³ The first meeting took place in February 2019. The second NDC methodological workshop was held in March 2019 in Kyiv. It was part of the European Bank for Reconstruction and Development (EBRD) project “Support to the Government of Ukraine on Updating its Nationally Determined Contribution (NDC)” funded by the Swedish International Development Agency (SIDA).⁶⁴ CSOs such as Ecoclub, Green Movement of Nikolaev, Greencubator, Environmental Humanitarian Association Green World, 350.org, and the Ukrainian Climate Network followed an open call and took part in this workshop.⁶⁵ In July 2019 and February 2020, the third and fourth meeting took place. Public consultations were planned for April and May 2020, but had to be postponed because of the Corona pandemic. In May 2020, a webinar on the preliminary results of modelling scenarios for the second NDC took place. Information about the meetings and working groups can be found in Ukrainian on the former website of the MENR⁶⁶ as well as on a Facebook page.⁶⁷ CSOs tried to influence the NDC process by participating in the meetings, but also criticised the process for not being ambitious enough. Therefore, they developed the detailed 2030 Climate Goal Roadmap that they will feed into upcoming climate-relevant political processes.⁶⁸

62 Focus group workshop, Ukraine, 05 March 2019.
63 Ibid.
64 <http://uwea.com.ua/en/news/entry/metodologicheskij-seminar-po-razrabotke-vtorogo-nacionalno-opredelenno-go-vz>, accessed 07 May 2019.
65 Communication via E-Mail with the Institute of Economics and Forecasting, 07 May 2019.
66 <https://menr.gov.ua/news/33080.html>, accessed 16 March 2019.
67 www.facebook.com/ukrainendc, accessed 08 May 2019.
68 <https://en.ecoaction.org.ua/roadmap-climate-goals-2030.html>, accessed 12 June 2019.

Development of the Second NDC



2.5.2 Climate Change Policy

A formal public participation process was organised as part of the development of the Concept for the Implementation of the Climate Change Policy and the Implementation Plan of the Climate Change Policy. A public hearing was performed as required by the Resolution of the Cabinet of Ministers of Ukraine 996 on ensuring participation of the public in the formulation and implementation of the national policy (2010) and the Resolution of the Cabinet of Ministers of Ukraine 771 on the procedure for public involvement in discussing decisions that may impact the environment (2011). In contrast to the concept, which contains rather general provisions and thus received fewer comments, the plan received a significant number of comments that were taken into consideration. The Concept for the Implementation of Climate Change Policy and the Implementation Plan of the Climate Change Policy were adopted in December 2016.^{69,70}

2.5.3 Low Emission Development Strategy (LEDS)

The 2050 Low Emission Development Strategy is a national policy instrument that merges climate change action with national development. This Ukrainian long-term strategy, which outlines different decarbonisation pathways and helps to identify and prioritise Nationally Appropriate Mitigation Actions (NAMAs) was submitted to the UNFCCC in 2018. CSOs were involved in the development of the LEDS. They participated in an initial meeting, and were consulted in the subsequent development.⁷¹

69 <https://zakon.rada.gov.ua/laws/show/932-2016-%D1%80>, accessed 17 January 2020.
70 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.
71 Interview with Ecoclub Rivne, Berlin, 13 February 2019.

2.5.4 National Emission Reduction Plan (NERP)

As a member of the European Energy Community⁷², Ukraine must comply with its obligations and therefore approved a National Emission Reduction Plan (NERP) in 2017. This aims to gradually reduce Ukraine’s emission of sulphur dioxide, nitrogen oxides and dust from large combustion plants. Before it was approved, NGOs achieved a revision of the plan and hope to be involved in this process in the future as well, since experts explained that the plan is based on outdated assumptions. It was written before Russia occupied the Donbass region where many coal power plants are located.⁷³

2.5.5 National Renewable Energy Action Plan (NREAP)

CSOs were also formally involved in the elaboration of the National Renewable Energy Action Plan (NREAP), but criticised that the plan is not aligned with higher level documents, such as the National Energy and Climate Action Plan (NECP) for 2030.⁷⁴ EU member states and members of the Energy Community are supposed to formulate NECPs to harmonise existing planning requirements in the fields of energy and climate policy, and to improve the synchronisation of drafting processes (Eyl-Mazzega & Mathieu, 2019).

2.5.6 National Energy and Climate Action Plan (NECP)

The “Low Carbon Ukraine” project organised a kick-off meeting to launch the NECP development process in May 2019 in cooperation with the responsible Ministry of Energy and Coal Industry. High-ranking officials from the Ministry of Energy, the Ministry of Ecology and Natural Resources and the State Agency of Energy Efficiency (SAEE) took part in this meeting. It is intended for the following drafting process to be accompanied by stakeholder consultations (Nitsovykh et al., 2019). A working group was created, consisting of 57 representatives from different state bodies and some NGOs.⁷⁵

2.6 Barriers to participation

Although participation in environmental matters is a fundamental right and plays a crucial role in the promotion of democratic governance, many obstacles exist in the improvement of political decisions as well as in the empowerment of civil society that impede equal and effective political participation. This chapter gives an overview of the barriers and factors that were identified in Ukraine regarding the involvement of civil society in environmental and climate-related decision-making. The barriers were classified into the following categories: fundamental, legal, structural, institutional and process-related.

72 www.energy-community.org, accessed 06 May 2019.
73 Focus group workshop, Ukraine, 05 March 2019.
74 Focus group workshop, Ukraine, 05 March 2019.
75 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.

2.6.1 Fundamental barriers

Representatives of civil society in Ukraine pointed out that the political will for participatory governance in environmental matters is not very strong. Therefore, CSOs are rarely involved in political decisions from the beginning. They are not really taken seriously by politicians, and participation is often regarded as a pure formality rather than an opportunity to add value. Environmental organisations don’t have as much political weight as other stakeholders and lobby groups. Political discourse often focuses on other urgent issues such as the war in Eastern Ukraine or corruption.⁷⁶ According to the Corruption Perception Index⁷⁷, Ukraine faces huge corruption problems and is failing to preserve the checks and balances that are fundamental to control corruption. The enforcement of anti-corruption reforms remains incomplete, anti-corruption bodies do not succeed, and progress is too slow.⁷⁸

2.6.2 Legal barriers

Even though the legal framework for public participation in environmental policy making in Ukraine is quite extensive and complex, the provisions of the Aarhus Convention and the European Public Participation Directive (Directive 2003/35/EC of the European Parliament and of the Council of 26th May 2003) are not fully implemented within national legislation. The framework environmental law (Law of Ukraine on Protection of the Environment) lacks a clear and legal basis for the involvement of the public and CSOs in environmental and climate decision-making processes. The Procedure of Public Participation in Environmental Decision-making⁷⁹ that was adopted to implement the law is outdated and only covers decisions made by the Ministry of Energy and Environmental Protection.⁸⁰ With regard to the new Law on Strategic Environmental Assessment (SEA), the narrow definition of “the public” is a major barrier since it results in significant restrictions on the public able to participate in a Strategic Environmental Assessment procedure.⁸¹

2.6.3 Structural and institutional barriers

Political level
Parliamentary elections and reshuffling of responsibilities

After the new president Volodymyr Zelenski dissolved the Ukrainian parliament on 21st May 2019 during his inauguration, parliamentary elections were held on 21st July 2019. The following political transformation and reshuffling of responsibilities also influenced climate policy making and the involvement of civil society. The Ukrainian Ministry of Environment and Natural Resources and the Ministry of Energy and Coal were dissolved and combined to form the Ministry of Energy and Environmental Protection.⁸² Thus, CSOs have to establish new contacts to foster their involvement and influence on political processes.

76 Focus group workshop, Ukraine, 05 March 2019.
77 www.transparency.org/cpi2019, accessed 20 March 2020.
78 www.transparency.org/country/UKR#, accessed 01 November 2019.
79 <https://zakon.rada.gov.ua/laws/show/z0155-04>, accessed 01 November 2019.
80 A Ministry solely dedicated to the environmental issues existed in Ukraine since its independence in 1991 until September 2019.
81 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.
82 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.

Individual interests instead of science

Regarding institutional barriers on the political level, representatives of CSOs mentioned the problem that processes and decisions are often driven by opinions and interests. Instead, scientific results should guide climate-related policy making and be spread more widely. As an example, the study “Transition of Ukraine to the Renewable Energy by 2050” that was carried out by the Institute for Economics and Forecasting of the National Academy of Sciences of Ukraine in 2016-2017 in cooperation with CSOs and public authorities, should be considered more in the current NDC update because the targets of this study are more ambitious than the current energy strategy.⁸³

Lack of understanding and consolidation of planning processes

The need for interdisciplinary approaches and inter-ministerial cooperation in terms of climate protection and civil society involvement is not fully understood among authorities and state bodies. Even though climate change affects many different sectors, the responsibilities to tackle it are very restricted to single topics. This missing holistic approach also influences policy planning in terms of the required policy documents, plans and programmes. Although certain documents are related to climate issues, the connection is not seen by authorities, because climate is not expressly mentioned. The consolidation of policy planning processes including public participation is weak and possible synergies between the development of required strategies, plans and documents are not fully exploited.⁸⁴

Compensation for political deficits

Another structural problem lies in the inappropriate distribution of roles and responsibilities: In some cases, CSOs do the work that should be carried out by governmental or scientific institutions. Civil society thus compensates for political deficits with the effect that the workload becomes too high and makes effective participation impossible.⁸⁵

Civil society level

The Ukrainian public lacks a profound understanding of the opportunities and tools to influence climate policy. In addition to missing knowledge, it is sceptical or underestimates its role within political processes. Currently, formal opportunities to participate within the procedure of Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA) are rarely used.⁸⁶

One major barrier that hinders Ukrainian CSOs from participating in climate policy is their lack of capacity on different levels: Most CSOs do not have enough members, volunteers and employees to take part in all relevant processes. Often, financial resources⁸⁷ or the specific technical knowledge to contribute meaningfully are also missing.⁸⁸ Due to certain constraints and demands related to their (mostly

83 Interview with Ecoclub Rivne, Berlin, 13 February 2019.
84 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.
85 Focus group workshop, Ukraine, 05 March 2019.
86 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.
87 Focus group workshop, Ukraine, 05 March 2019, Interview with Ecoclub Rivne, Berlin, 13 February 2019, Interview with Friedrich-Ebert-Stiftung, Kyiv, 07 March 2019.
88 Focus group workshop, Ukraine, 05 March 2019, Interview with Ecoclub Rivne, Berlin, 13 February 2019.

international) funding, many CSOs are not able to pursue a single topic over a long period. This discontinuity makes it difficult to develop a clear profile and to be acknowledged as a qualified partner or consultant e.g. on climate issues.⁸⁹ Although environmental CSOs in Ukraine have good networks, communication as well as cooperation is sometimes insufficient.⁹⁰ Their positions and demands remain partially invisible. Consequently, their influence on political discourse is not as high as it could be.⁹¹

2.6.4 Process-related barriers

Representatives of CSOs see the lack of comprehensible information and the lack of cooperation between the government and scientific institutions as a major obstacle to participate in concrete climate-related processes. On the one hand, there is not much qualitative national scientific support.⁹² On the other hand, existing information is too technical and thus cannot be understood by the wider civil society.⁹³ Moreover, a transparent review of public recommendations and comments is missing. In many cases, the public and CSOs do not get responses on how their contributions were taken into consideration, or why they were dismissed.⁹⁴ Even though the Cabinet of Ministers Regulation 996 requires the publication of reports on the results of public consultations by the respective ministry or national authority within two weeks after the relevant decisions have been made, only one in three national authorities provide detailed feedback (Council of Europe, 2016).

89 Interview with Ecoclub Rivne, Berlin, 13 February 2019.
90 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.
91 Interview with Friedrich-Ebert-Stiftung, Kyiv, 07 March 2019.
92 Focus group workshop, Ukraine, 05 March 2019.
93 Interview with Ecoclub Rivne, Berlin, 13 February 2019.
94 Based on research of EPL, commissioned in the framework of this study, Ukraine, October 2019.



2.7 Assessment of the environment and opportunities to participate

This chapter illustrates the results of the assessment of the situation and conditions for civil society participation in environmental and especially climate-related decision-making in Ukraine (Table 6 and Figure 1). The assessment is based on the analysis made in the previous chapters and evaluations from Ukrainian civil society experts derived from interviews.

Table 6: Assessment of the environment and opportunities to participate in climate policies in climate in Ukraine

Criterion 1 Fundamental requirements

Indicators	Scores	Score
a. Stability and peace (What is the intensity of ongoing conflicts?) ⁹⁵	0 = high intensity of conflict (limited war or war going on) 1 = medium (violent crisis going on) 2 = low intensity of conflict (non-violent crisis or dispute going on) 3 = very low intensity of conflict (no dispute, crisis or war going on)	0
b. Anti-corruption and transparency (What is the perceived level of corruption?) ⁹⁶	0 = highly corrupted, CPI of 0 1 = corrupt, CPI equal to or under 50 2 = clean, CPI higher than 50 3 = very clean, CPI of 100	1 (30/100)
c. Security of environmental defenders (Are environmental defenders secure from threats?) ⁹⁷	0 = alarmingly weak security for environmental defenders (more than one murder documented) 1 = weak security for env. defenders (one murder documented) 2 = Environmental defenders are somewhat secure (no murders documented)	2

⁹⁵ This indicator and related scoring is based on the Conflict Barometer 2018 by HIIK (www.hiik.de/conflict-barometer/?lang=en, accessed 23 April 2020). The Conflict Barometer uses a five-level model, defining disputes and non-violent crises as non-violent conflicts with a low conflict intensity, violent crises as violent conflicts with medium conflict intensity and limited wars and wars as violent conflicts with high conflict intensity.

⁹⁶ This indicator and related scoring is based on the Corruption Perception Index 2019 by Transparency International (www.transparency.org/cpi2019, accessed 27 April 2020). According to Transparency International a scoring of zero means “highly corrupt” and 100 is “very clean”. The scoring “1=corrupt” and 2=clean” was set by UfU. Transparency International defines corruption as the “abuse of entrusted power for private gain”, whereas “transparency is about shedding light on rules, plans, processes and actions. (...) “It is the surest way of guarding against corruption, and helps increase trust in the people and institutions on which our futures depend.” (www.transparency.org/what-is-corruption, accessed 23 April 2020).

⁹⁷ This indicator and related scoring is based on the Global Witness Report “At what cost? which documents the murder of land and environmental defenders in 2017 (www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost, accessed 23 April 2020). It is important to note that the absence of murder does not mean that there are no other threats, attacks or harassments of environmental defenders and activists.

d. Political commitment (Is political participation of civil society related to the environment and climate backed by high-level political bodies and decision makers?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
	Max. score: 10	4

Criterion 2 Enabling legislation

Indicators	Scores	Score
a. Commitment to international conventions and agreements (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Ezcazú Agreement, requiring civil society participation related to the environment and climate?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	2
b. National laws requiring the proactive participation of civil society (To what extent does/do • the constitution, • national framework laws regarding environment and climate, • strategic environmental assessment laws, • or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) obligate the state or state agencies at national level to proactively seek the participation of civil society in decision-making related to the environment and climate, going beyond the official notification of participatory events?) ⁹⁸	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)	0

⁹⁸ If there is a primary act requiring participation that affects several subordinates laws the latter are counted as well.

c. National laws requiring timely participation (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require timely participation (before a decision is made and so that there is enough time for a public authority to consider the public comments) of civil society in decision-making related to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	3
d. National laws requiring information regarding the participation process (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require all information relevant to decision-making processes relating to the environment and climate to be made available to civil society, without civil society having to make an official information request?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	2
e. National laws requiring the consideration of civil society's comments (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require the state or state agencies at the national level to take due account of civil society's comments in decision-making relating to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	3

f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require the state or state agencies at the national level to promptly inform civil society about the decision and provide a written response explaining which comments were taken into account as well as giving reasons for dismissing others?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed	3
	Max. score: 17	13

Criterion 3 Supporting governance & structures

Indicators	Scores	Score
a. Governance structure (Is there an institutional body or mechanism, such as a committee, division or centre, supporting and coordinating participation processes relating to the environment and climate?)	0 = no 2 = yes	0
b. Institutional coordination & cooperation (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)	0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation	0
c. Financial resources (Are civil society actors financially supported to participate in environmental/climate policy, e.g. through an allowance, reimbursement of travel costs or funding of staff members?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
	Max. score: 7	0

Criterion 4 Qualitative participation processes⁹⁹

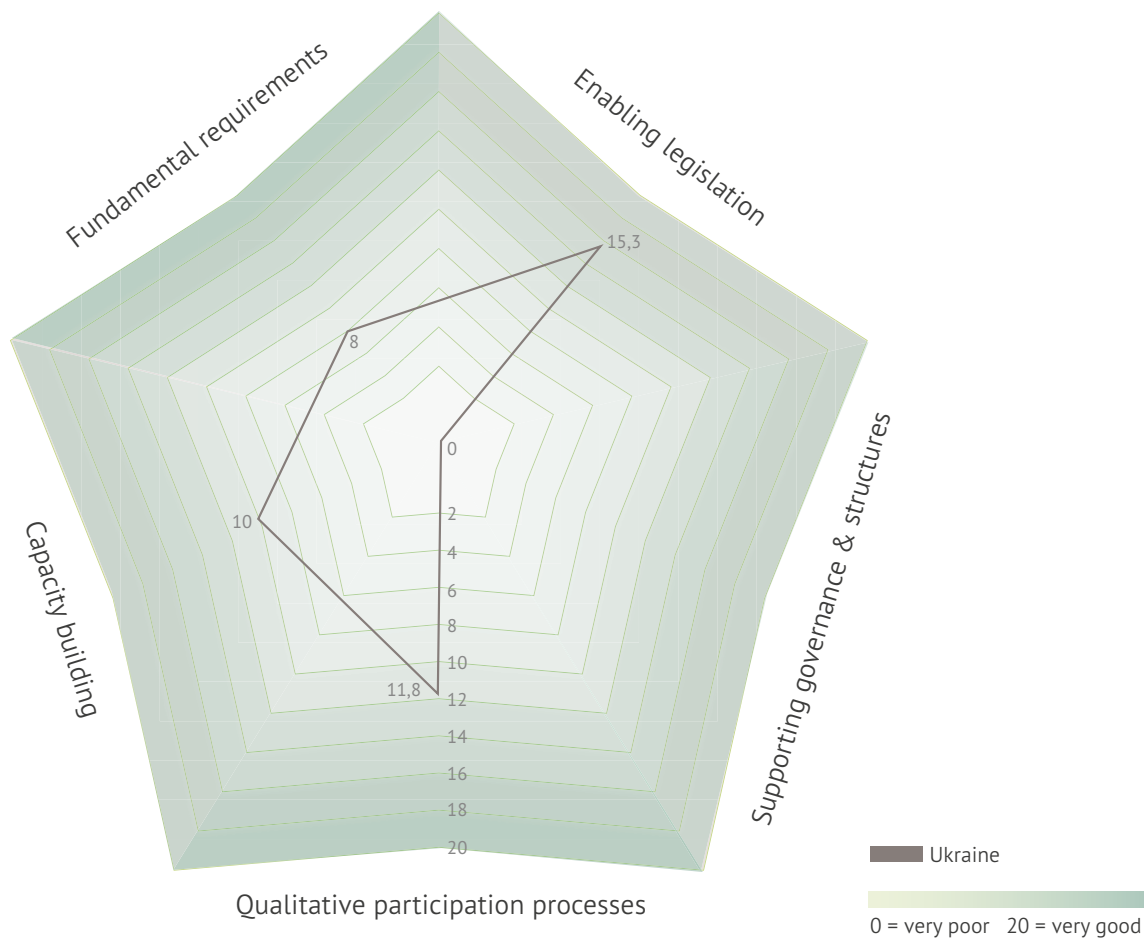
Indicators	Scores	Score
a. Early participation (At what stage was civil society involved in the process?)	0 = only after most of the decisions have been made 1 = after the first draft of the document/plan/strategy 2 = directly from the beginning	1
b. Broad, inclusive invitation (Was a wide variety of representatives of civil society (CSOs and wider public) invited to participate, including for instance those representing youth, gender, indigenous groups, and minority ethnic groups?)	0 = no civil society representatives invited 1 = not a wide variety invited, just a few selected CSOs 2 = either just CSOs or just the wider public invited 3 = yes, a wide variety invited	1
c. Timely invitation (Was civil society invited early enough to participate?)	0 = some days in advance 1 = less than one month in advance 2 = more than one month in advance	2
d. Adequate participation formats (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration	2
e. Transparency and information (Was information about the technical background and the participation process available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, a lot of information	1
f. Available documentation (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
g. Transparent review of recommendations (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully	0
h. Evaluation and feedback process (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 2 = yes	2
	Max. score: 17	10

⁹⁹ The scoring represents the averaged evaluation of some recent national participation processes relating to the environment and climate in each country, described in detail in the respective chapters of this study.

Criterion 5 Capacity building

Indicators	Scores	Score
a. Environmental education (Is national formal and non-formal environmental and climate education offered to the public?)	0 = no 1 = yes, some education on offer 2 = yes, a lot of education on offer	1
b. Public awareness raising on participation rights and opportunities (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully	1
c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking (Is there capacity building on topics such as climate change, climate policy, policy dialogue, organisational development, cooperation or networking for CSOs?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1
d. Capacity building on participation and stakeholder engagement for governments (Is there capacity building on participation and stakeholder engagement for national governments and state officials?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available	1
	Max. score: 8	4
Max. total score	59	31

Figure 1: Assessment of the environment and opportunities to participate in climate policies in Ukraine (scaled to a maximum of 20 points)



2.8 Strengthening civil society involvement

One of the main objectives of the project “Strengthening Civil Society for the Implementation of National Climate Policy” is to foster and improve conditions and possibilities for civil society to participate in national climate policy. This chapter therefore presents recommendations derived from the analysed status quo as well as existing barriers and challenges that hinder participation in Ukraine. The following conclusions are country-specific and aim to provide guidance for national policy makers as well as other stakeholders who are relevant in climate-related policy making and participation, such as international institutions, donors and civil society itself. The recommendations refer to the current national climate policy in general, but highlight the ongoing planning and revision of the National Determined Contributions (NDCs) which the countries must submit by 2020 and every five years thereafter.

General guidance and recommendations on how to implement participation rights can be found in the Aarhus Convention Implementation Guide (United Nations Economic Commission for Europe, 2014) and the Implementation Guide for the UNEP Bali Guidelines (United Nations Environment Programme (UNEP), 2015).



2.8.1 Fundamental requirements

Raise political will

A fundamental requirement for effective stakeholder participation is the strong political will to set climate protection involving civil society as a key objective in the political programme. The new Ukrainian government should consider participation and the contributions of civil society as an asset, not as a barrier in political processes. It could thereby benefit from the involvement of civil society and exploit the opportunities arising from it: As CSOs know about local circumstances, concerns and regional climate vulnerabilities as well as mitigation and adaptation solutions, the state can meet international obligations such as the revision of the NDC with the support of civil society in a more dynamic and effective way. Political representatives and bodies could furthermore strengthen the legitimacy of their decisions and foster democratic governance, a fundamental prerequisite for EU accession, by granting more rights to CSOs and the public. It is crucial that participation processes are backed by high-level decision makers across the political spectrum to raise political will.

Create transparency

Transparency and accountability are the basis of political credibility and can prevent corruption. Access to information and the right to examine the process of decision-making support the formation of free opinion and are crucial for effective participation. The new Ukrainian government should consider transparency as a vital value for democracy and strengthen it to gain citizens’ und civil society’s confidence as well as to promote their involvement. It is therefore important that Ukraine implements the 17 commitments featured in the Ukraine Action Plan

2018-2020 in the framework of the Open Government Partnership. Especially the obligations related to the policy area of civic space should be taken seriously to foster the involvement of civil society, for instance the provision of free access for citizens to environmental information. Within the research project “Civil society against corruption in Ukraine: political roles, advocacy strategies and impact” 242 CSOs were identified that actively fight corruption and demand transparency in 57 Ukrainian cities (Bader, 2019). These actors are crucial to achieve the progress needed and should thus be strengthened.



2.8.2 Enabling legislation

Amend the Law of Ukraine on Protection of the Environment

Articles 9 and 21 of the Ukrainian Law on Protection of the Environment (1991), listing environmental rights of citizens and environmental NGOs, should be amended to effectively implement international obligations on public participation in the development of strategies, plans and programmes relating to the environment and climate. A separate article should be added, laying down general requirements for public participation in environmental decision-making and referring to different procedures. It should specify details for public participation on various levels of environmental decision-making, consisting of the development of policies, plans and programmes relating to the environment, development of policies, plans and programmes that may impact the environment, and decision-making on specific projects that may have significant impact on the environment. It is crucial to consider that the Aarhus Convention requires wider participation than regulated within EIA and SEA to strengthen the involvement of civil society (United Nations Economic Commission for Europe, 2014).

Revise the Law on Strategic Environmental Assessment

It is recommended to revise the Law on Strategic Environmental Assessment (SEA) in terms of the definition of the public who have the right to participate. According to Article 1 of the law, ‘the public’ is defined as one or more natural or legal persons, associations, organisations or groups registered in the geographical area covered by the respective strategic/planning document. This narrow definition of ‘the public’ results in significant restrictions in those able to participate in SEA procedures. The definition should be amended in a way that allows the participation of at least the public affected or likely to be affected by, or with an interest in the decision being made. In doing so, relevant NGOs, such as those promoting environmental protection, should be able to participate. As research shows that state bodies often do not apply the provisions of SEA, it is finally crucial to establish a detailed implementation plan that fosters good practice in participation.

Amend legislation to enable better access to information

National legislation should be revised in order to create legal requirements for broad and timely information of the public on the development of plans, programmes and strategies related to climate change. Laws should be created that

oblige officials to disclose accessible information on the launch of decision-making processes as well as related results.



2.8.3 Supporting governance and structures

Improve cooperation and consolidation of planning processes

The newly established Ministry of Energy and Environmental Protection of Ukraine should benefit from the parliamentary reshuffle and improve cooperation with other important ministries, public authorities, and especially scientific institutions from the very beginning to promote an ambitious climate policy and commitment from civil society. It is therefore vital that political decisions and activities are based on and led by scientific results rather than individual interests. Through better cooperation and exchange of information, responsible ministries should also consolidate the development of climate-related documents, plans and strategies such as the NDC, the required National Energy and Climate Plan (NECP) and the National Renewable Energy Action Plan that has to be revised. Since Ukraine is a member of the European Energy Community, it is obliged to formulate its own NECP that integrates different measures and policies. This should cover a ten year period and consider previous legislative developments and formulated strategies (Eyl-Mazzega & Mathieu, 2019). The alignment of these planning processes helps to exploit synergies and to involve CSOs and other civil society actors meaningfully from the outset.

Share responsibilities adequately

Responsibilities should be shared adequately between state, civil society and science to ensure the fair and efficient involvement of CSOs within the drafting and revision of climate-related plans, programmes and strategies. Ukrainian state officials must fulfil their legal obligations to involve civil society in climate policy planning, to facilitate appropriate processes, and to ensure access to information. Science and academia should support climate policy and participation processes as they can provide fundamental and essential findings on climate change as well as mitigation and adaptation opportunities. CSOs enrich the decision-making process as they are key actors in giving voice to local needs and concerns of society as well as providing technical knowledge. It is crucial to discuss and agree on the different responsibilities and expectations right from the beginning to avoid misunderstandings and excessive demands.

Provide resources

Human and financial resources are basic requirements for the work of permanent governance structures dedicated to participatory climate policy-making as well as for Ukrainian CSOs that work in climate policy. The Ukrainian government should prioritise the financial support of governance structures, such as the Aarhus Information and Training Centre, to enable participation and create an appropriate financial environment for CSO commitment. For example, favourable tax rules or specific instruments such as a funding programme for participation, are suitable incentives to encourage the participation of civil society. It is furthermore

recommended to engage and pay national CSOs for the facilitation of participation formats and training. Thus, the competence and professionalism of Ukrainian CSOs would be acknowledged by the political level and could help to relieve responsible persons from the ministry and other supporting institutions.



2.8.4 Qualitative participation process

Ensure broad and early invitation

Participation processes benefit from the various perspectives and experiences that a broad group of stakeholders can contribute. As climate policy planning is related to many different sectors and topics, it is crucial to broaden the variety of invited CSOs from the national to the local level. Detailed stakeholder mapping can serve as a useful tool to get an overview of existing competences, knowledge, and networks. The government should not only rely on the experience of big and powerful CSOs that have been working in the field of climate issues for many years. Smaller and newer organisations should also be invited to participate in the development and evaluation of plans, programmes and strategies such as the NDC revision and its implementation. Often, they are in close contact with the general public or certain population groups (e.g. young people) and can give voice to their concerns. Exchange and collaboration with the Covenant of Mayors is vital to access the local level. CSOs that represent important groups and topics such as gender or youth should be considered as well to ensure inclusiveness. Stakeholders must be invited early, if possible more than one month in advance, to make sure that they have sufficient time to prepare and participate.

Provide transparency and information

The government must comply with its legal obligation to provide comprehensible information about the planned participation process and the topics to be discussed in the consultations at an early stage. Therefore, the government should establish an online platform in collaboration with the Aarhus Information and Training Centre, which informs civil society about policy and climate issues such as the Paris Agreement, the NDC revision as well as ongoing climate-related participation processes in Ukraine. Technical information should be simplified, e.g. through short videos or “FAQs” (Frequently Asked Questions). International documents should be translated into the Ukrainian language. In this context, it is crucial to cooperate with academia since universities and research institutes can provide and share sound knowledge on climate change and related topics. Discussions, results, and evaluations of specific events such as the NDC working groups should also be documented and published in Ukrainian as well as in English to guarantee easy accessibility. The objective, extent, and time schedule of every participation process should be elaborated and explained from the beginning in a stakeholder involvement plan that should be accessible for everyone. The government should extend the application of e-participation by including feedback tools and online consultation. The continuous exchange of information should be ensured between meetings through mailing lists and newsletters. With regard to formal participation processes within SEA and EIA, it is recommended to create an SEA registry, similar to the new Unified National EIA Registry, to ensure more transparency. The EIA registry aims to record and publish the assessment of each

project’s potential impact on the environment and human health, to simplify the EIA procedure and to facilitate the participation of civil society.

Take due account of recommendations

The government should introduce a transparent system to collect and publish recommendations that were made by CSOs during the consultation processes related to environmental and climate issues. The proposals should be evaluated and CSOs should get feedback on whether their recommendations were considered or why they were rejected. It is crucial that the Ukrainian government invests in a fair and open review process to gain credibility and trust.

Evaluate and enable learning processes

It is recommended that the Ministry of Energy and Environmental Protection and other responsible actors offer involved stakeholders the opportunity to give feedback on the ongoing participation processes such as the development of the NDC, to ensure an effective participation process. The processes should be reviewed on a regular basis, not only after they have been finalised. Regular evaluation helps to avoid problems such as misunderstandings and makes it possible to learn. Sometimes it is necessary to adapt formats, methods or certain procedures to improve the process and ensure successful results.



2.8.5 Capacity building

Raise public awareness

Awareness and knowledge about the impact of climate change and possible mitigation and adaptation measures should be raised among citizens through diverse education and information campaigns. Non-formal environmental education and education on sustainable development provided by CSOs, e.g. through organisations of the Ukraine Climate Network, play a crucial role in this context. The wider public should also be better informed about their existing rights and opportunities to access information and participate in environmental matters. In addition to formal public participation, for example within EIA and SEA procedures, citizens should be made aware of the opportunity to influence climate policy-making, e.g. through their commitment and support of CSOs.

Develop skills of CSOs

The capacity of Ukrainian CSOs to actively participate in policy planning should be strengthened through trainings and other formats. However, it should be noted that the requirements vary from one organisation to another. Train-the-trainer formats and peer-to-peer learning could help to share knowledge between NGOs. Apart from the need for more technical knowledge about climate change and related climate policy planning from the international to the national level, support in organisational development could be helpful for some organisations. Representatives of CSOs indicated that it could be useful to strengthen their membership base through effective public relations and recruitment in order to gain more political influence and be taken seriously by political representatives.

Develop skills of governmental institutions

The analysis showed that governmental actors should be trained in the interdisciplinary approaches and inter-ministerial cooperation required to foster climate protection and participation, especially because climate change affects many different sectors of society. Moreover, consultation is needed to find out how to consolidate current climate policy planning processes and exploit synergies between the development of required strategies, plans and documents, including the involvement of civil society.

National climate policy planning in Ukraine

5 key measures to ensure civil society's participation is meaningful, effective and long-term

1 Fight corruption and strong power structures:

Foster the new government's political will to promote participatory decision-making, going beyond the legally-required formal involvement of CSOs.

2 Fully transpose the Aarhus Convention into national law:

Revise the Law of Ukraine on the Protection of the Environment and the Law on Strategic Environmental Assessment to effectively implement international obligations on public participation in the development of strategies, plans and programmes relating to the environment and climate and amend the legislation in favour of better access to information.

3 Establish institutional structures and mechanisms that organise and coordinate participation processes:

Use the parliamentary reshuffle to improve cooperation across different political levels, to consolidate climate-related planning processes including civil society's involvement and to strengthen existing structures such as public councils, the Inter-Agency Commission on Climate Change or the Aarhus Information and Training Centre.

4 Design meaningful, inclusive, transparent and binding participatory processes:

Put emphasis on inviting a broad range of civil society actors at an early stage, on providing accessible and clear information as well as on the evaluation of ongoing participation processes to improve future procedures.

5 Increase capacity building and environmental education:

Offer training to authorities on the interdisciplinary approaches and inter-ministerial cooperation required to foster climate protection and participation, and enhance awareness raising on climate change and climate policy among the public.

3 Conclusions

Civil society participation in climate-related policy-making can contribute to enhance the quality and ambition of climate policy. Thus, it is especially needed at a time when most countries are currently obligated to revise their NDCs, which will determine climate-related policies for the following years.

In Ukraine, the Revolution on Granite in 1990, the Orange Revolution in 2004, and the Revolution of Dignity in 2013-2014 have strongly influenced civic space and the environment for CSOs. CSOs have increased their presence in public discourse and policy making and have become a strong driving force behind ongoing reforms. Ukrainian NGOs and CSOs are mainly focused on democratisation and human rights, but environmental and climate topics have also become increasingly important over the last few years, especially after the ratification of the **Paris Agreement** in 2016. CSOs that participate in national climate policy processes still form a relatively small group in Ukraine, but are becoming increasingly stronger and better organised. They already benefit from some participation rights and specific opportunities to get involved in climate-related policy making. However, this study revealed there are still many obstacles that impede equal and effective political participation.

Ukraine performs rather poorly in regards fundamental requirements and conditions for participation, with a score of 4/10 points. Representatives of civil society mentioned the fundamental problem that the political will to go beyond the legally required formal involvement of CSOs in participatory governance is weak among high-level decision makers. Furthermore, Ukraine faces huge corruption problems that are connected to a lack of transparency, which is a prerequisite for democratic governance. Furthermore, the ongoing war between Ukraine and Russia in the Crimea and Eastern Donbas has a significant impact on participatory rights and processes.

Our analysis showed that in Ukraine, the legal framework for public participation in environmental policy making is quite extensive and complex. As there are already different national laws and regulations providing for participation, the country scores quite well in this regard (13/17). In particular, the new laws on Environmental Impact Assessment (2017) and Strategic Environmental Assessment (2018) that were enacted after the signature of the EU-Ukraine Association Agreement (2014) established a proper legal framework for participatory rights with regard to plans and programmes as well as specific activities that may significantly impact the environment. Nevertheless, provisions of the **Aarhus Convention** and the European Public Participation Directive (Directive 2003/35/EC of the European Parliament and of the Council of 26th May 2003) are not yet fully implemented within national legislation. It is therefore crucial that civil society pushes for the required amendment of the legislation and its practical implementation. CSOs working on this topic should make use of their rights to participate in respective consultations and hearings to influence the process.

Ukraine scores poorly in an analysis of the structural level (0/7) since there are no effective institutional structures or mechanisms at the national level that organise and coordinate participation processes across different political levels and topics. The Aarhus Information and Training Centre was established to promote the three pillars of the Aarhus Convention and to raise awareness among the public and governmental authorities concerning environmental issues and participation. Civil society actors however pointed out that in practice, the centre does not meet these expectations. Some other existing structures and initiatives that support political participation are driven by the EU or

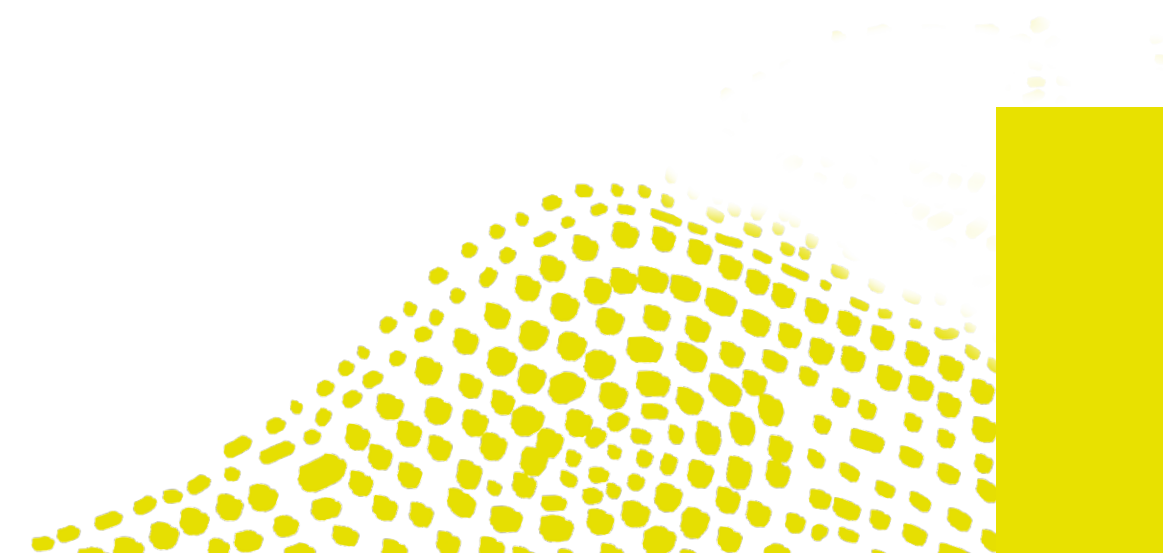
organised by civil society itself. Additionally, financial resources for the organisation of participation processes and the support of participating CSOs are missing. Long-term structures for participation as well as financial support should be established. The newly established Ministry of Energy and Environmental Protection of Ukraine should furthermore improve cooperation with other important ministries, public authorities and scientific institutions at an early stage to foster ambitious participatory climate policies. It is important that CSOs demand improvements at the structural level and benefit from the 'window of opportunity' that has arisen from the current government reshuffle.

Ukraine performs averagely (10/17) in regards specific participatory processes. It can be stated that CSOs succeeded to join the discussion and contribute their positions in several recent climate-relevant processes at the national level. Some civil society actors took part in a public hearing and commented on the Implementation Plan of the Climate Change Policy that was adopted in 2016. The National Emission Reduction Plan (NERP), which was approved in 2017, had to be revised due to the involvement of civil society representatives. During the development of the 2050 Low Emission Development Strategy (LEDS, 2018), CSOs participated in an initial meeting and were consulted in the subsequent development. Some CSOs were also formally involved in the development of the National Renewable Energy Action Plan (NREAP). A working group was created that includes some CSOs to develop the National Energy and Climate Plan (NECP) required by the European Energy Community. The process to develop the second NDC that started in 2019 seems to be more open to CSOs than the first process was. A working group, also including some representatives of CSOs, met regularly to set new national climate targets. However, most of the CSOs criticise the process for not being ambitious enough and developed the detailed 2030 Climate Goal Roadmap that they will feed into upcoming climate-relevant political processes. Our analysis also showed that most of the processes are formal consultations rather than being open and innovative and do not involve CSOs from the very beginning. Another main obstacle is the lack of comprehensible information about the topics and the processes themselves. Moreover, a transparent review of the contributions and comments given by civil society is missing. In many cases, civil society is not informed as to whether the contributions were taken into account or the reasons for their dismissal.

The interviews also revealed that it is crucial to continuously develop the skills of civil society and governmental institutions regarding their involvement and organisation of participation processes. Ukraine scored 4 out of 8 points in the field of capacity building, since governmental actors should be better informed and trained on how to consolidate current climate policy planning processes and how to exploit synergies between the development of required strategies, plans and documents, including civil society involvement. Likewise, there is a need to raise awareness of climate change and to increase participation rights and opportunities among civil society (organisations). CSOs should get a clear understanding of their own role within climate policy processes and develop strategies on how to meaningfully influence ongoing processes. Ukrainian CSOs have different competencies and focuses. It is therefore important to build networks, use synergies and communicate the strengths and skills of CSOs to the government.

The aim of the new government should be to fully implement the Aarhus Convention and strengthen CSOs' participation rights and opportunities in climate issues. By granting more rights to CSOs and the public, political representatives could strengthen democratic governance, a fundamental prerequisite for EU accession. Moreover, the involvement of civil society is crucial to develop ambitious climate targets and measures that meet the Paris Agreement. The perspectives and competences of civil society should also be included when the next step is to develop the National Energy and Climate Plan (NECP) required by the EU, to implement specific climate protection measures and afterwards submit the revised NDCs by 2025.

Overall, the results of our study emphasise the need for further and more vigorous efforts to strengthen civil society participation in climate-related policies worldwide. Although other crises currently seemingly overshadow the relevance of climate protection and civil society participation, it is more important than ever to involve the perspectives of those most affected. Civil society actors must actively demand participation and decision-making power and governments should provide them with opportunities to be involved. This is necessary to improve the quality, effectiveness and ambition of climate-related policies. Tackling climate change is a common goal and can only be achieved if all countries combine their efforts and are willing to learn from each other.



Bibliography

B

Bader, M. (2019). Antikorruptionsaktivismus in den ukrainischen Regionen. Ukraine-Analysen, 224, 2–5.
Bertelsmann Stiftung. (2018). BTI 2018 Country Report - Ukraine.
Buhbe, M. (2017). How Ukrainians Perceive European Values. Main Results of an Empirical Survey.

C

Conference of INGOs of the Council of Europe. (2009). Code of Good Practice for Civil Participation in the Decision-Making Process.
Council of Europe; Pompidou Group. (2015). Government interaction with Civil Society. Policy paper on government interaction with civil society on drug policy issues: Principles, ways and means, opportunities and challenges.
Council of Europe. (2016). Civil Participation in Decision Making in the Eastern Partnership Countries. Part One: Laws and Policies.

E

Elges, L., Martin, C. (2014). Protecting Climate Finance: An Anti-Corruption Assessment of the Climate Investment Funds. Transparency International report.
European Environmental Bureau (EEB). (2019). Power for the people.
Eyl-Mazzega, M.-A., & Mathieu, C. (2019). Developing a National Energy and Climate Plan for Ukraine: Key Objectives, Strategic Questions and Options (Issue March).

G

Ghosh, M. (2014). In Search of Sustainability. Civil Society in Ukraine (Issue June).

H

Hughes, T., & Huss, O. (2017). Handbook on Transparency and Citizen Participation. Ukraine.

K

Kovac, S., Sperfeld, F., Ettl, S., & Stolpe, F. (2019). Zwischen Klimagerechtigkeit und der Implementierung der NDCs. Beiträge der Zivilgesellschaft zur Klimapolitik in sieben Ländern.

L

LIFE PlanUp. (2019). Report on Good Practices in Energy and Climate Governance.

M

Marcu, A., Diukanov, V., & Tkach, E. (2017). Assessment of the system for taking strategic decisions on climate change in Ukraine.
Melnikova, J., Li, L., & Tänzler, D. (2017). Germany’s carbon market cooperation with Ukraine : Prospects for engaging with Article 6 of the Paris Agreement.
Milano, F. (2019). Governments and Civil Society Advancing Climate Agendas.
Ministry of Ecology and Natural Resources of Ukraine. (2019). Ukraine’s Greenhouse Gas Inventory 1990-2017.

N

Nitsovyh, R., Serebrennikov, B., Meißner, F., & Stiewe, C. (2019). Quarterly

Monitoring Report on the Implementation of Ukraine’s Energy Action Plan (Issue August).

P

Palyvoda, L., Potopalskaya, T., & Baldych, N. (2018). Civil Society Organizations of Ukraine : Socio-Economic Dimensions.

R

Reid, H., Ampomah, G., Olazábal Prera, M. I., Rabbini, G., & Zvigadza, S. (2012). Southern voices on climate policy choices: analysis of and lessons learned from civil society advocacy on climate change. International Institute for Environment and Development.
Resource and Analysis Centre “Society and Environment.” (2018). Environmental Portrait of the Ukrainian Citizen: Comparison with the EU and Recommendations.

U

Ukrainian Climate Network. (2019). Ukrainian Climate Network: history and trends until 2020.
United Nations Economic Commission for Europe. (2014). The Aarhus Convention. An Implementation Guide.
United Nations Environment Programme (UNEP). (2015). Putting Rio Principle 10 Into Action. An Implementation Guide.
United States Agency for International Development. (2017). 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia (Issue July).

V

Verbytsky, I., Kudelya, M., Lomonosova, N., Nazarenko, J., & Hassay, E. (2020). Дослідження взаємодії громадського кліматичного руху та органів влади.

W

Working Group 5 of the EU-Ukraine Civil Society Platform. (2018). Climate change in the context of Paris Agreement commitments: challenges and cooperation opportunities for EU and Ukraine.
World Bank. (2016). Ukraine Country Environmental Analysis.

Y

Yeremenko, I., Vinyarskaya, M., & Melnyk, J. (2019). КЛІМАТИЧНА ПОЛІТИКА УКРАЇНИ:ЕНЕРГЕТИЧНА СКЛАДОВА.

Z

Zarembo, K., Gaidai, D., Litra, L., Lymar, O., Solodkyy, S., Todoruk, O., Bielieskov, M., Volosevych, I., & Konoplytska, T. (2017). Ukrainian Generation Z: Attitudes and Values. <https://doi.org/10.1037/14556-014>

Appendix

Detailed evaluation scheme with indicators and scoring options

Criterion 1 Fundamental requirements

Indicators	Scores
a. Stability and peace (What is the intensity of ongoing conflicts?) ¹⁰⁰	0 = high intensity of conflict (limited war or war going on) 1 = medium (violent crisis going on) 2 = low intensity of conflict (non-violent crisis or dispute going on) 3 = very low intensity of conflict (no dispute, crisis or war going on)
b. Anti-corruption and transparency (What is the perceived level of corruption?) ¹⁰¹	0 = highly corrupted, CPI of 0 1 = corrupt, CPI equal to or under 50 2 = clean, CPI higher than 50 3 = very clean, CPI of 100
c. Security of environmental defenders (Are environmental defenders secure from threats?) ¹⁰²	0 = alarmingly weak security for environmental defenders (more than one murder documented) 1 = weak security for env. defenders (one murder documented) 2 = Environmental defenders are somewhat secure (no murders documented)
d. Political commitment (Is political participation of civil society related to the environment and climate backed by high-level political bodies and decision makers?)	0 = no 1 = yes, to some extent 2 = yes, full
	Max. score: 10

¹⁰⁰ This indicator and related scoring is based on the Conflict Barometer 2018 by HIIK (www.hiik.de/conflict-barometer/?lang=en, accessed 23 April 2020). The Conflict Barometer uses a five-level model, defining disputes and non-violent crises as non-violent conflicts with a low conflict intensity, violent crises as violent conflicts with medium conflict intensity and limited wars and wars as violent conflicts with high conflict intensity.

¹⁰¹ This indicator and related scoring is based on the Corruption Perception Index 2019 by Transparency International (www.transparency.org/cpi2019, accessed 27 April 2020). According to Transparency International a scoring of zero means “highly corrupt” and 100 is “very clean”. The scoring “1=corrupt” and 2=clean” was set by UfU. Transparency International defines corruption as the “abuse of entrusted power for private gain”, whereas “transparency is about shedding light on rules, plans, processes and actions. (...) “It is the surest way of guarding against corruption, and helps increase trust in the people and institutions on which our futures depend.” (www.transparency.org/what-is-corruption, accessed 23 April 2020).

¹⁰² This indicator and related scoring is based on the Global Witness Report “At what cost? which documents the murder of land and environmental defenders in 2017 (www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost, accessed 23 April 2020). It is important to note that the absence of murder does not mean that there are no other threats, attacks or harassments of environmental defenders and activists.

Criterion 2 Enabling legislation

Indicators	Scores
a. Commitment to international conventions and agreements (Did the country sign and ratify (accept, approve, accede to) the Aarhus Convention or the Ezcazú Agreement, requiring civil society participation related to the environment and climate?)	0 = no, neither signed, nor ratified (accepted, approved, acceded to) 1 = signed, but not ratified (accepted, approved, acceded to) 2 = ratified (accepted, approved, acceded to)
b. National laws requiring the proactive participation of civil society (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) obligate the state or state agencies at national level to proactively seek the participation of civil society in decision-making related to the environment and climate, going beyond the official notification of participatory events?) ¹⁰³	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed
c. National laws requiring timely participation (To what extent does/do <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate, strategic environmental assessment laws, or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) require timely participation (before a decision is made and so that there is enough time for a public authority to consider the public comments) of civil society in decision-making related to the environment and climate?)	0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed

¹⁰³ If there is a primary act requiring participation that affects several subordinates laws the latter are counted as well.

<p>d. National laws requiring information regarding the participation process (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require all information relevant to decision-making processes relating to the environment and climate to be made available to civil society, without civil society having to make an official information request?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>
<p>e. National laws requiring the consideration of civil society's comments (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to take due account of civil society's comments in decision-making relating to the environment and climate?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>
<p>f. National laws requiring notification of civil society on the decision made along with the reasons and considerations on which the decision is based (To what extent does/do</p> <ul style="list-style-type: none">the constitution,national framework laws regarding environment and climate,strategic environmental assessment laws,or climate-related sectoral laws (regarding energy, industry, transport, forest or land use) <p>require the state or state agencies at the national level to promptly inform civil society about the decision and provide a written response explaining which comments were taken into account as well as giving reasons for dismissing others?)</p>	<p>0 = none of the laws assessed 1 = a few of the laws assessed 2 = most of the laws assessed 3 = all laws assessed</p>
	<p>Max. score: 17</p>

Criterion 3 Supporting governance & structures

Indicators	Scores
<p>a. Governance structure (Is there an institutional body or mechanism, such as a committee, division or centre, supporting and coordinating participation processes relating to the environment and climate?)</p>	<p>0 = no 2 = yes</p>
<p>b. Institutional coordination & cooperation (Are national participation processes relating to the environment and climate coordinated across different vertical and horizontal political levels?)</p>	<p>0 = no 1 = there is weak coordination and cooperation 2 = there is good coordination and cooperation 3 = there is very good coordination and cooperation</p>
<p>c. Financial resources (Are civil society actors financially supported to participate in environmental/climate policy, e.g. through an allowance, reimbursement of travel costs or funding of staff members?)</p>	<p>0 = no 1 = yes, to some extent 2 = yes, fully</p>
	<p>Max. score: 7</p>

Criterion 4 Qualitative participation processes¹⁰⁴

Indicators	Scores
<p>a. Early participation (At what stage was civil society involved in the process?)</p>	<p>0 = only after most of the decisions have been made 1 = after the first draft of the document/plan/strategy 2 = directly from the beginning</p>
<p>b. Broad, inclusive invitation (Was a wide variety of representatives of civil society (CSOs and wider public) invited to participate, including for instance those representing youth, gender, indigenous groups, and minority ethnic groups?)</p>	<p>0 = no civil society representatives invited 1 = not a wide variety invited, just a few selected CSOs 2 = either just CSOs or just the wider public invited 3 = yes, a wide variety invited</p>

¹⁰⁴ The scoring represents the averaged evaluation of some recent national participation processes relating to the environment and climate in each country, described in detail in the respective chapters of this study.

c. Timely invitation (Was civil society invited early enough to participate?)	0 = some days in advance 1 = less than one month in advance 2 = more than one month in advance
d. Adequate participation formats (How was civil society involved in the process?)	0 = through information 1 = through consultation 2 = through several interactive formats, fostering dialogue and collaboration
e. Transparency and information (Was information about the technical background and the participation process available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, a lot of information
f. Available documentation (Was documentation about the discussions and results available to civil society?)	0 = no 1 = yes, to some extent 2 = yes, fully
g. Transparent review of recommendations (Were recommendations and views from civil society reviewed in a transparent manner?)	0 = no 1 = yes, to some extent 2 = yes, fully
h. Evaluation and feedback process (Was there an evaluation and feedback process regarding the participation procedure?)	0 = no 2 = yes
	Max. score: 17

Criterion 5 Capacity building

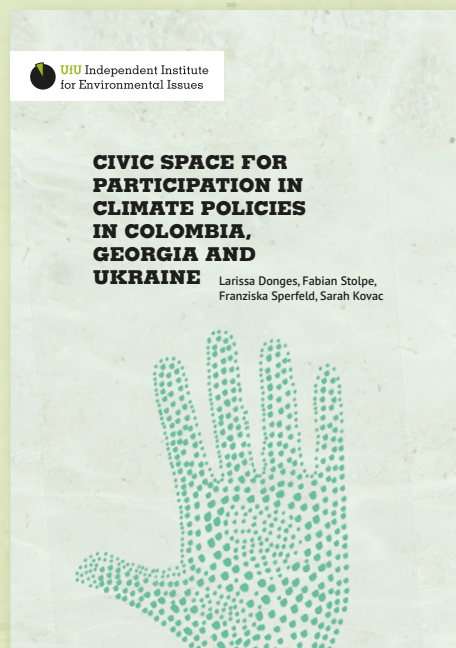
Indicators	Scores
a. Environmental education (Is national formal and non-formal environmental and climate education offered to the public?)	0 = no 1 = yes, some education on offer 2 = yes, a lot of education on offer
b. Public awareness raising on participation rights and opportunities (Is information about public participation rights and opportunities available to the public?)	0 = no 1 = yes, to some extent 2 = yes, fully
c. CSO capacity building on climate change, climate policy, policy dialogue, organisational development, cooperation and networking (Is there capacity building on topics such as climate change, climate policy, policy dialogue, organisational development, cooperation or networking for CSOs?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available

d. Capacity building on participation and stakeholder engagement for governments (Is there capacity building on participation and stakeholder engagement for national governments and state officials?)	0 = no 1 = yes, some capacity building available 2 = yes, a lot of capacity building available
	Max. score: 8
Max. total score	59

In 2015, Ukraine, alongside many other countries, adopted the Paris Agreement to limit global warming and its impacts. However, current national commitments (Nationally Determined Contributions (NDCs)) are inadequate to keep the rise in global temperature in this century well below 1.5 °C above pre-industrial levels. Time is running out, and rapid and far-reaching shifts across all sectors are required. Civil society actors play a crucial role in developing and implementing climate policies because they act as nature's advocate and voice, driven by the desire to protect the environment and preserve healthy living conditions for human beings.

The purpose of the comprehensive study "Civic space for participation in climate policies in Colombia, Georgia and Ukraine" was to investigate the environment and conditions for climate-related participation and specific examples of participatory policy making in Colombia, Georgia and Ukraine. The analysis explores how national civil society is being involved in national political processes related to the Paris Agreement, such as the revision of the NDC. The study also identifies concrete country-specific barriers that prevent meaningful, effective and long-term participation, and gives advice for overcoming these barriers. This report presents the results of the country analysis of Ukraine

More information in the full study



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