REFORM OF MANAGEMENT POWERS IN THE SPHERE OF USE OF NATURAL RESOURCES IN ECONOMIC ACTIVITY DURING THE WAR IN UKRAINE

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Abstract. The war in Ukraine caused significant damage to the environment, which will affect the state of the environment on the European continent and requires effective management to restore natural resources, preserve them and ensure their rational use for post-war reconstruction. Taking this into account, management powers in the field of use of natural resources in economic activity should already be reformed taking into account the risks arising during the war in Ukraine. In order to carry out this research, theoretical works on the understanding of nature management, the basic principles of nature conservation, as well as management powers in the field of the use of natural resources in economic activities were analyzed. However, they only partially cover the issue of reforming management activities and do not contain proposals taking into account the damage caused by the war to the environment. An analysis of empirical data, as well as normative legal acts, which determine the management powers of public bodies, was carried out. The purpose of the article: on the basis of a doctrinal analysis of theoretical sources, the application of a complex methodology is the formation of proposals for the reform of management powers, which are applied during the war in Ukraine by public authorities in regulating the use of natural resources in economic activities. To achieve this goal, a complex methodology was applied, which includes dialectical, comparative legal, statistical and systemic methods. In the process of research, the following results were obtained: visual diagram of the structural subdivisions of the Ministry of Environmental Protection and Natural Resources of Ukraine with management functions in the field of the use of natural resources in economic activity was formed; formulated proposals to improve the management system at the national, regional and local levels in the field of natural resource use in economic activities with Ukraine's implementation of the Sustainable Development Goals approved at the UN Sustainable Development Summit, as well as taking into account the need for post-war reconstruction and restoration of natural resources.

Keywords: public administration, natural resources, environmental protection, economic activity, martial law.

JEL Classification: H80, H83

Formulas: 0; fig.: 1; tabl.: 0; bibl.: 27

Introduction. The importance of reforming management powers in the sphere of the use of natural resources in economic activity is especially relevant in the conditions of a full-scale war in Ukraine. Undoubtedly, the scale and accuracy of calculations of all damage to the environment can be established only after the end of the war and the de-occupation of all territories of our state. However, as of October 2022, the Minister of Environmental Protection and Natural Resources of Ukraine emphasized during the hearings in the European Parliament that the aggressor state caused environmental damage to Ukraine in the amount of about 36 billion euros (damage due to air pollution was estimated at 25 billion euros, and for 11.4 billion euros are needed to eliminate soil damage), more than two thousand facts of ecological damage have been recorded, and several million hectares of nature reserves are still under critical threat [25].

Literature review. Taking into account the increase in environmental damage with each passing day of the war in Ukraine, at the moment there are only the first expert assessments and proposals, and there are no thorough studies of the reform of management powers in the field of the use of natural resources in economic activities during the war in Ukraine. At the same time, the theoretical basis of the research is numerous works that contain doctrinal approaches to understanding the concept of "nature use". Scientists understand the institute of the law of nature use as a set of legal norms of various branches of natural resource legislation that regulate social relations regarding the use of useful properties of natural objects [8, p. 93]. According to the position of G.V. Tyshchenko, the right to use nature as an institution is a set of norms established in normative legal acts regarding the regulation of relations arising from the use of natural resources [26, p. 47]. This approach is more universal compared to previous definitions. The right to use nature is also analyzed taking into account the main principles (O.G. Kotenyova) [11, p. 8].

The right to use nature in the process of economic activity is also studied by representatives of economic science [2]. For example, economist M.D. Baldzhi refers to directions and types of nature use: resource consumption, transformation and improvement of natural resource potential; restoration of natural resources; environmental protection; resource conservation; management and monitoring [1, p. 17]. We consider such a broad approach to understanding nature use justified, which includes not only the consumption of natural resources, but also a wide range of other issues.

Management of the use of natural resources in economic activity was studied by scientists at the national and local levels. At the same time, scientists rightly note that the reformation of management entities during the period of Ukraine's independence, their competence in the field of using natural resources in economic activity, as well as in the field of environmental protection could not have a positive effect on the quality and efficiency of management activity. And as an example, V. M. Zavhorodnya cites the cases when the State Committee of Natural Resources of Ukraine was formed in 2004, and in 2007 the State Agency of Land Resources of Ukraine, which were liquidated a year after their creation [6, p. 120].

According to scientists, management in the field of environmental protection is a sub-legal executive-administrative activity of public authorities with appropriate powers, which aims not only to ensure the rational use of natural resources, but also to guarantee their preservation and restoration, environmental safety [9, p. 78]. There is also an approach to justifying the system of integrated management of the use of natural resources, which is based on information provision [5, p. 365]. In our opinion, management includes organizational, establishment and control powers.

These works became the basis of our research, but they only partially touched on the issue of reforming management activities and did not highlight the need to take into account the scale of the damage caused by the war.

Aims. On the basis of the doctrinal analysis of theoretical sources, the application of a complex methodology is the formation of proposals for the reform of management

powers, which are applied during the war in Ukraine by public authorities in regulating the use of natural resources in economic activities.

Methods. During the research, an interdisciplinary approach was applied to the analysis of the problem of management powers, which were used by public authorities during the war in Ukraine to regulate the use of natural resources in economic activities. This approach includes a dialectical, comparative legal, statistical and systemic method. The study used scientific developments in the field of management powers to regulate the use of natural resources, legislative acts, and statistical data.

Results. The Constitution of Ukraine imposes obligations on the state to maintain ecological balance and guarantee environmental safety (Article 16). At the same time, public bodies at the state, regional, and local levels diligently fulfill this duty.

Among the subjects of management in the field of the use of natural resources in economic activity in Ukraine at the national level, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine and the President of Ukraine are primarily. Parliament plays a key role in determining the regulatory principles of management of the use of natural resources, as it determines through laws the procedure for economic activity, the possibility of using natural resources with environmental safety, and approves national environmental programs. In addition to the general constitutional powers, special codified acts regulating the exploitation of individual natural resources specified and supplemented the powers of the VRU, in particular: the right of the VRU to regulate mining relations and determine the directions of state policy on geological research was inserted. legislative regulation of forest relations and determination of the principles of state policy in this area; approval of national programs for protection, use, protection and reproduction of forests (Article 26 of the Forest Code of Ukraine) [12]; regulation at the level of water relations laws, management of the water fund in Ukraine, approval of not only national, but also interstate programs for the use of water resources (Article 7 of the Water Code of Ukraine) [3]; with regard to powers in the field of land relations, in addition to passing laws regulating this area and approving relevant programs, the VRU also has the competence to establish and change the boundaries of districts and cities, agree on the issue of terminating the right to permanent use of lands that are particularly valuable (Article 6 of the Land Code of Ukraine) [7], etc.

The President of Ukraine in accordance with Art. 106 of the Constitution of Ukraine affects the normative and legal principles of management regulation in the sphere of the use of natural resources in economic activity through the right of veto over laws adopted by the Verkhovna Rada, the right to suspend the effect of acts of the CMU on the grounds of their inconsistency with the Constitution of Ukraine, the leadership of the National Security and Defense Council of Ukraine, the right to make decisions on the declaration of certain territories as a zone of emergency ecological situation, etc.

The Cabinet of Ministers of Ukraine not only promotes the development of entrepreneurship and carries out the state regulatory policy of economic activity, but also carries out state policy in the field of environmental protection, nature management and environmental safety. In addition, among the main powers of the

government: ensuring the development and implementation of environmental programs at the state and interstate levels; implementation of state management of rational use and protection of land resources, flora and fauna, subsoil, water and other natural resources; making decisions on restriction, temporary ban or termination of enterprises (institutions or organizations), regardless of their form of ownership, in case of violation of legal requirements on environmental protection; coordination of the activities of both executive authorities and local self-government bodies, business entities regarding the protection of the natural environment, as well as the effective implementation of environmental interstate, state and regional programs; ensuring the implementation of measures to eliminate the consequences of the Chernobyl disaster, as well as other accidents, catastrophes and natural disasters, etc. [13].

In addition to the powers specified above, the CMU has a number of management powers in accordance with special legislative acts. In particular, the government is entrusted with state management in the sphere of regulation of controlled substances, including: powers to implement environmental policies defined by the VRU on protection of the ozone layer and prevention of global warming, coordination of activities of central and other executive authorities in the specified sphere; ensuring the implementation of foreign economic activity in relation to controlled substances; authority to determine schedules for reducing the use of controlled substances; determining the order of distribution of shares of the national quota, as well as the possible import of controlled substances, etc. (Article 3 of the Law "On Regulation of Economic Activities with Ozone Depleting Substances and Fluorinated Greenhouse Gases") [14]. In addition,

At the level of central executive bodies, the issue of managing the use of natural resources in economic activity, environmental protection and guaranteeing ecological safety is assigned to the competence of the Ministry of Environmental Protection and Natural Resources of Ukraine (hereinafter - the Ministry), established on May 27, 2020, whose activities are coordinated by the Cabinet of Ministers of Ukraine. According to the Regulations approved by the Resolution of the CMU dated June 25, 2020 No. 614, the competence of the Ministry in the field of management of the use of natural resources in economic activities can be grouped as follows:

- 1) management powers for environmental protection (formulation and implementation of state policy on environmental protection, exercise of powers in the field of ensuring ecological, biological and genetic safety);
- 2) management powers directly related to the use of natural resources in economic activities (formulation and implementation of state policy in hunting and forestry; formation of state policy regarding the use and reproduction of water resources, rational use of subsoil, in the field of radioactive waste management; use of biological resources, land, etc. .) [4].

The Ministry of Environmental Protection and Natural Resources of Ukraine is granted a number of powers by special legislative acts. For example, the Law "On the principles of monitoring, reporting and verification of greenhouse gas emissions" in Article 7 defines a number of powers in the field of monitoring, reporting and verification, namely not only the formation of the relevant state policy, but also the

implementation of regulatory and legal regulation, approval of the procedure for state registration relevant settings in the Unified Register, implementation of other functions. Article 3 of the Law "On the Regulation of Economic Activities with Ozone-Depleting Substances and Fluorinated Greenhouse Gases" includes the Ministry's powers: definition of lists of measures to reduce the consumption of controlled substances, technologies for their disposal; determining the procedure for issuing certificates;

In addition to the Ministry of Environmental Protection and Natural Resources of Ukraine, the State Environmental Inspection of Ukraine and the National Accreditation Agency of Ukraine also play an important role in the management of the use of natural resources in economic activity at the level of central authorities.

In the structure of the State Environmental Inspection of Ukraine, there are such divisions that have powers in the field of managing the use of natural resources in economic activities, namely the Department of State Environmental Supervision (Control), which includes eight departments that control the use of individual natural resources (land, of subsoil, water resources, atmospheric air, handling waste and hazardous chemicals, forests and flora, animal life and biological resources, industrial pollution), as well as the Department of Instrumental and Laboratory Control. The powers of the State Ecoinspection are determined by the tasks assigned to it, in particular the following: implementation of the state policy on supervision in the field of environmental protection, as well as rational use of natural resources, their protection and reproduction (land, subsoil, forests, biological and landscape diversity, objects of animal and plant life, water resources, atmospheric air), use of the ecological network, handling of waste, pesticides and agrochemicals, hazardous chemicals, implementation of biological and genetic safety measures.

The National Accreditation Agency of Ukraine also has an indirect influence on the system of managing the use of natural resources in economic activity, since in order to protect the rights of consumers, it assesses the compliance of a certain legal entity with regard to the performance of relevant works (control, testing, calibration or certification) in accordance with the provisions of the Law "On accreditation of conformity assessment bodies" [17]. Mandatory certification of products in accordance with international standards was introduced in 1992, and the relevant functions were assigned to the State Committee of Ukraine for Standardization, Metrology and Product Quality, and since 2002, the function of accreditation, as well as confirmation of compliance, has been entrusted to NAAU. According to the latest version of the Regulation, the National Accreditation Agency of Ukraine was established and is subordinated to the Ministry of Economy [18]. From the point of view of the use of natural resources in economic activity, the Regulations on the Technical Accreditation Committee "Chemical and Extractive Industry" of NAAU[19] are important. Regulations on the Technical Committee on Accreditation of "Clinical Medical Laboratories" of NAAU[20], Regulations on the Technical Accreditation Committee "Agricultural Products, Food Industry and Veterinary Science" of NAAU[21], Regulations on the Technical Committee on Accreditation "Construction and Building Materials" of NAAU[22], as well as Regulations on the Technical Committee on Accreditation "Verification of Greenhouse Gas Claims" of NAAU[23].



Firure 1. Structural subdivisions of the Ministry of Environmental Protection and Natural Resources of Ukraine with management functions in the field of use of natural resources in economic activity

Soureces: created by the author

Thus, the National Accreditation Agency of Ukraine has an indirect influence on the use of natural resources in economic activity, since there are no direct management functions, while the assessment of the compliance of legal entities with regard to the performance of work (control, testing, calibration or certification) takes into account the need for environmental safety, rational and careful use of natural resources.

Discussion. The division of governing bodies into general and special ones, including in the field of natural resources management, is already established in the doctrine of law. According to this division, general bodies include bodies with environmental protection powers - the Cabinet of Ministers of Ukraine, the Government of the Autonomous Republic of Crimea and local state administrations, and special bodies, where environmental management functions are the main ones.

Special bodies also propose to divide the bodies with comprehensive competence (the relevant ministry) and with sectoral competence (for example, in land relations - the body that ensures the maintenance of the state cadastre) [24]. This classification mistakenly does not include the Verkhovna Rada, the President of Ukraine and local self-government bodies to the bodies of general competence, we have noted above their competence in the field of use and protection of natural resources, and among the special bodies, first of all, the Ministry of Environmental Protection and Natural Resources of Ukraine and the State Environmental Inspectorate of Ukraine.

Improvement of public administration requires taking into account environmental problems, in particular, they are mentioned in the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the period up to 2030, including excessive predominance of resource- and energy-intensive industries in the economy, which negatively affects the environment, and inefficiency of the public administration system in the field of regulation of natural resources use, in particular, due to inconsistency of actions of various public authorities (central, local executive authorities, as well as organizations of the state and local self-government bodies). Taking into account these and other problems at the level of the State Strategy, it is considered expedient to introduce new approaches to public administration at the state and local levels, including through the introduction of ecosystem approaches and improvement of integrated environmental management. At the same time, considerable attention is paid to the reorientation of sectoral policy towards ecosystem approaches, the introduction of mandatory consideration of the environmental component not only at the stage of development and approval of state plans, but also when making decisions on economic activities, if they can significantly affect the environment, as well as the introduction of environmental risk management systems in all sectors of the economy in Ukraine to prevent environmental and man-made disasters. The strategy envisages that by 2030 Ukraine will be able to implement an effective public administration system that will guarantee a balance in the use of natural resources, as well as compliance with international environmental management standards. In addition, it is envisaged that a national multi-level infrastructure for geo-environmental data management will be created, as well as a nationwide environmental automated information and analytical system of environmental information.

Conclusion. At the level of the international community, Ukraine is already raising the issue of the need to develop new methods of calculating the damage caused to natural resources as a result of military operations. In this regard, it is extremely important for European experts to provide informational, advisory and financial support both in terms of monitoring the state of the environment in the de-occupied territories, as well as in the territories of active hostilities, and in terms of developing a mechanism of financial sanctions against the aggressor state.

Reforming competence in the field of natural resource use in the economic activity of management entities should be carried out on the following basis:

- public administration at the national, regional and local levels in the field of natural resource use in economic activity should contribute to Ukraine's implementation of the Sustainable Development Goals approved at the UN Sustainable Development Summit;

- public management of the use of natural resources in economic activities must guarantee the preservation of the climate, which will prevent an increase in the risk to human health and the well-being of the environment;
- public administration at the national, regional and local levels in the field of natural resource use in economic activity should be oriented towards balanced (sustainable) development of the economic, ecological and social spheres;
- public administration at the national, regional and local levels in the field of natural resource use in economic activity must prevent natural and man-made emergency situations, including by forecasting environmental risks, taking into account environmental impact assessments, the results of comprehensive monitoring of the state of the environment:
- in the conditions of the post-war reconstruction of Ukraine, public administration at the national, regional and local levels should stimulate business entities to restore natural resources damaged during the war.

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Received: November 18, 2022 Approved: December 24, 2022