

**Background Report**  
**Law and Regulation for the Reduction of Risk from Natural Disasters**  
**in Ukraine**  
**A National Law Desk Survey**  
**July 2012**

**Acknowledgements**

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## **Law and Regulation for the Reduction of Risk from Natural Disasters in Ukraine: A Desk Survey**

### **Executive summary**

Disaster risk reduction is not only focused on the management of and response to disasters, but also on the ability of governmental bodies and institutions to anticipate, manage and mitigate disaster risks. The purpose of this report is to highlight the scope and usefulness of Ukrainian legislation in achieving this aim. In particular, this report aims to shed some light on accountability and liability for disaster risk reduction, the use of communications and infrastructure, land use and planning, and the participation and involvement of civil society actors and communities.

### **The legal and institutional framework**

The Ukrainian legal system provides for a system of disaster management based on three key laws which collectively determine the duties of central and local governmental authorities in relation to the organization of civil defence, the prevention of natural disasters and the reduction of their impact. The principal laws governing this area are first and foremost, the law on the Protection of Population and Territories from Emergencies of Industrial and Natural Character, and additionally the Law on Civil Defence and the Legal Basis of Civil Defence. There are also various pieces of secondary legislation which govern certain aspects of disaster forecasting and prevention.

Ukraine does not have a national disaster management policy, as different aspects of disaster management are regulated by different pieces of legislation. In particular, the governmental bodies which derive their powers from, and are responsible for implementing the legislation, lack a clear interrelationship and integration. The existing institutional system of civil defence and protection against emergencies protection therefore appears to be comprised of disparate parts rather than an integrated national system.

### **Regulation of early warning systems in relation to specific types of disaster**

With regard to specific types of 'rapid-onset' natural disasters such as tornadoes and earthquakes, the legislation generally remains broad and underdeveloped. There is little specific primary legislation which deals with individual categories of natural disaster. They are all instead broadly encompassed by what is termed an 'emergency' within the main legislation described above, which provides for uniform hazard prevention measures such as early warning systems.

However, there is some specific legislation dealing with the disaster risk reduction of fire, codified in the law on Fire Safety. Additionally, there is secondary legislation which regulates hazard protection in relation to specific types of disaster such as insect infestation and flooding.

Ukraine has entered into various national and international codes and conventions when dealing with the disaster management of 'slow-onset disasters' such as drought, famine and other food security issues. In relation to drought and famine, Ukraine has consequently adopted annual national programs which implement hazard protection measures in affected geographical areas. Other food security issues are regulated by a national Land Code.

### **Responsibility and accountability for natural disaster risk reduction**

The Ukrainian constitution sets out a number of fundamental rights applying to all Ukrainian citizens. In particular, the constitution provides an individual with the right to seek compensation in relation to damages caused by the failure of a state body to take certain measures in disaster prevention. However, in practice, such claims are rarely successful.

### **Early warning, hazard mapping and risk information**

The establishment and implementation of early warning systems in Ukraine is an overarching theme of the main disaster-management legislation and has several components including hazard prevention, emergency response measures, national surveillance and communication systems. In particular, the development of telecommunications infrastructure through radio, television alerts and radio broadcasting networks has enabled public access and awareness in areas of flooding, or with high radiation levels and other hazards. Secondary legislation also provides for the monitoring and assessment of risk information through the collection and publication of relevant information and data, such as seismological and meteorological data. However, there is limited input at a community level, with no legal requirement for consultation, participation or involvement in early warning systems.

### **Regulation of the Built Environment**

Building and construction standards are chiefly regulated by the Ministry of Regional Development, Construction and Housing as well as the State Architectural and Construction Inspectorate of Ukraine. The overarching legislation for the regulation of this area is the law on Regulation of Urban Planning and Construction, although various separate state building codes are also in operation. The legislation covers various aspects such as building inspections, mechanisms for the enforcement of construction law as well as special requirements for public buildings. Violations in relation to construction law can result in large financial penalties.

It should be noted that Ukrainian legislation does not directly prohibit development on high risk sites, nor does it facilitate public evacuation and shelter arrangements for the public in the case of natural disasters or emergencies. However, temporary bans on construction may be applied in such cases.

Ukrainian legislation provides virtually no protection for individuals residing in informal settlements or slums, whether in regard to recognition of such settlements or recognition of tenure. It is also unclear whether such settlements are included in the scope of early warning systems or community-based public awareness measures.

### **Regulation of the Natural and Rural Environment**

Environmental management is also governed from the perspective of human safety, through Environmental Impact Assessments as well as the regulation of exploitation of natural resources, and flood and forest management set out in various National Codes, such as the Water Code, Land Code and Forest Code.

### **Information management, exchange, education and awareness**

The importance of developing public awareness of disaster risk reduction at a community level has been underlined through various pieces of secondary legislation. The inclusion of environmental issues within the academic curriculum in schools, as well as a degree of information exchange and awareness within the public sphere such as through public participation in initiatives and programs has furthered this goal. Although there are no specific provisions within the legislation, communities can try to influence the decisions of local authorities who are directly involved. Finally, although 'civil society' is not specifically referred to in the legislation, provision is made for certain Non-Governmental Organisations such as the Red Crescent and for its collaborative role within governmental institutions and civil society.

**List of Abbreviations**

DDR	disaster risk reduction
DM	disaster management
Main DM Law	Law of Ukraine On Protection of Population and Territories From Emergency Situations of Industrial and Natural Character N 1809-III, dated 8 June 2000

## Summary of Main Natural Hazards and Risks in Ukraine

As well as disasters caused by technological hazards, such as the 2006 oil spill in The Kerch Gulf and the well-known Chernobyl nuclear disaster, which alone contaminated 40% of the country's forested area, Ukraine is vulnerable to a number of natural risks.

As highlighted by the table below, floods, extreme temperatures, wind storms and epidemics are the primary natural hazards affecting the territory of Ukraine.

### TOP 10 NATURAL DISASTERS between 1900 and 2012

By numbers of killed			By economic damage costs			By numbers of total affected people		
Disaster	Date	No. Killed	Disaster	Date	Damage (000 \$)	Disaster	Date	No. affected
Extreme temperature	16/1/2006	801	Flood	26/7/2008	1,000,000	Flood	29/6/1995	1,700,000
Epidemic	1/1995	204	Flood	20/12/1993	159,000	Flood	25/7/1993	300,000
Extreme temperature	27/1/2012	112	Storm	27/11/2000	120,000	Flood	4/3/2001	300,000
Epidemic	1/1/1994	71	Storm	17/1/2007	100,000	Flood	26/7/2008	224,725
Flood	26/7/2008	38	Extreme temperature	1/5/2000	85,000	Extreme temperature	27/1/2012	87,500
Extreme temperature	21/12/2009	27	Flood	25/7/1993	80,000	Extreme temperature	16/1/2006	59,600
Flood	8/11/1998	18	Storm	23/6/1997	34,000	Flood	27/6/2010	40,059
Storm	23/6/1997	11	Flood	2/7/2006	23,855	Storm	5/7/2000	39,010
Flood	4/3/2001	9	Flood	4/7/1997	17,000	Flood	20/12/1993	25,000
Flood	27/6/2010	6	Flood	4/3/2001	15,000	Flood	8/11/1998	24,570

Ukraine requested the help of international expertise to evaluate these hazards, and a joint mission from UNEP/OCHA (a collaborative arrangement between the United Nations Environment Programme and the UN Office for the Coordination of Humanitarian Affairs) and the EU Civil Protection Mechanism was deployed to assess the situation and give their recommendations to the Government.

The cold winter in 2006 was the world's eighth deadliest natural disaster.

In 2008, disastrous floods caused by heavy rains occurred in Western Ukraine resulting in heavy damage to the households and infrastructure adjacent to the Prut River. Ukraine asked for and received international assistance (relief items) through the EU Civil Protection Mechanism and from several EU countries.

In November 2009, Ukraine called on the EU through the Community Civil Protection Mechanism for help to deal with an outbreak of influenza, including H1N1, which reached epidemic levels.

In 2010, a joint mission from UNEP/OCHA and the EU Civil Protection Mechanism was deployed to the city of Kalush (Ivano-Frankivsk oblast), where there was the danger of the potential collapse of a tailing dam containing a large amount of hazardous industrial wastes from the cropping and reprocessing of potassium ore. A wide range of expertise was offered, resulting in a number of short, mid and long-term recommendations.

## **Governmental & Law-making structure**

In Ukraine legislative power is held by a unicameral parliament of 450 deputies, the Verkhovna Rada, which adopts the “laws” (zakony).

The president is elected for a five-year term (and may be re-elected for one additional term) and has the power to veto the laws passed by the parliament.

The president also issues decrees (ukazy), but only within the areas of competence reserved to him by the constitution.

The cabinet of ministers can exercise delegated law-making powers and issue resolutions (postanovy), while ministries and other governmental agencies are authorised to issue regulations, which, when they (i) concern rights, freedoms and lawful interests of citizens or (ii) are of interagency character, become binding upon registration with the Ministry of Justice.

Acts issued by municipal authorities are mandatory within their respective territories.

International treaties ratified by Parliament are directly applicable, as they automatically become part of national legislation and prevail over domestic law in case of conflict. Many international treaties of the former Soviet Union remain binding on Ukraine.

Business customs are recognised as an independent source of law, which is, however, subordinated to statutory law.

Judicial decisions are not a formal source of law, but do play a significant role in its interpretation. Decisions of the Constitutional Court are an official interpretation of legislative enactments and have the same effect as a law. Judgments of the Supreme Court also serve as authoritative source of legal interpretation. Courts of lower instance need to take into account the Supreme Court’s position as to the correct interpretation of a specific law or regulation.

The constitution is the highest form of legal enactment and all laws and other normative acts must follow its principles. Acts on its official interpretation and decisions of the Constitutional Court carry equal force (although they are not a source of law as such).

Laws adopted by the Ukrainian parliament are next in the hierarchy and the constitution (article 92) specifies a number of areas which shall exclusively be regulated by laws. The codes of Ukraine, e.g. Civil Code, Criminal Code, Commercial Code, Land Code and others, are consolidated bodies of legislation which regulate relationships in their respective fields.

The legal acts passed by the president (ukazy) and the cabinet of ministers (postanovy), the ministries (regulations and orders) and other central governmental authorities are classed as secondary legislation, as they are only meant to implement the general provisions of laws.

Directives, orders, decisions and regulations adopted by local state administrations and municipal authorities are also secondary sources as they serve the purpose of implementing laws, but at regional level.

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## 1. Background information

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	<p>The Ukrainian Constitution</p> <p>The Law on the Cabinet of ministers of Ukraine</p> <p>The Law on Local State Administrations</p> <p>The Law on Self-government in Ukraine</p> <p>Constitution of the Autonomous Republic of Crimea</p>	<p>Art. 113 Art. 118 Art. 133</p> <p>Art. 1</p> <p>Art. 1</p> <p>Art. 2</p> <p>Art. 35</p>	<p>The territory of Ukraine consists of 24 regions plus the Autonomous Republic of Crimea. Each region consists of a central city and a number of districts (the number differs in each region). Each district also has a central administrative unit (smaller city, town, etc.) and a number of villages (the smallest administrative unit).</p> <p>The government of Ukraine is divided into the following levels:</p> <ol style="list-style-type: none"> <li>1. the cabinet of ministers, which is the highest executive body;</li> <li>2. the ministries (16 as of the date of completion of this survey) and other higher executive bodies (agencies, inspectorates, etc.); and</li> <li>3. the local state administrations, which are present in each region of Ukraine and function as the local executive bodies.</li> </ol> <p>The Autonomous Republic of Crimea has its own government structure which consists of the council of ministers, 9 ministries and various agencies.</p> <p>Besides the centralised government system, there is also local “self-government” which is made up of municipal authorities (in each administrative unit) and their executive bodies.</p>
2. Is there a separate law on decentralisation of government	The Ukrainian Constitution	Art. 116 Art. 119	There is no separate law decentralising government functions. The Ukrainian constitution establishes the principal duties of the cabinet of

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functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	The Law on Local State Administrations	Art. 17-27.	ministers, as well as those of the local state administrations and therefore distributes their functions. The powers of the local state administrations are established by the Law on Local State Administrations.
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	The Law on the Cabinet of Ministers of Ukraine  The Law on Local State Administrations	Art. 20 (2)  Art. 25 (9)	The Ukrainian constitution establishes only the fundamental functions of the government at its different levels and does not contain provisions with respect to DRR.  However, there are some DRR provisions in the Law on the Cabinet of Ministers which says that the cabinet of ministers <i>“takes decisions with respect to eliminating the consequences of emergencies, fires, catastrophes and other natural disasters”</i> .  The Law on Local State Administrations also establishes that local state administrations are responsible for determining which zones should be declared in a state of emergency in case of natural disasters, fires, catastrophes, epidemics and other emergency situations. The law further says that in the event of various emergencies, local state administrations are responsible for implementing measures to maintain public order, conduct rescue operations and protect the population’s property.
4. Is this country a member of any regional organisations that make regulations or agreements or issue guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisations.			<ul style="list-style-type: none"> <li>• <b>The Council of Europe</b> – The Ukraine is a member state of the Co-operation Group for the Prevention of, Protection Against, and Organisation of Relief in Major Natural and Technological Disasters and has been a signatory of the European and Mediterranean Major Hazards Agreement (“EUR-OPA”) since</li> </ul>

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			<p>1997.</p> <ul style="list-style-type: none"> <li>• <b>UNISDR Europe</b> – its mandate includes awareness-raising activities in DDR, including the promotion of the World Disaster Reduction Campaign, advocacy through policy formulation, the dissemination of guidelines to assist in the implementation of the Hyogo Framework for Action, promoting the establishment of national platforms for DDR, and enhancing networking and partnership-building to contribute to an effective culture of safety and protection of all communities in Europe.</li> <li>• <b>European Commission's European Commission Monitoring and Information Centre</b> – an administrative arrangement was concluded between the European Commission Monitoring and Information Centre and the Ministry for Emergencies and Affairs of Popular Protection from the Consequences of the Chernobyl Catastrophe providing for the exchange of relevant information during emergencies and including cooperation in joint communication exercises and exchanges of operational contact details and communication templates.</li> <li>• <b>PPRD East</b> - the EU-funded Programme for the Prevention, Preparedness and Response to Industrial and Natural Disasters in the ENPI East Region.</li> <li>• <b>International Civil Defence Organisation</b> – Ukraine has been an observer state since 1998.<b>European Forum for Local and Regional</b></li> </ul>

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><b>Disaster Management</b> – the Ukraine is an associate member.</p> <ul style="list-style-type: none"> <li>• <b>European Forum for Disaster Risk Reduction</b> – the forum aims at facilitating discussion and advances on disaster risk reduction issues in a coordinated fashion at a regional level.</li> <li>• <b>Regional Environmental Centre for Central and Eastern Europe</b> – Eduart Stavytskyi, Minister for Ecology and Natural Resources of Ukraine, signed a letter of interest regarding possible partnership with the REC in June 2012.</li> <li>• <b>United Nations Development Programme in Ukraine</b> – <a href="http://www.undp.org.ua/">http://www.undp.org.ua/</a></li> <li>• <b>National Ecological Centre of Ukraine</b> – <a href="http://www.necu.org.ua/">http://www.necu.org.ua/</a></li> <li>• <b>International Association for Institutional Studies</b> – <a href="http://ainstud.at.ua">http://ainstud.at.ua</a></li> <li>• <b>Ukrainian Red Cross Society</b> – <a href="http://www.redcross.org.ua/">http://www.redcross.org.ua/</a></li> </ul>

2. Institutional frameworks, resourcing and community participation in DRR (Hyogo 1):

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>Part One. Disaster Management Law &amp; Institutions</b>			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
<b>A. Disaster Management Institutions</b>			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	The main DM Law  The Law on Civil Defence in Ukraine; The Law on the Legal Basis of Civil Defence		The main law which sets out the framework for the protection of the population from industrial and natural disasters and establishes the measures to be implemented by the authorities in order to prevent such disasters or diminish their consequences is the Law of Ukraine on Protection of Population and Territories From Emergency Situations of Industrial and Natural Character (the "main DM Law").  The Law on Civil Defence in Ukraine and the Law on the Legal Basis of Civil Defence establish the legal grounds for the functioning of the civil defence system and allocate the responsibilities of state bodies with respect to the implementation of measures concerning the reduction and resolution of the consequences of disasters.
6. Is there also a national disaster management policy? Provide details.	The State Social Program for Civil Defence (2009 to 2013)		There is a resolution of the cabinet of ministers, dated 25 February 2012, adopting a national program for the development of civil defence aimed at implementing certain measures to reform and improve the existing system of civil defence, including disaster

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

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			<p>management.</p> <p>It sets many targets to be met over the course of 2009-2012. In particular, these include the technical re-equipment of rescue, fire and ambulance departments; improvement of the emergency-response system; improvement of the early-warning system; the training of specialists in the field of civil defence; and the introduction of various systems of emergency prognosis, monitoring and prevention.</p> <p>The program sets the total amount of funds (UAH 10, 574, 055) required to implement all the measures it prescribes and also determines the sources of funding for each measure, i.e. the state budget, local budgets or other resources.</p> <p>The main coordinator of the program is the Ministry for Emergencies of Ukraine. Other central governmental bodies, for instance the Ministry of Health, Ministry of Internal Affairs, Ministry of Environmental Resources and Ministry of Infrastructure, as well as bodies of local self-government and local state administrations are also responsible for the implementation of various measures prescribed by the program.</p> <p>This program, however, does not introduce a unified program of disaster prevention and reduction (as the term “disaster management policy” suggests). It has a completely different aim, i.e. the modernisation and development of the existing system of civil defence and disaster management.</p>
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it	The Law on Civil Defence in Ukraine	Art. 4-8	All the laws of Ukraine adopted by the Ukrainian parliament are applicable throughout the entire territory of Ukraine.

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>establish an integrated national system with elements at provincial, local and/or community level?</p>	<p>The main DM Law</p> <p>The Law on the Legal Basis of Civil Defence</p>	<p>Art. 29-32</p> <p>Art. 27</p>	<p>The main DM Law, the Law on Civil Defence in Ukraine and the Law on the Legal Basis of Civil Protection determine the functions of central governmental bodies and local state administrations with respect to the organisation of civil defence, prevention of natural and industrial disasters and reduction of their impact.</p> <p>It rather difficult to judge, however, whether the existing system of civil defence and emergency response may be considered “an integrated national system”. Each of the above-mentioned laws establishes the functions and responsibilities of the cabinet of ministers, the Ministry for Emergencies and local state administrations with respect to civil defence, prevention of various emergencies and protection of the population in cases of emergency. The cabinet of ministers performs more general functions, e.g. ensures the implementation of the state’s policy with respect to prevention of emergencies and protection of the population. The Ministry for Emergencies and local state administrations are vested with more specific duties, for instance development of the plans concerning the localisation and neutralisation of disasters and warning the population in the case of certain emergencies.</p> <p>However viewing the functions and responsibilities of the cabinet of ministers, Ministry for Emergencies and local state administrations in their entirety, it would be fair to say that sometimes there is no clear interrelation between them. Therefore, although the main DM Law, the Law on Civil Defence and the Law on Legal Basis of Civil Defence determine the duties of central and local state administrations, the allocation of their functions and responsibilities are likely to be far from “an</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			integrated national system”.
<p>8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?</p>	<p>The main DM Law</p>	<p>Art. 32</p>	<p>Local councils and the local state administrations may adopt their own decisions and regulations regarding DRR and disaster prevention. Such decisions and regulations usually implement national laws. For instance, the main DM Law assigns certain functions to local state administrations. The relevant committees within the local state administrations then adopt their own regulations in order to perform the functions assigned to them by the national law.</p>
<p>9. Does the DM or other law establish one or more specialist DM institutions? What are they and what are their mandates?</p>	<p>Regulation on the State Commission on Issues Concerning Technological and Environmental Safety and Emergencies</p> <p>Regulation on the Ministry for Emergencies</p>	<p>Sect. 3</p> <p>Sect. 1</p>	<p>The central governmental body responsible for leading the response to various emergencies, including natural disasters, is the Ministry for Emergencies.</p> <p>There is also a coordinating body, the State Commission on Issues Concerning Technological and Environmental Safety and Emergencies. This governmental authority coordinates the actions of central and local executive bodies regarding public safety in case of emergencies and also deals with the prevention and response to emergencies.</p> <p>In particular it has the following main responsibilities:</p> <ul style="list-style-type: none"> <li>- coordinating the work of central and local bodies with respect to the development and implementation of various measures aimed at the prevention of emergencies, maintaining public safety, and the reduction of property damage in the event of certain emergencies;</li> <li>- taking part in the development of meteorological monitoring, the state system of environmental monitoring and the system of civil</li> </ul>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			defence; - cooperating with foreign governmental organisations influenced by the experience of emergencies that have occurred in Ukraine; - implementing measures aimed at the prevention of infectious diseases, localisation and elimination of such diseases and also the prevention of food poisoning epidemics; - monitoring the environment in areas touched by an emergency; and - determining the boundaries of territories touched by emergencies and determining the amount of harm sustained by the population as a result of the emergency.
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.	n/a	n/a	See answer to question 6.
11. Does the DM law or other law deal with: a. Disaster response? b. Disaster preparedness? c. Disaster mitigation and prevention? d. Disaster risk reduction (DRR)? e. If it includes DRR, how is it defined? (include definition)	The Law on Civil Defence in Ukraine; The main DM Law; The Law on the Legal Basis of Civil Defence		All the elements specified in the stated question are regulated by the applicable DM laws. With respect to DRR, there is no definition of this term either in the main DM law or in the Law on Civil Defence in Ukraine or the Law on the Legal Basis of Civil Defence. It is a rather specific term which Ukrainian legislation does not deal with. However an analysis of the applicable laws shows that they regulate the forecasting and prevention of disasters and other emergencies. Preparedness for disasters, e.g. the implementation of various measures to reduce the impact of floods, is also regulated by the laws as well as by secondary legislation. Therefore, despite the absence of a DRR definition, Ukrainian legislation provides for

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

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			much of what this term encompasses.
12. Does the DM law or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.	Regulation on the Ministry for Emergencies		The Ministry for Emergencies is responsible for DM and DRR. It has a very broad range of functions given its overall responsibility for all matters related to disaster prevention, the mitigation and elimination of the consequences of disasters, rescue operations and the coordination of other state bodies in this area of responsibility.
13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels? a. National? b. Provincial/state? c. Municipal/local?	Law of Ukraine “On the Ukrainian Red Cross Society”	Art. 9	Civil society is rather a broad term encompassing the relationships between individual citizens as well as various NGOs, political parties and religious organisations. There is no wording in the applicable laws which would directly provide that “civil society” has some role in disaster management. However, civil-society institutions, for instance NGOs, may take part in disaster management.  For instance, the Ukrainian Red Cross Society, a non-governmental humanitarian institution, is identified as one of the bodies which should take part in disaster management and cooperate with state authorities in the provision of aid to the victims of disasters.
14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels? a. National? b. Provincial/state?	Law of Ukraine “On the Ukrainian Red Cross Society”	Art. 1	The role of the Ukrainian Red Cross is established by a separate law, which is applicable at a national level.  <i>According to this law “the society provides medical and humanitarian aid to the state both in cases of war as well as during peace time. It takes part in the delivery of international aid in the event of disasters and emergencies and provides medical aid for the most vulnerable social groups”.</i>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
c. Municipal/local?			<p>The law lists the main functions of the Ukrainian Red Cross. These include:</p> <ul style="list-style-type: none"> <li>- the collection and distribution of humanitarian aid from Ukrainian citizens or organisations and from foreign organisations;</li> <li>- cooperation with healthcare institutions, the epidemiological service of Ukraine and Ministry for Emergencies in emergencies;</li> <li>- the organisation of first aid squads in cases of conflict or natural disaster, and searching for injured or dead people in the aftermath of disasters or conflicts;</li> <li>- the facilitation of evacuation procedures implemented by national and local bodies, and the provision of free medical assistance to them;</li> <li>- the organisation of search operations for persons missing due to disaster or conflict, and helping to restore the ties between family members separated in emergency or conflict situations.</li> </ul>
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women's participation in DM institutions?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	The Ukrainian constitution	Art. 24	<p>Equality between women and men is guaranteed by art. 24 of the Ukrainian constitution.</p> <p>There is no specific provision in the DM laws concerning this issue, as the stated constitutional principle applies to all Ukrainian legislation.</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the very poorest people?</p>	<p>Law of Ukraine “On Local Self-Government in Ukraine”</p>	<p>Art. 13</p>	<p>There are no such provisions in the DM laws, however communities may influence the decisions of the local authorities who are directly involved in disaster management and regulate the implementation of national laws and policies at local level. For instance, the Law on Local Self-Government envisages public hearings as a form of local self-government. During such hearings members of the community may meet with the representatives of local authorities to raise their concerns on certain issues, including disaster management.</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.</p>	<p>n/a</p>	<p>n/a</p>	<p>See the answer to question 6.</p>
<p>18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/or parliamentary oversight?</p>			<p>No, there is no such mechanism concerning DRR implementation.</p>
<p><b>B. Hyogo Framework for Action &amp; Climate Change Institutions</b></p>			
<p>19. Does legislation establish any</p>	<p>Memorandum of</p>		<p>The memorandum prescribes that cooperation between the</p>

<b>2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)</b>			
<b>Legal Research Questions</b>	<b>Short Title, no. &amp; date of law / regulation</b>	<b>Article/ para. no.</b>	<b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>
institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	understanding between the Ministry for Emergencies and the United Nations Development Programme in support of disaster risk reduction and early recovery in Ukraine dated 30 October 2009 (the “Memorandum”)		parties will take place, inter alia, via the joint implementation of the Hyogo Framework for Action. It should be noted, however, that the memorandum is just a declaration and does not bind the Ministry for Emergencies.
20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?	Presidential decree “On Regulation of the State Environmental Investment Agency of Ukraine”		The State Environmental Investment Agency of Ukraine is the central executive body in this area of responsibility. The functions of this state body are the implementation of government policy to regulate the harmful effects of climate change and implementation of the United Nations Framework Convention on Climate Change. This governmental body’s activities do not, however, touch upon DRR issues.
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.			No, these mechanisms are regulated by different pieces of legislation which do not usually overlap with each other.
<b>C. DRR priority and resource allocation in government</b>			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by	Laws on the State Budget of Ukraine adopted by the Ukrainian parliament for each year.	n/a	The national budget of Ukraine for each consecutive year allocates a certain amount of funds to civil defence, preventing and dealing with emergencies (including natural and industrial disasters) and developing programs aimed at reducing the risk of possible

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	Resolution of the CMU “On the Financing of Works Related to the Prevention and Resolution of Emergencies”		disasters. However, there is no minimum percentage of expenditure reserved to DRR in the state budget. There is also a resolution of the cabinet of ministers of Ukraine which establishes the order in which financing for the prevention and resolution of emergencies should be allocated: central and local bodies are to use funds allocated in the relevant budgets according to this order.
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?		n/a	See the answer to question 23.
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?	Local budgets for each year are adopted by the decisions of the respective city, town or village councils.		Each territorial unit of Ukraine has its own budget, which is set each year by local councils. Like the Ukrainian national budget, local budgets always allocate a certain amount of funds to the prevention of industrial and natural disasters and to the protection of the population.

### Part Two. Responsibility, accountability and liability for natural disaster risk reduction

The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons’ rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.

#### A. Constitutional Rights & Guarantees for the Population

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to:</p> <ul style="list-style-type: none"> <li>a. DRR in general?</li> <li>b. Safety /Life</li> <li>c. Right to Food?</li> <li>d. Right to adequate shelter or housing?</li> <li>e. Non-discrimination, (and other relevant civil and political rights)?</li> <li>f. Livelihoods, Health (and other economic, social and cultural rights)?</li> <li>g. Compensation for losses due to natural disasters?</li> <li>h. Information?</li> </ul>	<p>The Ukrainian constitution</p>	<p>Art. 27</p> <p>Art. 47</p> <p>Art. 30</p> <p>Art. 48</p> <p>Art. 49</p> <p>Art. 50</p>	<p>The Ukrainian constitution establishes a number of fundamental principles applying to every citizen of Ukraine.</p> <p>Each person has an inalienable right to life. Nobody can be deprived of life. The obligation of the state is to protect a person's life.</p> <p>Everyone has a right to housing. Nobody can be deprived of housing other than on the basis of the law or a court decision.</p> <p>The inviolability of a person's housing is guaranteed. Access to a person's home or other property, and the conduct of searches in it are prohibited other than on the basis of a justified court decision.</p> <p>Everyone has a right to a certain standard of living for himself and family members, including food, clothes and housing.</p> <p>Everyone has a right to healthcare, medical aid and medical insurance.</p> <p>Right to a safe environment and to compensation for violation of this right. Everyone shall have free access to information about</p>



## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p>	<p>Code of Civil Procedure of Ukraine</p> <p>Law of Ukraine “On Court Fees”</p>	<p>Art. 38</p> <p>Art. 4, Art. 5</p>	<p>decision, action or omission of the state body/local state administration. If a private body is in any way involved, a claim for damages can be brought against it under the normal rules of civil liability.</p> <p>The Constitutional Court has no remit to award compensation or to consider the applications of individuals, as its role is limited to ensuring that any new legislation is compliant with the constitution and this is done mainly through considering referrals from the courts or other public authorities/individual members of public bodies.</p> <p>Collective claims and class actions – in the sense of a claim brought to court on behalf of a large group of people – are not possible in Ukraine. However, a number of claimants with the same cause of action can jointly bring a claim. To bring a claim as ‘co-claimants’ such claimants must have the same cause of action and be suing the same defendant.</p> <p>Whether they decide to bring claims individually or jointly, claimants can represent themselves or act through representatives, on the basis of a power of attorney.</p> <p>Personal injury claims are exempt from any requirement to pay court fees. Claims for property damage caused by government bodies are subject to court fees, depending on the value of the claim. The higher the value of the claim, the higher the court fee. Court fees are capped at a maximum of UAH 2500 (EUR 250).</p> <p>The courts have the discretion to allow court fees to be paid in</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
	Code of Civil Procedure of Ukraine	Art. 82	<p>staggered instalments if the claimant's financial means make payment of the whole sum up-front difficult.</p> <p>There are no minimum or maximum limits on the financial value of a claim.</p> <p>Ukrainian citizens have access to the European Court of Human Rights (ECtHR) once all means of redress have been exhausted at a national level. In practice, eight years may pass before a claim is considered by the Ukrainian Supreme Court, and other eighteen months before this court has considered it and the claim becomes eligible for referral to the ECtHR. Even where a claim is successful before the ECtHR, enforcement of the decision remains difficult. It is not unusual for local state administrations to refuse payment on a regular basis, claiming a lack of funds to transfer the (often quite small) amount of compensation awarded.</p>
<b>B. Liability &amp; Insurance</b>			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?	Criminal Code of Ukraine	Art. 367	<p>Government agencies may be held liable under civil law (see the answer to question 27). However under Ukrainian law, only individuals may bear criminal responsibility.</p> <p>With respect to criminal liability, art. 367 of the Criminal Code of Ukraine establishes an offence of gross negligence by state officials. The offence is committed where the official's negligent performance of their duties has caused harm to citizens or legal entities, or damaged the interests of the state.</p> <p>This offence would allow public officials to be prosecuted if they were in charge of a government agency responsible for prevention</p>



## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>where in law is it defined? Does it apply to all levels of government?</p>			
<p>30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>	<p>The Civil Code of Ukraine</p>	<p>Art. 16 Art. 1209</p>	<p>Civil liability is possible but only in rare situations. If a private person or legal entity gives faulty disaster-related advice while acting in a professional capacity, the party that was injured or suffered material loss as a result of such advice is entitled to seek compensation by filing a lawsuit with the relevant court. This does not apply to volunteers. As mentioned in the response to question 27, collective actions are not possible.</p>
<p>31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?</p>	<p>The Civil Code of Ukraine</p>	<p>Art. 319 Art. 1166</p>	<p>It is a well-established principle of Ukrainian civil law that a person shall be responsible for his or her property. Therefore, if someone's property causes loss or damage to others, the owner of such property must reimburse the injured parties for the damage caused.</p> <p>However, if the owner manages to prove that the damage was caused as a result of certain unpreventable circumstances, they shall be exempted from liability. Thus, if the damage caused was the unpreventable effect of flooding, a snowstorm or any other natural disaster, the owner shall not be liable.</p> <p>Redress can be sought by filing a lawsuit with a court against the person liable as explained in the response to question 27.</p>
<p>32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this</p>	<p>Law of Ukraine "On Insurance"</p>	<p>Art. 6</p>	<p>No, there is no system of compulsory insurance against the effects of natural disasters, though voluntary insurance against the effects of natural disasters is available and is widely used.</p>

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
established by law and what are the main elements of the scheme?			

## 3. Early warning and reduction of underlying risk factors through regulation (Hyogo 2 and 4)

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
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Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.

#### Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation

##### General explanation applying to questions 33 - 95

The main DM Law

Art. 1

To make the answers to the questions below clear, it should be said that the legal framework concerning the prevention and combating of various disasters (storms, cyclones, earthquakes and others) established by Ukrainian law is rather general and that therefore there are no specific regulations which would apply to separate classes of disaster, for instance, laws on tornados or earthquakes.

All natural and industrial disasters are encompassed by the term “emergency” as used in the main DM Law.

According to Art. 1 of this law, an emergency is defined as “*disruption of the normal living conditions and activities of human beings in a certain territory or*

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p><i>settlement within this territory or near a body of water, caused by an accident, catastrophe, <u>natural disaster</u> or other dangerous event, including epidemics, epizootics or fire, that result either in it being impossible to live or conduct commercial activities in this territory or settlement, or loss of life and/or significant material losses.”</i></p> <p>As can be seen from the above definition, “emergency” is quite a broad term which covers all kinds of hazards and natural disasters irrespective of their type or the factors which caused them.</p> <p>The principal exception is fire. There is a special law of Ukraine on Fire Safety as well as secondary legislation in this area.</p> <p>There is also certain secondary legislation that applies to some hazards, for instance floods, landslides and insect infestations. But in any case none of these may be named as a “specific law” relating to such hazards or even a set of laws. Such secondary legislation usually touches particular aspects of prevention of the hazard and does not provide full regulation of the issue.</p> <p>As a result, all the hazards listed in this table (apart from fire) are governed by the main DM laws with some possible additional application of secondary legislation.</p>			
<p><b>A. Cyclones, tornadoes, or storms?</b></p>			
<p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			<p>There is no specific law. The main DM law applies.</p>
<p>34. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>The main DM Law</p>	<p>Art. 35</p>	<p>The main DM law establishes that financing of the initiatives with respect to the prevention and limitation of natural and industrial emergencies shall be taken from the state budget, the budget of the Autonomous Republic of Crimea, local budgets, donations from private persons, legal entities and NGOs and from other sources</p>



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			the population.
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	n/a	n/a	No, there are no such legal provisions.
<p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	<p>The main DM Law</p> <p>Resolution of the Cabinet of</p>	Art. 1	<p>The main DM law defines a warning system as a series of organisational and technical measures, technical means of warning and communication channels designed for the distribution of data regarding the occurrence of emergencies or the threat of such occurrence.</p> <p>The system itself is established by a separate resolution of the cabinet of ministers of Ukraine which provides for an entire emergency warning system, describes the elements of such a</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
	Ministers of Ukraine "On Organisation of Warning and Communications in Cases of Emergency"		<p>system and sets regulations as to how the emergency warning shall be made.</p> <p>The warning system established by the said resolution uniformly applies to all kinds of emergencies regardless of the factor which caused the emergency. Therefore, it applies to all hazards mentioned in this questionnaire.</p> <p>Such a warning system, however, does not require community involvement.</p>
<p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>	n/a	n/a	n/a
<b>B. Earthquake/Tsunami?</b>			
40. Is there a specific law about this hazard (i.e. not the main DM law)? If	n/a	n/a	No, the main DM Law applies.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			
41. Does this law specify how management of this risk is financed? If so, describe.	n/a	n/a	See the answer to question 35.
42. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?	n/a	n/a	Civil and criminal liability could both be attributed under the general rules. Please see the answer to question 36.
43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	n/a	n/a	See the answer to question 37.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	n/a	n/a	See the answer to question 38.
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	n/a	n/a	See the answer to question 39.
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> </ul>	n/a	n/a	n/a

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
<b>C. Fire?</b>			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Law of Ukraine "On Fire Safety  Resolution of the Cabinet of Ministers of Ukraine on Implementation of the Law on Fire Safety	Art. 7	The Law on Fire Safety provides the legal framework for fire safety in Ukraine, including the various methods used by the State Fire Safety Department to monitor risk.  Through monitoring, this Department aims to implement measures which reduce or prevent the occurrence of fires, and to ensure that construction works comply with fire-safety measure.  T he Resolution of the cabinet of ministers of Ukraine has deemed those responsible for monitoring fire risk as: <ul style="list-style-type: none"> <li>- the officials of the State Fire Safety Department (which is the governmental agency within the Ministry of Emergency Situations of Ukraine); and</li> <li>- the regional departments of the State Fire Safety Department located within different municipalities of Ukraine.</li> </ul>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
48. Does this law specify how management of this risk is financed? If so, describe.	Law of Ukraine "On Fire Safety"	Art. 24	The state's budget finances all state fire-protection measures, including the construction of buildings and premises.
49. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?	Law of Ukraine "On Fire Safety"	Art. 35	The Law on Fire Safety does not attribute any liability for damage caused by a failure to warn or a failure to take preventive action. In certain situations liability can be attributed under the general rules: see the answers to questions 27 and 28. The Law on Fire Safety does, however, establish a general framework for liability for any violation of the fire-safety rules.
50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	n/a	n/a	No, the main DM Law applies. See the answer to question 37.
51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities?	Law of Ukraine "On Fire Safety"	Art. 32	<i>"Associations, partnerships and other fire-prevention NGOs may provide a means to consolidate the efforts of those responsible for fire-safety provision, such as staff, fire-protection specialists and individual citizens".</i> Neither the Law on Fire Safety nor the Law on the Association of

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			<p>Citizens impose restrictions as to the gender, race, marital or social status of those who can be members of fire-prevention NGOs.</p>
<p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	n/a	n/a	See answer to question 39.
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone,</li> </ul>	n/a	n/a	n/a

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
radio or internet access to meteorological or seismological data and analysis)?			
<b>D. Floods?</b>			
54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Complex Program for Protection of Villages and Agricultural Lands from the Harmful Effects of Water for the Period until Year 2010 and Prognosis until Year 2020"		<p>The main DM law is applicable, however there is also some specific secondary legislation regarding this hazard.</p> <p>In particular, the resolution "On Approval of the Complex Program for Protection of Villages and Agricultural Lands from the Harmful Effects of Water" establishes a complex program of implementation of various measures aimed at prevention and limitation of the consequences of flooding. These measures include the building and reconstruction of protective flood barriers, establishment of bank-protection belts and flood-protection zones, improvement of anti-flood protection systems, and preventing the construction of residential and industrial buildings in areas at high risk of floods.</p> <p>With respect to institutional responsibility, the State Agency of Water Resources is responsible for construction and reconstruction of anti-flood barriers, control of rivers' courses and the general monitoring of watercourses. The Ministry of Emergencies maintains warning and observation systems, gathers and analyses meteorological information and makes prognoses regarding the risk of floods. The State Agency of Land Resources is responsible for the implementation of erosion-prevention measures.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
	Resolution of the Cabinet of Ministers of Ukraine “On the System of Monitoring Flooding (Dangerous Ground-Water Rises) in the Cities and Towns of Ukraine”	Art, 1-3	Another piece of secondary legislation concerning this hazard is the resolution of the cabinet of ministers “On the System of Monitoring of Flooding in the Cities and Towns of Ukraine”. This system includes the collection and organisation of observation data regarding flooding in the cities and towns of Ukraine, planning measures for the limitation of flood damage, distribution of information about flooding among the population, and involvement of government agencies and international organisations.
55. Does this law specify how management of this risk is financed? If so, describe.	Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Complex Program for Protection of Villages and Agricultural Lands from the Harmful Effect of Water for the Period until Year 2010 and Prognosis until Year 2020”	n/a	See the answer to question 35. The resolution of the cabinet of ministers also provides that financing of the program shall be made by the central government bodies from the funds allocated for such program in the state budget for the respective year.
56. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk?			Civil and as well as criminal liability may be applied under the general rules as described in the answer to question 36.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>Resolution of the Cabinet of Ministers of Ukraine "On the System of Monitoring Flooding (Dangerous Ground-Water Rises) in the Cities and Towns of Ukraine"</p>	<p>Section 2</p>	<p>Information regarding flooding in cities and towns shall be provided by legal entities and private entrepreneurs conducting commercial activities in the field of flood protection engineering, to the housing and utility departments of regional state administrations and executive committees of the local councils.</p> <p>Local bodies of the housing and utility service shall provide such information to the Ministry of Housing and Utility Services of the Autonomous Republic of Crimea, and for the housing and utility departments of local state administrations.</p> <p>The central governmental agency of Ukraine responsible for housing and utility shall analyse such information, determine whether there is a risk of flood in the city or town and decide whether the respective measures shall be applied.</p> <p>The main DM law shall be also applied. See answer to question 37.</p>
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts</p>	<p>n/a</p>	<p>n/a</p>	<p>There are no such legal provisions.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<p>59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	n/a	n/a	See answer to question 39.
<p>60. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological</li> </ul>	n/a	n/a	n/a

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
data and analysis)?			
<b>E. Heat/cold waves?</b>			
61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	n/a	n/a	There is no specific law. The main DM law applies.
62. Does this law specify how management of this risk is financed? If so, describe.	n/a	n/a	See the answer to question 35.
63. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>	n/a	n/a	Civil and as well as criminal liability may be attributed under the general rules as described in answer to question 36.
64. Does this law regulate the collection and distribution of information on	n/a	n/a	See the answer to question 37.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	n/a	n/a	See the answer to question 38.
66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	n/a	n/a	See the answer to question 39.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
67. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>	n/a	n/a	n/a
68. Describe form of regulation, and institutional responsibility.	n/a	n/a	n/a
<b>F. Insect Infestations?</b>			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Order of the Ministry of Health of Ukraine "On Approval of the Territories Assignment to Areas of Mass Distribution of Midges and Other Dangerous Insects and Mites" dated June 7, 2004 no. 284	Art. 2	The main DM law applies, however the governmental order of the Ministry of Health of Ukraine provides for the supervision of certain territories vulnerable to insect infestations in the country. It also regulates the number and species of midges and other dangerous insects and mites for compliance with epidemiological standards in order to reduce the impact of insect infestations. <i>"The Minister of Health of the Autonomous Republic of Crimea, heads of departments of health in oblast and city state administrations, the Department of Health and Medical Support of</i>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			<i>the Kyiv City State Administration, chief state sanitary doctors of the Autonomous Republic of Crimea, Kyiv and Sevastopol, and water, rail and air transport authorities are to ensure timely and consistent implementation of the requirements of the Order.”</i>
70. Does this law specify how management of this risk is financed? If so, describe.	n/a	n/a	See answer to question 35.
71. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?	n/a	n/a	Civil and criminal liability may be attributed under the general rules as described in the answer to question 36.
72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?	Order of the Ministry of Health of Ukraine “On Approval of the Territories Assignment to Areas of Mass Distribution of Midges and Other Dangerous Insects and Mites” dated June 7, 2004	Art. 5 Art. 6	<i>“The results of the inspection of areas vulnerable to insects are registered in the accounting documentation and accounting forms approved by the Ministry of Health of Ukraine.”</i> <i>“Definition of the territories and approval of the list of such areas in which a massive spread of midges and other dangerous insects and mites are to be registered, shall be carried out every five years by the chief sanitation expert of the Autonomous Republic of Crimea,</i>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
	no. 284		<i>Kyiv and Sevastopol.</i> The main DM law also applies. See the answer to question 37.
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	n/a	n/a	See answer to question 38.
<p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>	n/a	n/a	See answer to question 39.
<p>75. If communities are involved in EWS, does this law provide that they:</p>	n/a	n/a	n/a

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			
<b>G. Landslides and avalanches?</b>			
<p>76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>	<p>Resolution “On Measures to Improve the Protection of Cities, Buildings, other Facilities, and Land from Mudslides, Avalanches and Landslides” dated April 13, 1978 (updated in 1988); and Resolution “On Approval of the State System of Environmental Monitoring” dated March 30, 1998.</p>		<p>The main DM law applies. More specifically, the resolution “On Measures to Improve the Protection of Cities, Buildings, other Facilities, and Land from Mudslides, Avalanches and Landslides” establishes that the regulation of DRR of landslides and avalanches is conducted through:</p> <ul style="list-style-type: none"> <li>- <i>identification of the areas experiencing mudslides, avalanches, landslides;</i></li> <li>- <i>examination of potentially dangerous territories experiencing mudslides, avalanches, landslides;</i></li> <li>- <i>development and implementation of urgent measures to protect settlements, recreation grounds, buildings and other facilities from mudslides, avalanches, landslides;</i></li> <li>- <i>preparation of complex schemes of protection of territories and</i></li> </ul>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p><i>people from mudslides, avalanches, landslides;</i></p> <p><i>- maintaining a list of organisations and institutions, regardless of their ownership, which are located in potentially hazardous areas and areas experiencing mudslides, avalanches, landslides."</i></p> <p>It is regulated at a ministerial level and implemented by local administrations.</p>
<p>77. Does this law specify how management of this risk is financed? If so, describe.</p>	<p>Resolution "On Approval of the State System of Environmental Monitoring" dated March 30, 1998.</p>	<p>Art. 5</p>	<p><i>"The financing of the monitoring and management systems is carried out in accordance with the procedures for financing environmental activities, at the expense of the state and local budgets."</i></p> <p>See also answers to question 23 and 35.</p>
<p>78. Does this law attribute liability for damage caused by:</p> <ol style="list-style-type: none"> <li>failure to warn, or false or faulty warnings of this risk?</li> <li>failure to take preventive action including by reducing this risk?</li> <li>If so, who may be liable - or immune?</li> <li>Is it civil or criminal liability, or both?</li> </ol>	<p>n/a</p>	<p>n/a</p>	<p>Civil and criminal liability may be applied under the general rules and provisions of law as described in the answer to question 36.</p>
<p>79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in</p>	<p>Resolution "On Approval of the State System of Environmental Monitoring"</p>	<p>Art. 1</p>	<p><i>"The state environmental monitoring system refers to a system of observation, collection, processing, transmission, storage and analysis of information on the environment, forecasting its</i></p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>relation to this risk? If so, what authority is responsible and what is their mandate?</p>	<p>dated March 30, 1998.</p>	<p>Art. 8</p>	<p><i>changes, and development of scientifically-based recommendations for making decisions to prevent negative changes in the environment and ensuring environmental safety.”</i>  <i>“The Ministry of Environmental Protection of Ukraine, the Ministry of Emergencies, the State Agency of Ukrainian Exclusion Zones, the Ministry of Health and other related ministries and state institutions are responsible for the collection and distribution of information on hazards and risks (risk mapping) in relation to mudslides, avalanches, and landslides.”</i></p>
<p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	<p>Resolution “On Approval of the State System of Environmental Monitoring” dated March 30, 1998.</p>	<p>Art.19</p>	<p><i>“Central and local executive authorities, local administrations, enterprises, institutions, communities and citizens should immediately inform the Ministry of Environmental Protection and Ministry of Emergencies and local state administrations about the occurrence or threat of environmental emergencies of any origin.”</i></p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	Resolution “On Approval of the State System of Environmental Monitoring” dated March 30, 1998.	Art. 20	<p><i>“EWS for dangerous meteorological and hydrological phenomena and the assessment of their development is regulated by the Ministry of Environmental Protection.</i></p> <p><i>EWS for exogenous and endogenous geological processes and the assessment of their development is regulated by the State Geological Subsoil Committee.”</i></p> <p>The resolution does not provide for community involvement in EWS.</p> <p>Please also see the answer to question 39.</p>
82. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>	n/a	n/a	n/a
<b>H. Volcanoes?</b>			
83. Is there a specific law about this	n/a	n/a	There is no risk of this hazard in Ukraine as there are no threats of

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			volcanic eruption.
84. Does this law specify how management of this risk is financed? If so, describe.	n/a		n/a
85. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?	n/a	n/a	n/a
86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is	n/a	n/a	n/a

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
their mandate?			
<p>87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>	n/a	n/a	n/a
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?	n/a	n/a	n/a
89. If communities are involved in Early Warning Systems (EWS), does this law provide that they:	n/a	n/a	n/a

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul>			
<b>Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation</b>			
<b>I. Drought and related famine?</b>			
<p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <ul style="list-style-type: none"> <li>a. Rain and river water storage, distribution and conservation measures?</li> <li>b. Development and maintenance of ground water extraction, storage and distribution?</li> <li>c. If so, describe the forms of</li> </ul>	<p>Order no. 263 issued by the Ministry of Ecology and Natural Resources of Ukraine dated July, 26, 2011</p> <p>“On Implementation of the National plan of Action on Protection of the Natural Environment for 2011 – 2015” According to Convention of OUN on Drought Warning in Countries Suffering from Severe Drought and/or</p>		<p>The order “On Implementation of the National Plan of Action on Protection of the Natural Environment for 2011 – 2015” establishes a yearly special national program which provides for the development and presentation of a project concerning protection from drought and desertification of land in regions of Ukraine. This is considered by the cabinet of ministers of Ukraine. The program is then developed at a national level and is implemented by the regional authorities.</p> <p>It is regulated at the regional state administration level, essentially by the departments for the protection of natural resources.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
regulation. At what level(s) of government is this regulated?	Desertification, especially in Africa, dated 17.06.94 Date of Ukraine joining: 04.07.2002		
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>	<p>Resolution no. 998 issued by the cabinet of ministers of Ukraine dated 19 July 2006</p> <p>“Order on the Collection, Use, and Distribution of Information about Desertification and Degradation of Land”</p>	Art. 1	<p>Yes. The resolution “Order on the Collection, Use, and Distribution of Information about Desertification and Degradation of Land”.</p> <p><i>“This order determines the mechanism for the collection, use, and distribution of information about desertification and land degradation with the aim of increasing the efficiency with which natural resources are used and protected, and natural processes and phenomena with a negative impact prevented.”</i></p>
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.	<p>Resolution no. 998 issued by the cabinet of ministers of Ukraine dated 19 July 2006</p> <p>“Order on the Collection,</p>	Art. 4	<p><i>“The collection, use and distribution of information is conducted through and within the powers provided for in the state budget for the relevant year.”</i></p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
	Use, and Distribution of Information about Desertification and Degradation of Land”		
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?	Resolution no. 998 issued by the cabinet of ministers of Ukraine dated 19 July 2006 “Order on Collection, Use, and Distribution of Information about Desertification and Degradation of Land”	Art.2 Art.3	Yes. The Ministry of Ecology and Natural Resources of Ukraine is responsible for the collection and distribution of information on drought and related famine risks. <i>“On the basis of information received under paragraph 2 of this Order, the Ministry of Ecology and Natural Resources of Ukraine: conducts, analyses and summarises the results received; prepares and adopts consolidated annual reports on desertification and land degradation; and publishes and places them on its website for executive agencies and local authorities to use in making appropriate decisions on environmental protection and the rational use of natural resources, and for public information”.</i>
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:	n/a	n/a	No, there are no such legal provisions.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>			
<b>J. Other food security risks?</b>			
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <ul style="list-style-type: none"> <li>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</li> <li>b. At what level(s) of government is this regulated?</li> </ul>	Land Code of Ukraine No. 2768 dated 25.10.2001	Section 4 (Art. 162-168)	<p>Yes. The Land Code of Ukraine.</p> <p>Other security-risk reduction includes:</p> <p><i>“a) the study and attainment of sustainable land use;</i></p> <p><i>b) protection of agricultural lands and forest from undue use for other purposes;</i></p> <p><i>c) protection of land from erosion, debris flows, flooding, waterlogging, salinization, dehydration, compaction, pollution, waste production, chemical and radioactive substances and other adverse natural and anthropogenic processes;</i></p> <p><i>d) protection of wetlands;</i></p> <p><i>e) protection of the aesthetic and ecological role of man-made landscapes; and</i></p> <p><i>f) conservation of degraded and unproductive farmland.”</i></p> <p>The Ministry of Ecology and Natural Resources of Ukraine is responsible for policy in this area and it is implemented at a</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			regional level by regional state administrations.
96. Does the above law or mandate specify how management of food security is financed? If so, describe.	Land Code of Ukraine N 2768 dated 25.10.2001		The management of food security is financed by the state and regional budgets of Ukraine.
97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?	n/a	n/a	No, there are no such legal provisions.
98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons	n/a	n/a	No, there are no such legal provisions.



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			<i>enterprises, institutions and organizations irrespective of ownership and management, as well as the donations of individuals and entities, charitable organisations and associations, and other sources not prohibited by law”.</i>
100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.	n/a	n/a	No, there are no such legal provisions.
101. Does EWS regulation provide for community-based early warning data collection? Describe.	n/a	n/a	No, there are no such legal provisions.
102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.	The main DM Law	Art. 8	The public is provided with warning system for disaster risks through: <ul style="list-style-type: none"> <li>- work to develop and ensure the readiness of both a nationwide automated system and local ones (which will link into the central system when notifying of a threat);</li> <li>- work to develop the organisational and technical links between surveillance systems and the control mechanisms for local warning systems;</li> <li>- maintaining public awareness in areas at risk of catastrophic flooding, and in areas with radiation, chemical plants and other risks of major hazards; and</li> <li>- centralised systems of communication, radio and television alerts, radio broadcasting networks and other means of information transfer.</li> </ul>

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <ul style="list-style-type: none"> <li>a. geographical coverage of telecommunications to include remote and/or at-risk areas?</li> <li>b. priority access to communications technology for at-risk communities and responders to disaster?</li> <li>c. access for vulnerable groups such as the elderly and persons with disabilities?</li> <li>d. Support for early warning systems?</li> </ul>	<p>Law of Ukraine No.1280 "On Telecommunication Services" dated 18.11.2003</p>	<p>Art. 65</p>	<p>Yes. The law "On Telecommunication Services" provides that:</p> <p><i>"During an emergency, the operators and providers of telecommunications services are required to ensure high-quality communications and public notification in accordance with the orders of the cabinet of ministers of Ukraine.</i></p> <p><i>"Telecommunications operators and providers must be prepared to perform their functions in an emergency using all equipment and telecommunications networks, regardless of ownership, which serves to mobilise resources to meet the needs of national security, defence, and law enforcement. Telecommunications operators shall interact with the national centre of operations and communications network maintenance on matters within its competence."</i></p>
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <ul style="list-style-type: none"> <li>a. Generally throughout the territory?</li> <li>b. In specified areas?</li> <li>c. Under specified circumstances?</li> </ul>			<p>No. It does not restrict the use of any telecommunications equipment. As cited in the response to question 104:</p> <p><i>"Telecommunications operators and providers must be prepared to perform their functions in an emergency using all equipment and telecommunications networks, regardless of ownership, which serves to mobilise resources to meet the needs of national security, defence, and law enforcement."</i></p>

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<b>B. Risk identification, assessment and monitoring</b>			
105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?	The main DM Law	Art.29	The main DM Law stipulates that the cabinet of ministers of Ukraine, the cabinet of ministers of the Autonomous Republic of Crimea, local state administrations and a central agency specialising in the protection of the population are responsible for the collection and distribution of information on hazards and risks.
106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and under what law?	Resolution No. 1198 of the cabinet of ministers of Ukraine "On the single state System of Prevention and Response to emergency situations of Tectonic and Natural Character" dated 03.08.1998		<p>The Agency for Standardisation, Meteorology and Certification is responsible for:</p> <ul style="list-style-type: none"> <li>• the organisation and development of national standards of prevention and response for emergencies;</li> <li>• the implementation of state control and supervision of compliance with the mandatory requirements of those national standards;</li> <li>• establishing the rules and requirements of state meteorological controls and supervision; and</li> <li>• ensuring the maintenance and good functioning of the national database and transmission systems for measurements of radiation, the chemical and biological environment and other parameters relevant to determining the threat and scale of disasters.</li> </ul>

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			Communities are provided with access to this data.
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?	Resolution No. 1198 of the cabinet of ministers of Ukraine "On the Single State System of Prevention and Response to emergency Situations of Tectonic and Natural Character" dated 03.08.1998		<p>Yes. The State Agency for Information Policy is responsible for:</p> <ul style="list-style-type: none"> <li>• ensuring monitoring of potentially hazardous sites in high risk areas;</li> <li>• providing timely and objective information to the public about the consequences of emergencies in Ukraine and abroad;</li> <li>• communicating with the public and transmitting recommendations during an emergency;</li> <li>• providing the authorities with the best air time for transmitting warnings and information that could save lives;</li> <li>• creating promotional clips highlighting life-saving principles at the request of the Ministry of Emergencies; and</li> <li>• managing the creation and activities of functional subsystems within the national system for informing the public about emergencies.</li> </ul>

#### Part Four. Regulation of the Built Environment

The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.			
<b>A. Building Codes</b>			
Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.			
108. Is there a national building and construction law? If so, what authority is responsible for its implementation?	Law of Ukraine "On Regulation of Urban Planning and Construction"	Art. 4	The law "On Regulation of Urban Planning and Construction" is the national building and construction law. The authorities responsible for its implementation are (i) the Ministry of Regional Development, Construction and Housing; and (ii) the State Architectural and Construction Inspectorate of Ukraine.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?	n/a	n/a	N.A. Please refer to the answer to question 109.
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general	As example: State Building Codes V.1.1.7–2002 "Fire Safety of Construction" State Building Code V.1.1-12: 2006 "Construction in	n/a	The law "On Regulation of Urban Planning and Construction" only covers general design and construction norms. Other areas are regulated by separate building codes. For example, there are national building codes governing the following areas: (i) the safety of buildings in the event of a fire; (ii) construction in regions of seismic activity; and (iii) the design requirements of buildings, so as

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building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	Regions of Seismic Activity in Ukraine” State Building Code V.1.1-24: 2009 “Protection Against Dangerous Geological Activity: Design Requirements”		to protect against seismic activity. All of these separate building codes are subordinated to the law “On Regulation of Urban Planning and Construction”.
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?	Law of Ukraine “On Regulation of Urban Planning and Construction”	Art. 34	Yes. The mechanism for building approval depends on the complexity of the building. In Ukraine, there are five levels of complexity (levels I to V). Individual buildings are not considered as complex (i.e. levels I-III). Buildings with a level I-III complexity do not require a construction permit. In order to build an individual building, it is sufficient to register a declaration at the start of construction work. This declaration should be registered with the State Architectural and Construction Inspectorate of Ukraine.
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to: a. New buildings? b. Renovations / extensions of existing buildings? c. Existing buildings where there is no building application, such as	Law of Ukraine “On Regulation of Urban Planning and Construction”	Art. 34	Yes. As mentioned in the answer to question 109, the State Architectural and Construction Inspectorate of Ukraine is the body responsible for the implementation of construction law in Ukraine and controls the construction process. It applies to (i) new buildings and (ii) renovations/extensions of existing buildings.

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
old buildings that may no longer be safe?			
113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?	<p>Code of Ukraine on Civil Offences</p> <p>Law of Ukraine “On Liability for Urban Planning and Construction Violations”</p> <p>Law of Ukraine “On Regulation of Urban Planning and Construction”</p>	<p>Art. 96, 96(1)</p> <p>Art. 2</p> <p>Art. 39</p>	<p>Ukrainian law provides for mechanisms for the enforcement of construction law and state building codes.</p> <p>The employees of designers, developers and contractors are subject to civil liability for violations in the construction field including, but not limited to: (i) performing construction work (whether preparatory or otherwise) without sending the required notification at the beginning of such works, (ii) non-registration of the declaration at the beginning of the preparatory or other construction work; (iii) performing construction work without the requisite permit; and (iv) operating a building prior to obtaining approval for this.</p> <p>The penalties for violations are also set out in the law “On Liability for Urban Planning and Construction Violations”. This stipulates various financial penalties for violations of construction law by legal entities and private entrepreneurs. The amount of the penalty will depend on the type of violation (the different violations are described at (i) – (iv) in the paragraph immediately above), the role of the breaching party in the construction process (i.e. designer, developer, contractor or other) and the level of complexity of the construction project. As an example, a contractor which begins to operate a building of level V complexity prior to obtaining approval shall face a fine of USD 120,000.</p> <p>Where construction violations have occurred and these are not</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			remedied, the State Architectural and Construction Inspectorate of Ukraine may file an application for demolition of the building.
<p>114. Do the building regulations have special standards or requirements for:</p> <ul style="list-style-type: none"> <li>a. schools?</li> <li>b. hospitals?</li> <li>c. fire stations?</li> <li>d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?</li> </ul>	<p>As example:</p> <p>State Building Codes V.2.2-3-97. "Buildings and Constructions: School Buildings and Construction"</p> <p>State Building Codes V.2.2-10-2001. "Buildings and Construction: Health Care Facilities"</p> <p>State Building Codes V.2.2-13-2003. "Sport and Fitness Centre Facilities"</p>	n/a	<p>Yes. The special standards and regulations for building schools, hospitals, fire stations and other such types of public buildings are set out in the state building codes. Examples of these state building codes include codes governing the construction of schools, health care facilities, and sport and fitness centres.</p>
<p>115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify &amp; describe.</p>	<p>Law of Ukraine "On Regulation of Urban Planning and Construction"</p>	<p>Art. 16-18, 37, 39</p>	<p>Yes. The regulations governing construction of large commercial buildings and developments are strict as these are classified as "complex" buildings. For the construction of complex buildings, a construction permit must be obtained. In order to begin using the complex, a certificate must be obtained from the body that monitors compliance with building regulations (the State Architectural and Construction Inspection of Ukraine), following which it will issue an act granting permission for use/operation of the complex to begin. A plot of land may only be used for construction of a large commercial building if it is compliant with land zoning and planning requirements.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.	n/a	n/a	Yes. Please refer to the answer to question 116.
117. Do the building laws/regulations include small self-built constructions? Identify & describe.	Law of Ukraine “On Regulation of Urban Planning and Construction”	Art. 27	Yes. Construction of small self-built constructions can only be carried out with a simple consent known as a ‘construction passport’. The law sets out technical and architectural requirements for, amongst other structures, individual (manor) houses, dachas with no more than 2 floors and a maximum area of 300 square metres (excluding mansard), and garages. The preparation of project documentation for such construction is not mandatory, but may be carried out at the discretion of the developer.
118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?	n/a	n/a	No. The building laws/regulations are the same for urban and rural settings.
119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what	State Building Code V.2.2-5-97. “Buildings and Structures: Protective Civil-Defence		Yes. Building requirements for emergency and transitional shelters are set out in the state building code “Buildings and Structures:

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
form of regulation and which institution(s) have responsibility for this?	Structures”. Order of the Ministry of the Emergency Situations of Ukraine on Approval of the Inspection Rules of the Technical Conditions of the Civil Defence Shelters		Protective Civil-Defence Structures”. Governmental bodies responsible for civil defence are also responsible for transitional shelters. In particular, the Ministry for Emergencies assigns special licensed organisations to conduct technical inspections of the shelters. These inspections are conducted if elements of a shelter may be in poor condition, or following any emergency which could prove detrimental to the condition of the shelter.
120. Do the building laws/regulations include: a. Inspections? b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)? If so, what form of regulation and which institution(s) have responsibility for this?	Law of Ukraine “On Regulation of Urban Planning and Construction”	Art. 34	Yes. As mentioned in the response to question 109, the State Architectural and Construction Inspectorate of Ukraine is the body with control over the implementation of construction law in Ukraine. It oversees (i) construction of new buildings, and (ii) renovations/extensions of existing buildings. Inspections form part of this oversight.  However, building laws/regulations do not include the measures envisaged by part (b) of the question.
121. What if any provision is there for planning, approval and construction of public roads, bridges and related	As an example: State Building Code V.2.3-4: 2007. “Transport Facilities:		The requirements for construction of public roads, bridges and related public works are the same as for privately-owned ones. The responsible authorities are (i) the Ministry of Regional

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
public works? – describe the authority(s) & mandate(s).	Highways: Design and Construction”.		Development, Construction and Housing, and (ii) the State Architectural and Construction Inspectorate of Ukraine. Rather than any public/private divide, as mentioned in the response to question 112 the construction process depends upon the level of complexity of the structure. For example, the construction of roads is regulated by the state building code “Transport Facilities: Highways: Design and Construction”, in addition to general building requirements.
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?			No. Generally, bodies responsible for civil defence should build protective structures in advance of any threat arising, and such structures should always be maintained in a suitable condition to withstand a disaster.
<b>B. Land Use Planning Laws</b>			
The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?	Land Code of Ukraine Law of Ukraine “On Regulation of Urban Planning	Art. 180 Chapter III	Yes. Land zoning and land use planning are regulated by (i) the Land Code of Ukraine, and (ii) the law “On Regulation of Urban Planning and Construction”. The responsible authority is the State Agency of Land Resources of Ukraine.

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Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
	and Construction”		
124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level?	Law of Ukraine “On Regulation of Urban Planning and Construction”	Chapter III	The law “On Regulation of Urban Planning and Construction” provides for regulation of land planning at all levels of government: at a state, regional and local level. This law establishes land zoning, the degree of urban settlements in each region, and restrictions on building in each area. The law influences how local state administrations conduct local planning operations. The planning documentation relating to local developments will always comply with the zoning regulations in the above-mentioned law.
125. Does the land use planning and/or zoning law include processes for: a. Formal release of land for new developments? b. Approval of each new urban development? c. Approval of major commercial developments?	Land Code of Ukraine Law of Ukraine “On Regulation of Urban Planning and Construction”	Chapter 19 Chapter III	Yes. Land-use planning and/or zoning legislation includes processes for (i) formal release of land for new developments, (ii) approval of each new urban development, and (iii) approval of major commercial developments
126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated sites)?	Law of Ukraine “On Regulation of Urban Planning and Construction” Law of Ukraine “On Areas of Environmental Emergency”	Art. 12 Art. 10	Ukrainian legislation does not impose a direct prohibition on the development of high risk sites. However, if planning is sought in an area of high tectonic stress or an area where the risk of disasters is high, authority must be sought from the cabinet of ministers of Ukraine.  Furthermore, if an area is assessed as high risk in the aftermath of

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			an emergency, a temporary ban on new buildings and/or developing existing constructions may be applied.
127. Does the planning / zoning law include public open space for evacuation?	n/a	n/a	No, the planning/zoning law does not include provision for public open spaces for evacuation.
128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?	n/a	n/a	No, there is no requirement for allocation of land for emergency or transitional shelters.
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?	Law of Ukraine "On Regulation of Urban Planning and Construction"	Art. 30	Yes. Inherent within the planning and zoning law are obligations upon constructors of new developments in relation to infrastructure installations. All new developments are subject to technical conditions and requirements. These technical conditions form a part of the project documentation and include a number of provisions. These include provisions covering water and water drainage, heating, electricity and gas supply, sewage, outdoor lighting, telephone services and fire and technical safety. The technical requirements must be adhered to in all construction works carried out throughout the life of the development.
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?	Law of Ukraine "On Regulation of Urban Planning and Construction" State Building Codes 360-92** "Planning and Development of Urban and	Art. 1, 18	Construction law provides a requirement to comply with 'red lines'. Red lines define boundaries for existing or projected roads and streets and are marked in the construction documentation. The zoning of a territory should be made in compliance with the red lines. Construction must be kept away from these red lines. The distance

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	Rural Settlements”.		that new structures must be kept from such red lines is defined by the state building codes “Planning and Development of Urban and Rural Settlements”. The red line system is designed to take account of the current use of streets but also of any future widening of them due to increased traffic flow.
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?	n/a	n/a	No. The planning/zoning law requirements are the same in both urban and rural settings.
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?	n/a	n/a	No, planning and zoning law does not include any other matters or provisions that are relevant to disaster risk reduction.
<b>C. Land tenure</b>			
133. Is there a national system of land title registration established under law? a. If sub-national regulation, at what level of government does this	Land Code of Ukraine Resolution of the Cabinet of Ministers of Ukraine “On Maintaining of the Land Register and Registration of	Art. 125 n/a	Yes. Currently the national system of land registration operates on a sub-national level. All leases, ownership and limitations on the land are contained in a land register maintained by local land resource bodies. The legal mandate for this system stipulates that the land register

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<p>occur, if at all? If sub-national, can you find an example of such a law?</p> <p>b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?</p>	<p>Ownership Rights to Real Estate, Permanent Use of Land and Land Lease”</p>		<p>be maintained in paper and electronic form. However, title to any buildings located on plots of land is registered by the Bureau of Technical Inventory for the State Registry of Buildings and Their Encumbrances.</p> <p>From 1 January 2013 Ukrainian legislation shall introduce a single unified registry of rights over land, buildings, leases and other structures. The function of the state registrars shall be performed by notaries.</p>
<p>134. Are there institutions mandated to survey land and/or register title? Does this mandate:</p> <p>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</p> <p>b. establish a timeframe for the conclusion of land mapping?</p> <p>c. allocate resources for land mapping?</p>	<p>Law of Ukraine “On Regulation of Urban Planning and Construction”</p>	<p>Art. 10, 21, 24</p>	<p>Land surveys and the registration of title are performed by the national and local state administrations. Institutions include local land-resource bodies and the Bureau of Technical Inventory for the State Registry of Buildings and Their Encumbrances.</p> <p>Their current mandate allows community participation in land mapping and surveying for the purpose of establishing title and/or occupancy and/or usage rights through public hearings. Master plans of urban settlements, plans of territory zoning, and detailed plans of territories are subject to mandatory public hearings where community participation is encouraged.</p> <p>There is no set timetable for the land-mapping process. The timeframe in which it is undertaken depends on the complexity of the exercise and the degree of public involvement.</p> <p>The current mandate allocates resources to the aforementioned activities by using local budgets and other resources not prohibited by law.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <p>a. Women?</p> <p>b. All ethnic or religious groups?</p> <p>c. Non-nationals?</p>	Land Code of Ukraine	<p>Clause 15 of Transitional Provisions</p> <p>Art. 22</p>	<p>Currently the sale and purchase of agricultural land is prohibited in Ukraine. However, this ban shall be lifted once the law “On the Market in Land” comes into force. This law is currently undergoing a second reading in the Ukrainian parliament. From 01 January 2013, it will also be permitted to transfer of the ownership of agricultural land to foreign citizens, stateless persons, foreign legal entities and foreign states.</p> <p>There are no exclusions under the current or the proposed 2013 system for women or ethnic and religious groups or non-nationals.</p>
<p>136. If there is no standardised land title, is there another way to legally recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.</p>	n/a	n/a	Please see the response to question 134.
<p>137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.</p>	n/a	n/a	No. There is currently no recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land.
<p>138. Is there legislation or case law</p>	Land Code of Ukraine	Art. 119	Yes, there is legislation that recognises land tenure as a result of

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>that recognises land tenure as a result of occupation, such as:</p> <ul style="list-style-type: none"> <li>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</li> <li>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</li> </ul>	Civil Code of Ukraine	Art. 344	<p>occupation.</p> <p>Citizens who use land over a period of 15 years but have no formal documents evidencing an ownership right may apply to the state or local authorities with a request to transfer the land into their ownership or control formally. For adverse possession to be invoked in this event there are a number of pre-conditions, as follows:</p> <ul style="list-style-type: none"> <li>(i) 15 years of continuous use by the applicant;</li> <li>(ii) the applicant must have acted in good faith; and</li> <li>(ii) the applicant must have acted openly.</li> </ul> <p>It must be noted that the Land Code of Ukraine, the primary legislation in this area, only came into force on 1 January 2002. Citizens may therefore obtain ownership/lease rights to land based on adverse possession under this law starting from 1 January 2017.</p> <p>Citizens who use buildings and other structures may also obtain ownership rights to them based on adverse possession, starting from 1 January 2011.</p> <p>According to the Civil Code of Ukraine a person who has been in possession of immovable property for more than 10 years, or movable property for more than 5 years, automatically obtains ownership rights to such property. Ownership rights to buildings/structures are however gained subject to state registration even where this occurs after the property has been claimed under the rules on adverse possession. For adverse</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			<p>possession to be invoked in these circumstances there a number of pre-conditions:                      (i) 10 or 5 years of continuous use by the applicant;                      (ii) the applicant must have acted in good faith; and                      (ii) the applicant must have acted openly.</p> <p>There is no concept of “squatters rights” under Ukrainian law.</p>
<p>139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?</p>	n/a	n/a	No. There are no parallel systems for recognition of land tenure.
<p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <p>a. risk reduction from natural disasters?</p> <p>b. land to be kept for evacuation or emergency or transitional shelter?</p>	<p>Land Code of Ukraine</p> <p>Law of Ukraine “On Allocation of Land and Other Immovable Property Located Thereon Which Are Privately Owned, for Public Purposes or Public Necessity”.</p>	<p>Art. 146, 147</p> <p>Art. 7, 15</p>	<p>Yes. The Land Code of Ukraine provides for the reacquisition of land, owned by individuals and legal entities, for public purposes.</p> <p>T</p> <p>he land may be reacquired for purposes including providing national security and defence and building flood defences. Providing ‘national security and defence’ is of course an extremely broad concept, but is designed to catch the kinds of purposes mentioned in (a) and (b) of the question.</p>
<p>141. Is there a land tribunal or other dispute resolution mechanism that</p>	Land Code of Ukraine	Art. 186 (1)	The Land Code of Ukraine provides for the establishment of commissions authorised to approve land use and resolve disputes

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p>			<p>surrounding it. These commissions are composed of individuals from local and state authorities and are available in cities with a regional status, including Kyiv and Sevastopol. An example of their activities would be the resolution of a boundary dispute between adjacent land owners.</p>
<p><b>D. Informal and precarious settlements</b></p>			
<p>Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.</p>			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p>	<p>n/a</p>	<p>n/a</p>	<p>There is no Ukrainian law that mandates the clearing of slums/informal or precarious settlements.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> <li>a. If so, what is the policy reason given (if any) for such clearance?</li> <li>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</li> <li>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</li> <li>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</li> <li>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</li> </ul>			
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <ul style="list-style-type: none"> <li>a. If so, describe the legal regime for regularization, including the responsible institutions.</li> <li>b. Does regularization include the</li> </ul>	n/a	n/a	There is no Ukrainian law that mandates recognition and/or regularisation of slums/informal settlements.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			
<p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p>	The main DM Law	Art. 8	No. Ukrainian law requires that all citizens should be informed and warned of forthcoming disasters. There is no law that requires informal settlements to be included in: (a) early-warning systems; or (b) community-based DRR education and training.
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use,</p>	n/a	n/a	No. There is no law that provides a mechanism for recognition of tenure for residents of informal settlements.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p>			
<b>E. Urban Water and Flood Management</b>			
<p>146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?</p>	<p>Law of Ukraine "On Drinking Water and Drinking Water Supply".</p>	<p>n/a</p>	<p>The law "On Drinking Water and Drinking-Water Supply" allocates responsibility for the storage, distribution and quality control of water for human consumption.</p> <p>Water management is performed by national and local authorities, including local authorities specialising in standardisation, sanitary and epidemiological control issues.</p>
<p>147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?</p>	<p>Resolution of CMU of Ukraine "On Approval of Regulations for the State Committee of Ukraine for Water Management"</p>	<p>Art. 3</p>	<p>Yes. The State Committee of Ukraine for Water Management is the national water authority. They are responsible for, amongst other things: (i) taking measures to prevent contamination of the water supply and to eliminate certain risks, including protecting villages and lands from the possibility of flooding; and (ii) monitoring implementation of the compliance regime for water reservoirs, water management systems and channels, the use of coastal protective zones, and the reliability of public-water-use accounting.</p>
<p>148. Does a national law allocate</p>	<p>Decree of President of</p>	<p>Clause 24</p>	<p>The State Agency for Water Resources is the state body</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?</p>	<p>Ukraine “On Regulations for the State Agency for Water Resources”.</p> <p>As an example: Cabinet of Ministers of Ukraine Resolution “On the Approval of a Comprehensive Protection Program for Villages and Agricultural Land from Water Damage”</p>	<p>Article 4</p>	<p>responsible for measures to prevent water-related emergencies, to reduce the damaging effects of flooding and to ensure that flood waters and ice drifts can be safely crossed.</p> <p>The cabinet of ministers of Ukraine will, from time to time, adopt flood-mitigation programs for different areas and time periods.</p> <p>For example, the cabinet adopted the resolution “On the Approval of a Comprehensive Protection Program for Villages and Agricultural Land from Water Damage.”</p> <p>The purpose of the program was to create detailed flood-mitigation structures, including 3,500km of dams, 1,200km of coastal flood defences, and over 600 pumping and compressor stations.</p> <p>The provisions establishing each program identify the local and state authorities responsible for the implementation of that particular program.</p>
<p>149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?</p>	<p>As an example: Order of Kyiv city Administration “On Organisation and Performance of Measures for Save Passage across Flood-Zones and Ice Drifts in 2010” Order of Kyiv Oblast State Administration “On Approval of the Plan and Principal</p>		<p>Flood mitigation against urban flooding is also regulated at a sub-national level. City councils can issue orders on flood mitigation.</p> <p>Examples include: (i) the order of Kyiv City Administration “On the Organisation and Performance of Measures for Save Passage across Flood-Zones and Ice Drifts in 2010”; and (ii) the order of Kyiv Oblast State Administration “On Approval of the Plan and Principal Measures of Civil Defence for the Kyiv Region in 2012”.</p>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
	Measures of Civil Defence for the Kyiv Region in 2012".		
<b>Part Five. Regulation of the Natural &amp; Rural Environment</b>			
<p>Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.</p>			
<b>A. Human Risks in Environmental Change</b>			
150. Is there legislation on environmental protection? If so, what institution has responsibility?	Law of Ukraine "On Environmental Protection" dated 25.06.1991	Art.13- Art.20	<p>The relevant legislation concerning environmental protection is the law "On Environmental Protection".</p> <p>There are a number of institutions responsible for environmental protection, including:</p> <ul style="list-style-type: none"> <li>• the parliament of Ukraine (Verkhovna Rada);</li> <li>• the parliament and government of the Autonomous Republic of Crimea;</li> <li>• local state administrations;</li> <li>• the cabinet of ministers of Ukraine;</li> <li>• regional and Kyiv and Sevastopol city administrations;</li> <li>• the Ministry of Environmental Protection of Ukraine;</li> </ul>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			<ul style="list-style-type: none"> <li>• the Ministry of Health of Ukraine;</li> <li>• the Ministry of Emergencies;</li> <li>• the Ministry of Fuel and Energy of Ukraine;</li> <li>• the State Agency of Ukraine for Land Resources;</li> <li>• the State Agency of Ukraine for Water Management;</li> <li>• the State Forestry Agency of Ukraine; and</li> <li>• the State Agency of Ukraine for Technical Regulation and Consumer Policy.</li> </ul>
<p>151. Does the above mandate include environmental management from the perspective of:</p> <ol style="list-style-type: none"> <li>a. human safety?</li> <li>b. preservation of livelihoods?</li> <li>c. food security, especially concerning protection of crops and livestock?</li> </ol>	<p>Law of Ukraine “On Environmental Protection” dated 25.06.1991</p>	<p>Art.3</p>	<p>Yes. The law sets out the principal protection measures which include:</p> <ol style="list-style-type: none"> <li>a) mandatory compliance with environmental standards and norms including limits on the use made of natural resources in economic, administrative and other activities;</li> <li>b) ensuring a safe environment for human life and good health;</li> <li>c) prevention measures of protection of the environment; and</li> <li>d) maintaining biodiversity across different regions and the integrity of natural formations and systems.</li> </ol>
<p>152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?</p>	<p>Law of Ukraine “On Environmental Protection” dated 25.06.1991</p>	<p>Art.27</p>	<p>Yes, this law provides for environmental impact assessments, and in particular provides for EIAs of:</p> <ol style="list-style-type: none"> <li>a) economic development projects and national and regional development plans;</li> <li>b) draft instructions and methodological and normative-technical acts and documents, which regulate economic activity that affects</li> </ol>

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			the environment; d) new techniques, technologies, materials and substances, including ones purchased abroad; e) materials, substances, products and business solutions, systems and facilities, the introduction or implementation of which could lead to violations of environmental safety standards and impact on the environment; and e) genetically modified organisms intended for use in open ecosystems.
153. If there are EIAs, do the criteria include: a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?	Law of Ukraine “On Environmental Protection” dated 25.06.1991	Art.51	Both human risk factors and assessment in light of the known natural hazards are included in the EIA criteria. Art. 51 provides that projects relating to economic and other activities should have material proof of evaluation of their impact on the environment and human health. It also stipulates that the EIA should be conducted considering the legislation on environmental protection, the ecology of the area where development is planned, environmental forecasts, the prospects for socio-economic development of the region, and the aggregate impact of the development on the environment.
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial	Law No. 1550-III of Ukraine “On the Legal Regime for Emergencies” dated 16.03.2000	Art. 17	The law does not designate a single authority to be responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters. It gives a list of authorities responsible for their particular functions in such a situation and which shall act to put in place a system of protective measures. Such authorities are the president of Ukraine, the Verkhovna Rada (parliament), the cabinet of ministers, ministries

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
sites during flooding, or control of extraction methods to manage flooding and/or erosion?			and other central and local authorities. Measures to protect human safety during natural disasters might include the introduction of an order providing for the distribution of food and other essential supplies; or imposing a temporary ban on new construction, business expansion and other developments which are not related to the protection of lives and livelihoods during natural disasters.
<b>B. Forests</b>			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?	Forest Code of Ukraine, dated 21.01.1994		Yes, the Forest Code governs forest management and responsibility for this lies with the State Agency for Forest Management.
156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as: a. prevention of wildfires? b. deforestation and erosion relevant to prevention of landslides and floods? c. other hazards, (such as encroachment by wildlife into agricultural land or villages)? Describe the scope.		Art.86	Yes. The preservation and protection of forests includes measures aimed at preventing forest fires, illegal logging and general damage; at reducing the harmful effects for the forest of human activity and natural occurrences; and at protecting against pests and diseases. Systematic monitoring of the forests allows early detection of concentrations of forest pests and diseases and their elimination.

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?			No.
158. Does the law provide for use, conservation or management of forests and their resources by communities?	Forest Code of Ukraine, dated 21.01.1994	Art.96	Yes. Local communities are entitled: 1) to participate in the development of plans and programs related to the health, protection, use and reproduction of forests; 2) to have free access to information on forests and forest management; 3) to take part in the activities of international non-governmental organisations affecting the health and growth of forested areas; and 4) to make proposals for the development of regulations on forest management.
<b>C. Rivers and watercourses</b>			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	Water Code of Ukraine dated 06.06.1995	Art. 13	Yes. The legislation governing this is in the Water Code of Ukraine. The main executive authority with respect to river and watercourse management is the Authority on Water Management. Others include the Authority on Environmental and Natural Resources and the Authority on Geology and Utilization of Mineral Resources.
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:	Water Code of Ukraine dated 06.06.1995	Art.107	Yes. When designing water supply systems risk reduction must be taken into account and the following measures may be required: 1) the creation of meadows and cultivation of woodland in coastal zones, slopes, gullies and ravines;

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>a. Riverbed management relevant to flood prevention and mitigation?</p> <p>b. Water storage and distribution for human, agricultural and industrial consumption in rural areas?</p> <p>Describe the scope.</p>			<p>2) defence systems in relation to hydraulic structures, ground shafts, dams and reservoirs;</p> <p>3) the construction of drainage systems; and</p> <p>4) the reinforcement of river banks and similar natural formations at risk of erosion or landslides.</p>
<p>161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?</p>			<p>No.</p>
<p>162. Does the law provide for use, conservation or management of rivers and their resources by communities?</p>	<p>Water Code of Ukraine dated 06.06.1995</p>	<p>Art.11</p>	<p>According to the Water Code community groups may:</p> <p>1) take part in consultations organised by local authorities relating to the use, conservation and management of water resources;</p> <p>2) carry out work on water usage and the conservation and restoration of water resources using their own funds and voluntary participation;</p> <p>3) conduct environmental reviews, publish the results and send them to authorities authorised to make decisions about the design and construction of new and existing developments that use water;</p> <p>4) exercise public control over the use and conservation of water and protection of water resources; and</p> <p>5) perform other functions regarding water usage and the restoration of water resources in accordance with the law.</p>

#### D. Drought and food security

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?			For a discussion of the most relevant legislation relating to this question, please see the response to question 91.
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			No.
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			No.

#### 4. Information management and exchange, community level DRR education & awareness (Hyogo 3)

Most elements of this Hyogo Priority will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)			
Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>	<p>Resolution No. 570 "On Approval of the State Hydrometeorological Service", dated 26.04.2002</p>	<p>Art.8 Art.9</p>	<p>Yes. The State Hydrometeorological Service, a branch of the Ministry for Emergencies, is responsible for the collection and publication of seismological, meteorological and climatic data relevant to natural disasters. As set out in articles 8 and 9 of the resolution "On Approval of the State Hydrometeorological Service", this agency organises the collection and processing of observational data, including those relating to the study and forecasting of global climate change weather forecasting, water treatment, and hazardous meteorological events. It operates a forecasting system and provides state agencies, local governments and the public with information on projected changes in climate, including meteorological, agrometeorological, hydrological (river and sea) forecasts and warnings of meteorological disaster.</p> <p>Other than as mentioned above, the law makes no specific provision for community-level access to the data.</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under</p>	<p>n/a</p>	<p>n/a</p>	<p>n/a</p>

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>what law?</p> <p>b. Does it provide for community level access to the data?</p>			
<p>168. Does the education, law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>	<p>Law of Ukraine "On Environmental Protection" dated 25.06.1991</p>	<p>Art. 7</p>	<p>Yes. The DM law requires community DRR education. The law "On Environmental Protection" provides that a culture of environmental awareness should be built, through mandatory instruction on environmental protection in pre-school facilities, secondary schools and in higher education establishments.</p>
<p>169. If there is a <b>national disaster management policy, does this require any public authority to conduct public education and awareness on DRR?</b></p> <p>a. If so, which authorities are required and what action are they required to take?</p> <p>b. In particular does it require DRR education in schools?</p>	<p>Law of Ukraine "On Environmental Protection" dated 25.06.1991</p>	<p>Art. 7 Art.17</p>	<p>The law does not divide education on the environment into specific topics such as education on DRR. Instead it provides a general overview of education on environmental protection. In addition to the provision for fostering environmental awareness made by art. 7 and mentioned in the response to question 169, art. 17 provides that the cabinet of ministers, acting through local administrations, shall ensure the "<i>environmental upbringing and environmental education of citizens</i>".</p>
<p>170. If the above law or the National Disaster Management Policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision with regards to community participation in the development and</p>	<p>Law of Ukraine "On Environmental Protection" dated 25.06.1991</p>	<p>Art. 21</p>	<p>Yes. Art. 21 provides that the environmental community (i.e. associations and voluntary groups) may:</p> <ul style="list-style-type: none"> <li>- participate in the development of environmental protection plans and programs, and may develop and promote its own environmental programs; and</li> <li>- provide advice to the government on holding public consultations on sensitive amendments to the existing legal framework on</li> </ul>

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
delivery of public education and awareness campaigns?			environmental protection.
171. Is there legislation which provides for the Red Cross or Red Crescent National Society to have a designated role as an auxiliary to the government in DRR education and awareness at Community level?	Law of Ukraine "On the Red Cross Society of Ukraine" dated 28.11.2002	Art.9 Art.12	<p>Yes. The law on the Red Cross in Ukraine provides that the Red Cross shall:</p> <ul style="list-style-type: none"> <li>- collaborate with health care institutions and epidemiological services in Ukraine, specialised units authorised by the central agency charged with protecting the population from the consequences of the Chernobyl disaster, and the medical service of the Ukrainian armed forces;</li> <li>- collaborate with the governmental social security system to provide assistance to vulnerable sections of the population;</li> <li>- receive, record, archive and provide information about the victims of natural disasters or armed conflict.</li> </ul> <p>The law also envisages a role for the Red Cross in developing media (both in print and in audio-visual form) and organising exhibitions to raise awareness.</p>
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?	Law of Ukraine No. 2974 "On Civil Defence of Ukraine"	Art.2	<p>Yes. The civil defence objectives of Ukraine, as set out in the law on civil defence, are:</p> <ul style="list-style-type: none"> <li>- preventing emergencies arising from industrial and natural disasters;</li> <li>- warning people about the threat of disasters both in peace time and periods of conflict, and keeping them informed as situations develop;</li> <li>- protecting people from the consequences of accidents, disasters, major fires, natural disasters and the use of weapons;</li> <li>- conducting systemic analyses of radioactive, chemical and</li> </ul>

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)

Legal Research Questions	Short Title, no. & date of law / regulation	Article/ para. no.	Answers, comments & extracts (please use quotation marks for all extracts)
			bacterial contamination; forecasting, managing, surveilling and controlling such contamination; and communicating information resulting from this work; - training and retraining civil defence officers, the members of its governing bodies and its forces to use personal protective equipment and to respond to emergencies.
173. Does any law provide for community-level results in DRR, such as: a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes?	Law of Ukraine "On Environmental Protection" dated 25.06.1991	Art. 9	Yes. Every citizen of Ukraine has the right to: – free access to information on the environment and to access, use and store such information freely, except as restricted by law; - to form environmental organisations; - to receive environmental education; - to participate in the drafting and implementation of measures for environmental protection, and the rational and integrated use of natural resources; - to participate in consultations on draft regulations and on construction and development that may adversely affect the environment, and to make proposals to the government and to local government entities involved in decision-making on these issues; - to participate in public hearings or public meetings on the impact of proposed activity on the environment, at the design, construction and reconstruction stages.

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