THE RANGE OF LEGAL ENFORCEMENT TOOLS IN LITHUANIA AND PROBLEMS

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SUMMARY

The purpose of this paper is to give an overview of the environment protection history and administration structure in the Republic of Lithuania. It will cover main legislative and normative instruments being used, and environmental protection problems. It will also analyze main causes why legal Instruments not always bring expected results.

1 INTRODUCTION

1.1 Historical background and administrative framework

Lithuania is a country in Eastern Europe situated on the East Shore of the Baltic sea. The Republic of Lithuania covers an area of approximately 65,300 square kilometers and it has 3.7 million inhabitants. It is divided into 10 regions and 44 districts. The forests cover 30% of area; and water, 1.5%. 11.4% of the total area of the country is protected; and there are 4 reservations, 5 national parks, and 30 regional parks. The national nature framework which consist of all protected areas and natural complexes provides environmental stability in the whole territory. Traditional elements of protection come from ancient ages, but the beginning of official nature protection in Lithuania is considered to be a year of 1957 when the Environmental Protection Committee was established. The functions of this Committee were to regulate and control usage of natural resources and to register and proclaim natural objects protected by state. In 1990 when the independence of Lithuania was restored, the Nature Protection Committee was reorganized into the Nature Protection Department with extended structure and functions. In 1994 the Nature Protection Department which was under Parliamentary control was reorganized into Environment Protection Ministry which is now responsible to the Government. The main functions of this Ministry are preparation of normative documents and laws, implementation of monitoring programs, regulation and control of usage of natural resources. The Ministry has 8 regional departments and 56 Inspection Agencies. There are approximately 1500 people working in the environmental protection system. There Local Environment Protection Departments in all the 56 Local Municipalities, their function is to implement state, regional and local environmental protection programs. Also there are many public environmental organizations which activities made official authorities to change their decisions.

1.2 Financing and priorities of the environment protection

At the present time the main priority is construction and renovation of sewage treatment plants, for this purpose 4% of the national budget is allocated. Nowadays about 20% of sewage is released into water basins without any treatment. It is expected that, if state and foreign institutions continue support for environmental projects, by the year 2000 only 8% of sewage will be released into water basins without any treatment. The second priority is conservation of

biological variance and natural biotopes. Also a lot of attention is paid to the preparation of the territorial planning documents and implementation. Ambient air quality in our country is mainly defined by pollution from the neighboring industrial countries. The air quality in the major cities is constantly bad because of increasing number of cars, especially by uncontrolled import from western countries of old used cars. Mainly these old cars and tires come into our country as industrial waste. The environmental laws in our country prohibit such import of industrial waste, but our environmental protection authorities are unable to control this process without international cooperation. Another problem is big amounts of overstocked pesticides, whose utilization (burning in cement plant) is very complex because of protests of local authorities.

2 THE RANGE OF LEGAL ENFORCEMENT TOOLS

2.1 The laws

There are not many main laws regulating environmental protection. The strictest of them is Criminal code which foresees the possibility to put a person into jail when one constantly trespasses environment protection laws or without permission uses a chemical or radioactive material. In practice such cases are very rare. The Administrative Code is applied more often. Fines are in wide range from 1 US$ to 100,000 US$ that depends on the criminal category. Beside a fine, an offender also has to pay compensation for harm to nature. The person who had shot an animal without a license has to pay a fine equal to 120 US$ and compensation up to 2500 US$ also hunting weapons could be confiscated. All money collected from fines and compensations come into the Environment Protection Fund account. This fund is controlled by the Environmental Protection Ministry. 40% of funds from this fund are used to compensate damage done to nature, 30% of funds are used for remuneration of employees (inspectors) and the rest of the funds are used for education, social work and other purposes.

The Law On Pollution Taxes regulates relations between the polluter and the environment. There are set standards for acceptable pollution. 70% of these taxes are transferred to environmental protection funds of local municipalities and 30% are transferred into state budgets. The Law On The Taxes For Using Natural Resources sets main taxes for each natural resource used in the Republic of Lithuania. These taxes go to the budget of the Republic. The Law On Protected Areas establishes a system of protected areas, sets objectives and status of each protected area. The Law also regulates the management system, allows types of activities and ownership forms in these areas.

2.2 The regulations

When the privatization of land, forests and other natural resources started “Conditions For Use of Land And Forest” were prepared. According to this document when an owner receives a land deed it establishes the compulsory conditions for the usage of owned land or forest. If a prospective owner does not agree with proposed conditions then land or forest is not given to him. If the owner obtained land in a protected area or close to a water basin where economic activity is restricted and started prohibited activities he has to stop doing that and also has to pay fines, compensations set by the law.

The “Order Of Estimating Of Damage Done For Nature” is the document according to which the damage done for nature is estimated and amounts of necessary compensations are calculated. This methodology is quite complex and always has subjective elements. In courts there are a lot of disputes for evaluation of indirect damages with lengthy periods. In order to solve these disputes high naturalist qualifications are required.

2.3 Enforcement and problems

We named only principal laws and directives which, in our opinion, are enforced regularly and have the greatest influence on the whole of environmental protection. New environmental standards and regulations are generated constantly, also a harmonization of all legal documents using the same documents the European Union started. The specialists from the European Union are assisting in creation of new laws, but differences in social and economic conditions do not allow us to use their experience in the full scale. If we accept foreign specialists recommendations not adapted to local conditions we can cause more damage to nature. Some standards in our country are and have to be more strict than abroad mostly because of different sensitivity of ecosystems to the antrophogenical influence. The law on pollution taxes is ineffective because it does not encourage local authorities to build new sewage treatment plants. At the present time it is cheaper to release untreated water than to clean it. This is mostly a political problem, politicians do not want to impose new taxes, and in places where water treatment plants are working users have to pay more for clean water.

Land reform and the privatization process are implemented quickly so environmental protection agencies can't follow and control this process. It is clear that when the state puts some restrictions on a land owner it has to pay compensation but now state budgets do not allow us to do that in full scale. Compensation amounts do not satisfy land owners so they go against the law. Taxes for natural resources, which are not big compared with ones in industrial states, promote natural resources export. The State has an interest that local enterprises use these resources and give employees jobs and pay taxes. The current policy does not encourage rational usage of natural resources. Air and water pollution migrate from one country to another is also becoming a very urgent international problem. Interested foreign companies use economic means to pressure Lithuanian authorities to accept huge quantities of waste oil products and other hazardous chemical materials for utilization In our electric power plants which are not designed for this purpose. This time we did not agree with that, but who knows if this lasts for long, if this will not be prohibited by international treaties.

3 CONCLUSION

Legal environment protection tools are effective only when they are combined with economic possibilities of a country. Environmental protection nowadays crosses national borders especially in areas of pollution regulation and rational use of natural resources.