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## Current state and prospects for the development of legal support for hydrotechnical land reclamation

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The article is devoted to the analysis of the current state of Ukrainian legislation in the field of hydrotechnical land reclamation, as well as highlighting the prospects for the development of legal support for a certain area of public relations. It has been established that hydrotechnical land reclamation contributes to an increase in the soil fertility, increase in the productivity and sustainability of agriculture, and the creation of a guaranteed food fund of state. However, in recent years, the efficiency of hydrotechnical land reclamation has been declining, which is explained by a number of objective and subjective reasons: insufficient material and technical support and shortcomings in usage of hydrotechnical structures, the deterioration of ecological and reclamation state of agricultural land, insufficient interest and responsibility of the landowners and land users. These factors include the incomplete use of scientific developments, insufficient information support, imperfect and outdated legal and regulatory framework. Considering the great importance of hydrotechnical land reclamation for the development

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of the country's agriculture, these relations require proper legal regulation. It has been concluded that it is impossible to solve the following problems through the organization of land reclamation: combating desertification, providing resources and food for the state in years with adverse weather conditions, providing agriculture with water. All this due to the fact that this problem is complex. To achieve the goals of irrigation and drainage strategy in Ukraine for the period up to 2030 within certain priority directions, it is necessary to ensure the effective interaction of legal, organizational, economic and financial mechanisms for the restoration of irrigation and drainage in Ukraine

**Keywords:** land reclamation, hydrotechnical land reclamation, land irrigation, land drainage, agricultural land

### **Introduction**

According to the Food and Agriculture Organization of the United Nations, the agro-resource potential of Ukraine allows producing the agricultural products in volumes that provide food for at least 450-500 million people. Today, these opportunities are used no more than one third, although Ukraine with its agricultural potential fully ensures its food security and has a real opportunity to become one of the leaders in world agricultural production. The insufficient level of using the existing agro-resource potential is limited by a number of factors. The main factors are the loss of fertility of agricultural lands as the main means of production in agriculture, suboptimal conditions for natural moisture supply in more than half of the territory of Ukraine, which are constantly deteriorating due to the global climate change. As a result, the efficient farming without irrigation has become practically impossible; there is a threat of progressive desertification of land and the transformation of certain regions into depressive ones.

The solution of these problems is contained in the plane of application of land reclamation as one of the most effective factors for improving the natural properties of

agricultural land. At the same time, the state of reclamation agriculture in Ukraine can be characterized as a crisis one with the threat of deterioration.

The following scientists-lawyers were engaged in the study of legal problems in the field of land reclamation: N.S. Havrish, V.M. Ermolenko, I.A. Ikonytska, T.G. Kovalchuk, P.F. Kulynich, V.I. Semchik, V.A. Sytnik, N.I. Titova, M.V. Shulga and other scientists. However, certain aspects of the legal support of hydrotechnical reclamation on agricultural lands in Ukraine remain without the researchers' attention.

*The purpose of the article* is to analyze the current state of Ukrainian legislation in the field of hydrotechnical land reclamation, as well as to highlight the prospects for the development of legal support for a certain area of public relations.

### **Results and Discussion**

The principles of legal regulation of social relations that arise in the process of land reclamation, the use of reclaimed lands, as well as the powers of executive authorities and local self-government authorities in the field of land reclamation are defined by "On

Land Reclamation: Law of Ukraine dated January 14, 2000" [1]. Land reclamation is a set of measures (hydrotechnical, agro-forestry, chemical, crop-engineering, agro-technical) aimed at improving the soil properties, preserving and increasing soils fertility, ensuring their resistance to adverse natural conditions and anthropogenic factors, with the aim of using them most effectively as a rule in accordance with the needs of agriculture, with mandatory compliance with environmental requirements established by law.

The hydrotechnical reclamation of agricultural land is one of the main methods of land reclamation in Ukraine, and at the same time, it is one of the main means of stabilizing agricultural production. The hydrotechnical reclamation of agricultural land is a set of measures aimed at ensuring the improvement of agricultural land with an unfavorable water regime (waterlogged, over-dried, etc.), regulation of the water and air regime of soils in order to protect them from the harmful effects of water (flooding, under-flooding, erosion, etc.) by creating special hydraulic structures.

Practice shows the high efficiency of realization of hydrotechnical reclamation measures. The hydrotechnical reclamation of agricultural land contributes to an increase in the soil fertility, increase in the productivity and sustainability of agriculture, and the creation of a guaranteed food fund of state. However, in recent years, the effectiveness of hydrotechnical melioration of agricultural land has been declining, which is explained by a number of reasons: insufficient material and technical support and shortcomings in usage of hydrotechnical structures, deterioration of the environmental and reclamation state of agricultural land, insufficient interest and responsibility

of landowners and land users. These factors include the incomplete use of scientific developments, insufficient information support, imperfect and outdated legal and regulatory framework. Considering the great importance of hydrotechnical reclamation of agricultural land for the development of the country's agriculture, these relations require proper legal regulation.

The legal principles for conducting hydrotechnical land reclamation are defined by "On Land Reclamation: Law of Ukraine dated January 14, 2000" [1], by the Decree of the Cabinet of Ministers of Ukraine "On the standards for environmentally safe irrigation, drying, watering management and water drainage" dated September 2, 2020, №766, SBN V.2.4-1-99 "Reclamation systems and structures", State Standard of Ukraine (SSU) 7286:2012 "Quality of natural water for irrigation. Environmental criteria", SSU 7591:2014 "Irrigation. Water quality for drip irrigation systems. Agronomic, ecological and technical criteria", SSU 2730:2015 "Environmental protection. The quality of natural water for irrigation. Agronomic criteria" and some other regulatory legal acts.

SBN V.2.4-1-99 "Reclamation systems and structures", approved by the State Committee for Construction, Architecture and Housing Policy of Ukraine dated June 25, 1999 № 153 (entered into force on January 1, 2000), fix the determination of main types of hydrotechnical melioration: irrigation and drainage of lands, watering of the territories. Thus, land irrigation process is the supply of water to fields for artificial soil moistening in order to improve the nutritional and thermal regime of plants, the soil microclimate and the surface air layer. Land drainage process is the removal of excess moisture from the root-containing

layer of soil. Irrigation of territories is the water supply to waterless and low-water areas by means of using the local water resources and passing water through canals and pipelines from other territories.

According to SSU 2730:2015 "Environmental protection. The quality of natural water for irrigation. Agronomic criteria", it is determined the quality of water for irrigation by its effect on soils, for preserving and increasing soil fertility, as well as for preventing the processes of salting and alkalization. Regulation of quality indicators of irrigation water according to agronomic criteria is carried out considering the composition and properties of soils. When assessing the quality of irrigation water, three classes of its suitability are distinguished: class I – "Suitable", which is suitable for irrigation without restrictions; class II – "Restrictedly suitable", which is used provided the mandatory application of a set of measures to prevent the soil degradation or improve water to the indicators of class I; class III – "Unsuitable" – water with the quality indicators that go beyond the values established for irrigation water of the second class, it is unsuitable for irrigation without preliminary improvement of its composition. Assessment of water quality for irrigation according to environmental criteria, according to SSU 7286:2012 "Quality of natural water for irrigation. Environmental Criteria", is carried out in order to prevent the possible negative impact on the components of natural environment and public health.

However, a number of issues in the field of hydrotechnical reclamation, which require immediate solutions, remain relevant. These are the following issues: the inability of irrigation and drainage systems to perform the functions of resource and food

supply for the state in years with adverse weather conditions due to the extremely low level of use of existing potential; imperfection of legislation on water resources management and land reclamation; imperfection of the system of water resources' management and land reclamation; unsettled mechanisms for the use of intraeconomic systems.

For solving the outlined issues (of the strategy) – "On the approval of the Irrigation and Drainage Strategy in Ukraine for the period up to 2030: Order of the Cabinet of Ministers of Ukraine dated August 14, 2019 No. 688" [2], the purpose of which is to determine the strategic directions of the state policy on irrigation and drainage, to ensure sustainable eco-balanced development of agriculture in Ukraine. The goal of the Strategy should be achieved through the following ways: reforming the public administration system for irrigation and drainage based on the integrated water resources management according to the basin principle, considering the need to separate the function of water resources management (in particular, the implementation of state policy, water use planning and water distribution among users) from the function of water infrastructure management; preservation and reproduction of soil fertility, protection of territories and populated localities from the harmful effects of water, achievement and maintenance of a good state of river basin areas; restoration and increase in the areas of irrigated lands, drainage systems; stimulation of the mechanism of public-private partnership; support for scientific research, training of qualified personnel, etc. The implementation of the Strategy is aimed at restoring the potential of irrigation and drainage systems in order to further increase the areas of irrigation and

water regulation as a basis for achieving the maximum level of efficiency and environmental safety of agricultural production.

For performing the goals and objectives – “On the approval of the action plan for the implementation of the Irrigation and Drainage Strategy in Ukraine for the period until 2030: order of the Cabinet of Ministers of Ukraine of Ukraine 21.10.2020. No. 1567-p” [3]. The implementation of the adopted Plan of Measures will ensure the development of irrigated agriculture, increasing crop yield, increasing the area of irrigated land, drainage systems and expanding the agrarian potential of Ukraine.

In order to reform the public administration system for irrigation and drainage on the principles of integrated water resources management according to the basin principle and considering the need to separate the functions of water resources management from the function of water management infrastructure “Some issues of distribution of individual powers of central executive bodies in the field of land reclamation: Resolution of the Cabinet of Ministers of Ukraine dated 24.05.2021 No. 539” [4]. The Decree limited the functions of the State Water Resources Agency of Ukraine regarding the hydrotechnical land reclamation; the

tasks of the State Water Resources Agency of Ukraine regarding the development of land reclamation and management of the operation of irrigation and drainage systems were terminated; the functions of the State Agency of Fisheries of Ukraine were expanded, which renamed into the State Agency of Land Reclamation and Fisheries of Ukraine; the powers regarding the formation of a policy in the field of hydrotechnical land reclamation were transferred to the Ministry of Agrarian Policy of Ukraine, etc.

### **Conclusions**

The approved strategy regarding the irrigation and drainage in Ukraine for the period up to 2030 and the action plan for the implementation of this strategy indicates that it is impossible to solve the following problems through the organization of land reclamation: combating desertification, providing resources and food for the state in years with adverse weather conditions, providing agriculture with water. All this due to the fact that this problem is complex. To achieve the goals of the Strategy within certain priority areas, it is necessary to ensure the effective interaction of the legal, organizational, economic and financial mechanism for the restoration of irrigation and drainage in Ukraine.

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## **Сучасний стан і перспективи розвитку правового забезпечення гідротехнічної меліорації земель**

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### **Анотація**

Стаття присвячена аналізу сучасного стану законодавства України у сфері гідротехнічної меліорації земель, а також виокремлення перспектив розвитку правового забезпечення окресленої сфери суспільних відносин. Встановлено, що гідротехнічна меліорація земель сприяє підвищенню родючості ґрунтів, зростанню продуктивності і стійкості землеробства, створенню гарантованого продовольчого фонду держави. Проте в останні роки ефективність гідротехнічної меліорації земель знижується, що пояснюється низкою причин об'єктивного і суб'єктивного характеру: недостатнім матеріально-технічним забезпеченням і недоліками в експлуатації гідротехнічних споруд, погіршенням еколого-меліоративного стану земель сільськогосподарського призначення, недостатньою зацікавленістю та відповідальністю землевласників і землекористувачів. До цих факторів належить і неповне використання наукових розробок, недостатнє інформаційне забезпечення, недосконала та застаріла нормативно-правова база. Зважаючи на неабияке значення гідротехнічної меліорації земель для розвитку сільського господарства країни, зазначені відносини потребують належного правового регулювання. Зроблено висновок, проте, що проблеми боротьби з опустелюванням, ресурсного та продовольчого забезпечення держави в роки з несприятливими погодними умовами, забезпечення водою сільського господарства неможливо вирішити лише шляхом організації меліорації земель, адже ця проблема є комплексною. Для досягнення цілей Стратегії зрошення та дренажу в Україні на період до 2030 р. у рамках визначених пріоритетних напрямів необхідно забезпечити ефективну взаємодію правового, організаційного, економічного та фінансового механізмів відновлення зрошення та дренажу в Україні.

**Ключові слова:** меліорація земель, гідротехнічна меліорація земель, зрошення земель, осушення земель, землі сільськогосподарського призначення