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**Improvement of the legal basis  
of the environmental education for sustainable  
development in Ukraine through the prism  
of the experience of the Republic of Poland**

**Poprawa podstaw prawnych edukacji ekologicznej  
na rzecz zrównoważonego rozwoju na Ukrainie  
poprzez pryzmat doświadczeń  
Rzeczypospolitej Polskiej**

<http://dx.doi.org/10.12775/PYEL.2017.001>

**Abstract**

The purpose of this article is a general description of the current legislation in Ukraine and Poland in the field of environmental education for sustainable development. The author analyzes the provisions of the constitutional and

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other laws and regulations to define the foundations of the legal mechanism of environmental education in these countries as they have a solid long-term legal basis of environmental bilateral cooperation. It is emphasized that there is a positive experience in the field of research in both countries. In Poland, the legal consolidation of the idea of sustainable development and the active development of legislation on education for sustainable development is considered. Meanwhile, in Ukraine the legal consolidation of right to environmental education in the system of environmental rights is appreciated.

**Key words:**

Education for sustainable development; environmental education.

## Streszczenie

Celem niniejszego artykułu jest ogólna prezentacja aktualnego ustawodawstwa na Ukrainie i w Polsce w zakresie edukacji ekologicznej na rzecz zrównoważonego rozwoju. Autor analizuje przepisy konstytucyjne i ustawowe oraz inne regulacje prawne w celu określenia podstaw prawnych mechanizmów edukacji ekologicznej w tych krajach, ponieważ mają one solidne wieloletnie podstawy prawne dwustronnej współpracy w zakresie środowiska. Podkreśla się, że istnieje pozytywne doświadczenie w dziedzinie badań w obu krajach. W Polsce rozważa się prawną konsolidację idei zrównoważonego rozwoju i aktywnego rozwoju ustawodawstwa dotyczącego edukacji na rzecz zrównoważonego rozwoju. Tymczasem na Ukrainie doceniana jest prawna konsolidacja prawa do edukacji ekologicznej w systemie praw środowiskowych.

**Słowa kluczowe:**

Edukacja na rzecz zrównoważonego rozwoju; edukacja ekologiczna.

An integral part of Polish-Ukrainian cooperation is the sphere of Environmental protection is an unalienable part of cooperation between Poland and Ukraine. Poland is a strategic partner of Ukraine in formation of transboundary and regional environmental policies. Most of the documents that constitute the legal framework of the Polish-Ukrainian relationship contain provisions concerning environmental aspects. Thus, in the Declaration of Principles and Main Directions of Polish-Ukrainian

Relations of 13 October 1990<sup>1</sup> the Ukrainian Soviet Socialist Republic and the Republic of Poland committed themselves to cooperate in the field of environment and utilization of natural resources for mutual environmental safety, as well as prevention of transboundary pollution (item 11).

Treaty between the Polish Republic and Ukraine on Good-Neighborliness, Friendly Relations, and Cooperation was ratified by the Verkhovna Rada of Ukraine via the Law of Ukraine No. 2611-XII of 17 September 1992<sup>2</sup>. In particular, it stipulates the intention of the Parties to ensure stable environmental safety and significant reduction of existing pollution. The Parties announced their participation in the establishment of coordinated international strategy of environmental protection (Article 9).

The issues of environmental cooperation are regulated more specifically by the Agreement between the Ministry of Environmental Protection of Ukraine and the Ministry of Environment, Natural Resources and Forestry of the Republic of Poland on Cooperation in the Field of Environmental Protection of 18 May 1992<sup>3</sup>. Having recognized the integrity and indivisibility of environment, as well as the global nature of environmental problems, Poland and Ukraine have agreed on cooperation in various areas of environmental protection, in particular, the legal and economic aspects of environmental policy (Article 1).

Thereafter, in the Joint Declaration of 25 June 1996<sup>4</sup> the Presidents of Ukraine and Poland confirmed that one of the important factors of the rapprochement between Ukraine and Poland is the expansion

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<sup>1</sup> Declaration on the Foundations and General Directions in the Development of Polish-Ukrainian Relations of 13 October 1990 [Ukrainian]. The Collection of the Treaties of Ukraine in Force [Зібрання чинних міжнародних договорів України] 1990, No. 1, p. 105.

<sup>2</sup> Treaty between the Polish Republic and Ukraine on Good-Neighborliness, Friendly Relations, and Cooperation of 18 May 1992, Harvard Ukrainian Studies, Vol. 20, Ukraine in the World: Studies in the International Relations and Security Structure of a Newly Independent State (1996), pp. 305-312; Decree of the Verkhovna Rada of Ukraine On Ratification of Treaty between the Polish Republic and Ukraine on Good-Neighborliness, Friendly Relations, and Cooperation [Ukrainian], The Official Bulletin of the Verkhovna Rada of Ukraine [Відомості Верховної Ради України] 1992, No. 43, Article 613.

<sup>3</sup> Source: [http://zakon2.rada.gov.ua/laws/show/616\\_015\(30.07.2017\)](http://zakon2.rada.gov.ua/laws/show/616_015(30.07.2017))

<sup>4</sup> Joint Declaration of President of the Republic of Poland and President of Ukraine, Warsaw, 25 June 1996 [Ukrainian]. Collection of current international treaties of Ukraine [Зібрання чинних міжнародних договорів України] 2006, No. 6, Issue 1, p. 875.

of interregional and cross-border cooperation in the environmental sphere (item 13).

Consequently, Ukraine and Poland are subjects of global environmental policy. They are involved in the work of the United Nations and its organizations since their establishment. Simultaneously, they implement their own environmental policy priorities enshrined in the mentioned ones and other politico-legal documents.

It is widely known, that the idea of global greening and education for sustainable development as the important means to overcome the environmental crisis derive from international environmental co-operation.

The role of legal regulation in the field of environmental education for sustainable development in Ukraine is intensified with the signing of the Ukraine-European Union Association Agreement ratified via the Law of Ukraine of 16 September 2014<sup>5</sup>. Article 361 of the Agreement provides the cooperation between Ukraine and the European Union in the field of education and training in the field of environmental protection.

It entails the necessity to analyze peculiarities in the current legislation of Poland and Ukraine concerning environmental education for sustainable development, the identification of its common and distinct trends. It is important in the course of the Ukrainian obligation to harmonize its legislation to the EU *acquis communautaire*.

First of all, we consider the ways how the idea of sustainable development is incorporated in legislation of both countries. This kind of idea is one of the primary directions in state policy and the basis for environmental one.

Sustainable development is provided in the provisions of the Constitution of the Republic of Poland<sup>6</sup> and its legislation. According to Article 5 of this Constitution the Republic of Poland shall ensure the protection of the natural environment pursuant to the principles of sustainable development. In addition, Article 74 of the Constitution provides that public authorities shall pursue policies ensuring the ecological security of current and future generations. These norms give an opportunity for the Polish scholars

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<sup>5</sup> Association Agreement between the European Union and the European Atomic Energy Community and their member states, of the one part, and Ukraine, of the other part [Ukrainian]. The Official Bulletin of Ukraine [Офіційний вісник України] 2014, No. 75, Article 2125.

<sup>6</sup> The Constitution of the Republic of Poland of 2 April 1997 [Polish], Journal of Laws 1997 item 483, with further amendments.

to consider sustainable development as the constitutional principle of environmental law in Poland<sup>7</sup>.

Besides, Article 1 of Environmental Protection Law of 27 April 2001<sup>8</sup> stipulates that this Act shall lay down the principles of environmental protection and the conditions for the use of its resources, taking into account the requirements of the principles of sustainable development. Article 3 of the Law contains the definition of the sustainable development.

In the Constitution of Ukraine there are no provisions regarding sustainable development. However, it is one of the direction of the Ukrainian state policy reflected in the Ukrainian legislation. Thus, in the Preamble of the Law of Ukraine on Environmental Protection of 25 June 1991<sup>9</sup> it is stated that environmental protection, rational use of natural resources, ensuring of ecological safety of human life is an indispensable condition for sustainable economic and social development of Ukraine. According to the Law of Ukraine on the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period till 2020 of 21 December 2010<sup>10</sup>, one of the main principles of national environmental policy is strengthening the role of environmental management in the system of public administration of Ukraine in order to achieve the equality of three components of development (economic, ecological, social), which determines orientation to the priorities of sustainable development (para. 2). The Decree of the President of Ukraine of 12 January 2015 approved The Strategy for Sustainable Development Ukraine-2020<sup>11</sup>.

At the same time, the Ukrainian researches have come to conclusion that the concept of sustainable development concerns not only ecology but all

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<sup>7</sup> K. Lew-Gliniecka. *Principles of Polish Environmental Protection Law*, Polish Yearbook of Environmental Law 2012, No. 2, p. 85.

<sup>8</sup> Environmental Protection Law of 27 April 2001 [Polish], Journal of Laws 2017 item 519, with further amendments.

<sup>9</sup> Law of Ukraine On Environmental Protection of 25 June 1991 [Ukrainian], The Official Bulletin of the Verkhovna Rada of Ukraine [Відомості Верховної Ради України] 1991, No. 41, Article 546.

<sup>10</sup> Law of Ukraine On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period till 2020 of 21 December 2010 [Ukrainian], The Official Bulletin of the Verkhovna Rada of Ukraine [Відомості Верховної Ради України] 2011, No. 26, Article 1284.

<sup>11</sup> Decree of the President of Ukraine The Strategy for Sustainable Development Ukraine-2020 of 12 January 2015 [Ukrainian]. – The Official Bulletin of Ukraine [Офіційний вісник України] 2015, No. 4, Article 67.

the spheres of social life – economic, political, social, and cultural. Therefore, it is a basis for revising the established views on the issues of sustainable development and the environment exclusively to branches of environmental law<sup>12</sup>. Thus, it is emphasized on the need to involve all branches of law to ensure sustainable development and their conceptual greening<sup>13</sup>. The concept of sustainable development is widely recognized by the scholars as a methodological basis for all legal sciences<sup>14</sup>.

Awareness of the role of law in the sustainable development is associated with the evolution of legal matter, a new type of legal thinking, new tasks of law, a new role of law in solving global problems of contemporary society<sup>15</sup>.

With regard to it, the task of developing the theoretical and legal basis for a new and modern model of society and state, defining the legal forms of sustainable development of Ukraine is assigned to the legal science<sup>16</sup>. The basis for these scientific developments could be Sustainable Development Law. It is a new area of legal science and legal activity, which is formed both in international law and national legal systems<sup>17</sup>.

In Ukraine, as in the whole world, environmental education is one of the main priorities for achieving the goals of sustainable development. To our contention, the establishment of an environmental-friendly State and the greening of legal system in Ukraine are impossible without greening education, disseminating the ideas of sustainable development and training specialists of all branches of knowledge and professions that are able to act in proper way and make appropriate decisions in the environment.

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<sup>12</sup> Yanchuk N.D., *Legal aspects of the problem of sustainable development strategy of Ukraine* [Ukrainian]. Actual Problems of State and Law [Актуальні проблеми держави та права] 2007, No. 34, p. 88.

<sup>13</sup> *Ibidem*, p. 89.

<sup>14</sup> Yanchuk N.D., *Legal Basis of the Concept of Sustainable Development of the Modern State: Theoretical Comparative Analysis* [Ukrainian], Abstract for Ph.D., 2009, Odesa, p. 6.

<sup>15</sup> Damirli M.A., *Sustainable Development law and Sustainable Development of Law: Two Tosses of the Same Coin* [Russian]. Theoretical and Practical Problems of Sustainable Development (conference of 30 November 2012), Odesa, Fenix, p. 448.

<sup>16</sup> Yanchuk N.D., *Legal aspects...* *op. cit.*, p. 90.

<sup>17</sup> See: Ursul A.D., *Sustainable Development Law: Conceptual and Methodological Problems* [Russian]. Legal Research [Юридические исследования] 2013, No. 6; *What is Sustainable Development Law?* [Electronic resource] The Centre for International Sustainable Development Law Concept Paper, Montreal, 2005. Source: <http://cisdl.org/public/docs/What%20is%20Sustainable%20Development.pdf>; Damirli M.A., *Sustainable Development Law...* *op.cit.*

Among the many factors that influence the improvement of environmental education, as well as the reorientation of the entire education system on the issue of sustainable development, the effectiveness of legal regulation becomes important. In our opinion, improving the legal regulation in the field of environmental education is an actual task of modern legal science.

The analysis of modern Polish environmental legislation made it possible to conclude that its norms regulate four groups of social relations. They include with the first group of relations regarding the use and protection of the environment as a whole, in particular, environmental culture and environmental education<sup>18</sup>. The legal basis for environmental education in the Republic of Poland is constituted by acts of various levels and legal force. They include the Constitution of the Republic of Poland, Environmental Protection Law, System of Education Law, as well as documents defining and approving National environmental policy of Poland, National Strategy of Environmental Education, ordinances of ministries, departmental decisions, various programs, including municipal, from environmental education and education for sustainable development<sup>19</sup>.

Thus, Environmental Protection Law provides the legal norms regarding environmental education, science and education, in particular, in Section VIII *Environmental Education, studies in the scope of environmental protection and advertising* in Articles 77 – 79. Article 77 of the Law enshrines that the issues of environmental protection and sustainable development shall be covered in the basic curricula of general education for all types of schools. The obligation referred to in paragraph 1 shall also apply to the organizers of training courses leading to the acquisition of vocational skills. Articles 78 –79 of the Law provide that the mass media shall be obliged to shape a positive attitude of the public to environmental protection and popularize the principles of such protection in publications and broadcasts. Administration authorities, institutions co-ordinating and directing scientific activities and scientific research as well as university-level schools, scientific and scientific research centers the scope of activity whereof covers the fields of science or scientific disciplines relating to environmental

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<sup>18</sup> Antoniuk U.V., *Legal Protection of the Environment in Poland*. Scientific Newsletter of Kherson State University [Науковий вісник Херсонського державного університету], Legal Sciences 2016, No. 2, vol. 2, p. 8.

<sup>19</sup> M. K. Terlecka, *O edukacji ekologicznej w Polsce*. Edukacja ekologiczna. Wybrane problemy, ed. M.-K. Terlecka, Krosno 2014, p. 11.

protection shall be obliged to include and develop research on the issues of environmental protection in their programs and actions.

In my opinion, the provisions of Article 1 of the Educational Law Act of 14 December 2016<sup>20</sup> are extremely important, which state that the education system of the Republic of Poland ensure raising awareness among children and young people of the knowledge about the principle of sustainable development and the means that facilitate its implementation at the local, national and global levels (point 15).

One of the documents that contributed to the development of legal relations in the field of environmental education in the Republic of Poland, has become the Agreement between Ministry of National Education and the Ministry of Environmental Protection, Natural Resources and Forestry concerning collaboration on environmental education issues of 19 April 1995<sup>21</sup>. The key clause of this agreement regarded plans to work jointly on developing the National Environmental Education Strategy. After that, in 1997, the Minister of Environmental Protection, Natural Resources and Forestry and the Minister of National Education approved the Strategy. Subsequently, in 1998 the Strategy was subjected to a debate in parliamentary Commissions of Environment Protection (established within the House of Representatives and the Senate) which both approved its contents. In 1999 and 2000, an update and revision of the Strategy took place in order to make it compatible with the new reforms introduced in Poland. The National Environmental Education Strategy is a document that identifies and priorities major goals of environmental education. Simultaneously, it points out the appropriate ways for accomplishing these goals<sup>22</sup>.

As in Poland, in Ukraine there is no specific act on environmental education. Instead, the legal foundations of environmental education and education for sustainable development may be derived from various legislative and regulatory legal acts related to the branches of both environmental and educational law.

The main legislative act that consolidated the foundations of the legal mechanism in the field of environmental education in Ukraine is the Law

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<sup>20</sup> Journal of Laws 2017 item 59, with further amendments.

<sup>21</sup> *Through Education To Sustainable Development. National Environmental Education Strategy. Poland*, Warsaw 2001, p. 29.

<sup>22</sup> *Ibidem*, p. 10

of Ukraine on Environmental Protection of 25 June 1991<sup>23</sup>. The progressive achievement of this Law is an inclusion of right of citizens to receive environmental education (Article 9). In addition, this Law establishes that raising the environmental culture of society and professional training of specialists are provided in Ukraine within the scheme of the general compulsory comprehensive education and education in the field of environmental protection, including in pre-school institutions, general secondary, vocational, higher education, and professional development and retraining of personnel (Article 7). The relevant sections of the Law devoted to the consolidation of institutional and functional mechanism in the field of environmental protection also envisage the authority of public bodies in the field of environmental education. In particular, the competence of the Cabinet of Ministers of Ukraine includes the authority to organize environmental education (Article 17).

Other important environmental legal acts, which envisage the development of environmental education for sustainable development of Ukraine, include Law of Ukraine on the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period till 2020 of 21 December 2010<sup>24</sup>, and National Action Plan approved for the implementation of the Strategy. According to the Strategy, one of the main tasks aimed at raising the environmental consciousness in society is the development and implementation of the Strategy for Environmental Education till 2015 with a view to the sustainable development of Ukrainian society and the economy of Ukraine. Unfortunately, this task has not been fulfilled yet due to the political and economic problems in Ukraine.

The Concept of Environmental Education of Ukraine, approved by the Decision of the Collegium of the Ministry of Education and Science of Ukraine of 20 December 2001, is still the only document devoted entirely to environmental education. This Concept is based on the integrative and interindustry approach, and defines the notion, purpose, tasks, forms and principles of environmental education in Ukraine. It constitutes

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<sup>23</sup> Law of Ukraine On Environmental Protection of 25 June 1991 [Ukrainian]. The Official Bulletin of the Verkhovna Rada of Ukraine [Відомості Верховної Ради України] 1991, No. 41, Article 546.

<sup>24</sup> Law of Ukraine On the Basic Principles (Strategy) of the State Environmental Policy of Ukraine for the Period till 2020 of 21 December 2010 [Ukrainian]. The Official Bulletin of the Verkhovna Rada of Ukraine [Відомості Верховної Ради України] 2011, No. 26, Article 1284.

the methodological basis for environmental education activities in the education system in Ukraine and its teaching and methodological support<sup>25</sup>. However, it should be noted that the essential disadvantage of the Concept is its recommendatory nature, since this document was not approved by a special order signed by the Minister of Education and Science of Ukraine, as required in the Ukrainian legislation. Therefore, it cannot be perceived as a legal act and does not have direct regulatory action in the relevant legal relations. At the same time, the Concept is one of the few documents aimed at improving the legal mechanism in the field of environmental education. In particular, it provides provisions for the development and adoption of the Law of Ukraine on Environmental Education as well as the development and creation of legal guarantees for the consistent implementation of environmental education requirements by relevant departments and institutions.

Today another legal guideline for the further development of education in Ukraine the National Strategy on the Development of Education in Ukraine till 2021 of 25 June 2013<sup>26</sup>, that provides such strategic direction of the development of education in Ukraine as greening. In addition, it is envisaged to carry out and modernize the content of education, which is recognized as one of the main areas of implementation of the Strategy. In its content, such modernization involves the need for training specialists for sustainable development with a new environmental thinking.

It is important to note that the new Law on Education, adopted of 5 September 2017<sup>27</sup> connects the meaning of education with sustainable development. The preamble of this act provides that the purpose of education is, in particular, to ensure sustainable development of Ukraine and its European option. In addition, Article 5 states that education financing is an investment in sustainable development. The adoption of this act by the Verkhovna Rada of Ukraine should provide a new direction for the

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<sup>25</sup> The Concept of Environmental Education of Ukraine [Ukrainian], Informative Bulletin on Higher Education [Інформаційний вісник. Вища освіта] Київ, 2002, No. 9, p. 50-61.

<sup>26</sup> Decree of the President of Ukraine On approval of the National Strategy on the Development of Education in Ukraine till 2021 of 25 June 2013 [Ukrainian], The Official Bulletin of Ukraine [Офіційний вісник України], 2013, No. 50, Article 1783.

<sup>27</sup> Law of Ukraine on Education of 5 September 2017 [Ukrainian], The Official Bulletin of the Verkhovna Rada of Ukraine [Відомості Верховної Ради України] 2017, No. 38-39, Article 380.

development of educational legal relations in Ukraine and will become an important guarantee of improvement of the legal basis of education for sustainable development in Ukraine.

The Law of Ukraine on Education, amended of 23 June 1996<sup>28</sup>, which was in power previously, did not contain any regulations on education for sustainable development, but it established some provisions regarding the environmental education. In particular, this Law established the legal obligation of teaching and scientific workers to raise children's and young people's care about the natural environment of the country (Article 56). It also imposed the duty on parents to raise the child's careful attitude to the historical and cultural heritage, as well as the environment (Article 59).

Legal norms on environmental education and education for sustainable development are also enshrined in legal acts in certain spheres of educational legal relations, for example, in the field of higher education. One of the principles of state policy in the field of higher education provided in Article 3 of the Law of Ukraine on Higher Education of 1 July 2014<sup>29</sup> is the promotion of sustainable development of society. Reflection of the process of gradual greening of educational legislation was also inclusion in the body of the Law such a task as the formation of personality through legal and environmental education (Article 26).

The decision of the Collegium of the Ministry of Education and Science of Ukraine on Greening of Higher Education in Ukraine for training of the specialists for sustainable development of 27 November 2015<sup>30</sup> also has significantly contributed to the environmental education for sustainable development. The Collegium has decided to consider greening of higher education in Ukraine as one of the priority directions of activity of the Ministry of Education and Science of Ukraine and all educational institutions, regardless of their forms of ownership and subordination (item 2).

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<sup>28</sup> Law of Ukraine On Education of 23 March 1996 [Ukrainian], The Official Bulletin of the Verkhovna Rada of Ukraine [Відомості Верховної Ради України] 1996, No. 21, Article 84.

<sup>29</sup> Law of Ukraine On Higher Education of 1 July 2014 [Ukrainian], The Official Bulletin of Ukraine [Офіційний вісник України] 2014, No. 63, Article 1728.

<sup>30</sup> The decision of the Collegium of the Ministry of Education and Science of Ukraine On Greening of Higher Education in Ukraine for training of the specialists for sustainable development of 27 November 2015 [online resource]: <http://mon.gov.ua/about/kolegiya-ministerstva/rishennya-kolegiyiministerstva.html> (30.07.2017).

In general, the scientific analysis of legal regulation in the field of environmental education in Ukraine has made it possible to conclude on the need for further improvement. The main defects of Ukrainian legislation in the branch are its excessive declarative nature, as well as the lack of mandatory regulations on environmental education, while the obligatory nature of these provisions may become a significant guarantee of the right of citizens to environmental education<sup>31</sup>.

The legal obligation to provide environmental education is imposed on teaching workers and parents only, not educational institution as a legal entity. In addition, the right to environmental education, although enshrined in the Law of Ukraine on Environmental Protection, is not even mentioned in the educational legislation. It also lacks the norms concerning sustainable development, while the planned development of legal documents regarding education for sustainable development is delayed.

A positive example of the legal regulation of the field of environmental education of Ukraine is reflection of sustainable development in the Constitution and laws of Poland. With regard to it, scholars of the National Academy of Sciences of Ukraine stress that the principle of sustainable development as an imperative of public life, as well as economic, social and environmental policy must have a proper confirmation in the Constitution of Ukraine.<sup>32</sup> The experience of Poland in the legal regulation of education for sustainable development, in particular, the inclusion of relevant provisions in legislative acts on education, the development and realization of the National Education Strategy for Sustainable Development, should also serve as a benchmark for further improvement of Ukrainian legislation.

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<sup>31</sup> Slepchenko A. A., *The ensuring of the citizens' right to environmental education in Ukraine* [Ukrainian], Abstract for Ph.D., Kyiv 2016, p. 13–14.

<sup>32</sup> *The Scientific basis of the national strategy of sustainable development of Ukraine* [Ukrainian], The National Academy of Sciences of Ukraine Institute of Economics of Natural Resources and Sustainable Development, ed. M. Khvesyuk, Kyiv 2013, p. 34.

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