

Strasbourg, 22 August 2017
[files28e_2017.docx]

T-PVS/Files (2017) 28

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

37th meeting
Strasbourg, 5-8 December 2017

Other complaints

**Presumed risk of national extinction of
great bustards (*Otis tarda*)
in Serbia**

- COMPLAINT FORM -

*Document prepared by
EPAR - OIPA SERBIA*

**Convention on the Conservation of
European Wildlife
and Natural Habitats**



COMPLAINT FORM

NB: Complaint forms must be submitted in electronic word format, and not exceed 3 pages, including the first administrative page. A maximum 5-page report can be attached. The Secretariat will request additional information on a case-by-case basis.

Please, fill in this form and send it to the attention of:

Iva OBRETENOVA

Directorate of Democratic Governance, Culture and Diversity
Council of Europe
F-67075 Strasbourg Cedex

E-mail: Iva.OBRETENOVA@coe.int

First name: Slavica

Surname(s) : Mazak Bešlić

On behalf of (if applicable): EPAR – OIPA Serbia / Alliance for Nature Protection, the rights of animals and people

Address: Matka Vukovića 9 .

Town/City: Subotica .

County/State/Province: Serbia

Postcode: 24000

Country: Serbia.....

Tel.: ++381 24 55 25 00

Fax:
.....

E-mail: epar@mts.rs, epar-oipasrbia@hotmail.com

Web site:
.....

Date : 19.04.2016.

Electronic Signature

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

The reason of our complaint to the Permanent Council of the Berne Convention (furthermore: The Convention) are cases of deliberate and illegal destruction of Great Bustard (*Otis tarda*) and habitat and illegal disturbing and killing of Great Bustard individuals in Republic of Serbia, within Pastures of Great Bustard Special Nature Reserve in years 2010-2016.

By the mean, Articles 4. and 6. of Convention Convention are violated.

We ask for the Secretariat of The Convention to take all foreseen administrative measures and ask authorities of the Republic of Serbia to undertake urgent stops leading to prevention of deliberate and illegal destruction of the Great Bustard (species from Appendix II of the Convention), locating and adequate legal prosecution of individuals, organizations or authorities involved in described violations.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Following species of bird are subject of our complaint: Great Bustard (*Otis tarda*). It is listed on Appendix II of Berne Convention, which is also ratified by the Republic of Serbia (Law on Confirmation of Convention of the Conservation of European Wildlife and Natural Habitats, ("Official Gazette of Republic of Serbia – International Treaties, no. 102/2007). In Serbia, Great Bustard is Strictly Protected Species (Rulebook on Designation and Protection of Strictly Protected and Protected Species of Plants, Animals and Fungi, ("Official Gazette of the Republic of Serbia" No. 5/2010, 47/2011,32/2016).

Pastures of Great Bustard Special Nature Reserve was established in 1997 (Regulation on the Protection of the Pastures of Great Bustard Special Nature Reserve, "Off. Gazette of RS" no. 37/97), when there were cca 40 individuals of Great Bustard living in it. "Perjanica" Hunting Association was authorised to be a nature conservation manager (authority) of this protected area. Based on the study of protection (official proposal for designation of protected area by Institute for Nature Conservation of Vojvodina Province, the Serbian Government adopted the Notice of Initiation of the Process of Enlargement of the Pastures of Great Bustard Special Nature Reserve ("Off. Gazette of the Republic of Serbia" no. 44/2009). However, the new regulation under which area will be enlarged was not adopted even the proposal was made in 2011. This site in North Serbia is the only habitat of the Great Bustard in this country. Currently there are only 9 individuals of Great Bustard in it (and in Serbia), which is the reason why we are writing to The Convention. Above all omissions that are subject of this complaint, no administrative mechanisms have been invested into international cooperation and funding of conservation of this species. Serbia is the only range country with breeding population of this species that has not adopted Memorandum of Understanding on the Conservation and Management of the Middle-European Population of the Great Bustard (*Otis tarda*) developed under the Convention of Migratory Species to serve as international instrument for proper conservation efforts for this species (<http://www.cms.int/en/legalinstrument/middle-european-great-bustard>).

After the season of 2007/2008, number of Great Bustards has begun to decline in the Reserve. After 2007/2008, from 12 adult males appeared regularly, 5 males have no longer appeared, and are suspectedly died by been killed for trophies and poisoned by pesticides (carbofuran). From 2009/2011, additional 6 adult males were missing in the Reserve, and there is only one that occurs at this site from that period till nowadays. The number of females decreased as well, while the data on number of young fledged in the period between 2010 and 2016 do not exist. Along with the decline in population of Great Bustard in the Reserve, after 2006 cultivation of soil and farming of field crops (corn and sunflower), together with the intake of pesticides on cultivated fields started. Increased number of herds of domestic animals is occurring in the Reserve. Herds are uncontrolled and are moving throughout the Reserve without awareness and knowledge of herd keepers and protected area managers on locations where Great Bustards are occurring, displaying, mating, nesting and raising

their chicks in particular periods of year. During 2015, 11 Great Bustard have occurred in the Reserve, and in 2016 only 9 individuals are occurring, which is the reason why we are writing the complaint to The Convention, -photos of the whole flock Great Bustards of 27/03/2016. in Attachment.-

In spring, summer, autumn and winter, the area of the Reserve is used for extensive hunting. During the autumn and winter hunting is very noisy and movements of hunters, their vehicles and dogs is very aggressive. At these periods Great Bustards are leaving the the Reserve and fly to the areas close to the state border of Serbia and Romania, in the unprotected areas, where they have peace, but not enough food.

3. What might be the negative effects for the specie/s or habitat/s involved?

Due to described negligence, omissions and illegal acts of the state authorities, Great Bustards in Great Bustard Pastures Special Nature Reserve are on verge of extinction and critically small number of only 9 individuals of this species is occurring in this protected area and in Serbia.

In March, the time when male is returning to the Reserve, and occurring in the mating sites, it requires absolute peace. Typical male display in 2016 was stopped (interrupted), as well as in 2015. The reason for this is a flock of sheep that suddenly occurred in the display location, after which event male left the display territory. Permission that is allowing for flock to occur on location called "Manculov Salaš", was issued by the Institute for Nature Conservation of Vojvodina Province (documents no. 03-510/2 of 22.03.2016, no. 03-560/2 of 24.04.2015 and no. 03-623/2 of 02.04.2014; record of the Provincial Inspection for Environmental Protection no. 130-501-757/2015-06 of 29.04.2015). This Institute issued the same illegal permits in last several years. By that mean, pre-mating display was interrupted every year between 2014 and 2016 and probably the same happened in previous years.

Intensive mowing of grass within the Reserve by heavy machinery is starting usually from June 15th. If chicks of Great Bustard are present on mowed meadows, they are killed by mowers. The permission for mowing grass is issued also by the Institute for Nature Conservation of Vojvodina Province (document no. 03-468/2 of 23.05.2013, no. 03-957/2 of 13.06.2013, no. 03-851/2 of 13.06.2013, no. 03-782/2 of 27.05.2013). Institute for Nature Conservation of Vojvodina Province each year issues such conditions (permits) for the land use within the Reserve, without any knowledge of the locations where the Great Bustards are and whether they have chicks. Institute for Nature Conservation of Vojvodina Province issues a document for managers of protected areas, under which ploughing of pastures and meadows can be done wherever managers of protected areas wish (example: document no. 03-852 / 2 of 24.05.2013).

Institute for Nature Conservation of Vojvodina Province issued the illegal permit (conditions on nature conservation), according to which various grazing activities are being carried out within the Reserve. Also, with the use of pesticides and the establishment of monoculture, pollution of grass cover starts. Because of these permission, of which there are many and which are in conflict with Article 74 of the Law on Nature Protection, grazing is permitted, as well as conversion of meadows to agricultural fields for crop farming. Provincial Inspection for Environmental Protection was not active and refuses to do act according to the Law on Nature Protection and the Regulation on the Protection of Great Bustard Pastures SNR. Inspection of the Ministry of Agriculture and Environmental Protection is also in charge to act, but it is doing nothing to protect Great Bustard. From of 2010 to 2016, EPAR-OIPA Serbia submitted a variety of complaints for permissions of illegal activities that are harmful to Great Bustards and warned that the population is dropping and that Great Bustards will extinct, but not a single contacted institution wanted to do anything. The main responsible institutions that are contacted are Provincial Government of Autonomous Province of Vojvodina, and the Ministry of Agriculture of Environmental Protection, because they do not obey and do apply neither national legislation nor The Convention.

In 2016 EPAR-OIPA Serbia submitted a complaint regarded to disturbance of Great Bustards during male display, but no contacted institutions reacted. By this mean, inspection has an alibi for being inactive, the public prosecutor does not have the elements for charge, but Great Bustards have almost extinct from Serbia. All other strictly protected species of birds that nest in the grass are also in

danger, as Great Bustard, is the umbrella species for conservation of all other grass-breeding birds in this protected area. In the period from 2010 to 2016, EPAR-OIPA Serbia submitted at least two reports regarding various harassments of Great Bustards during display, nesting, or the nest was threatened. Also, during this period, we submitted a lot of reports for the destruction of habitats, plowing of grass, the number of herds that wandering around in Reserve and threatening the Great Bustard, the hunt when hunters shoot close to Great Bustards. The number of reports is large and varied, as the situation in this Reserve is chaotic.

Negative effects are still present, influencing this species, as well as its habitat. Number of Great Bustard in the only site where it occurs in Serbia dropped to 9 (in 2016) and this species will apparently extinct from this area. Habitats will be converted into agriculture fields.

In March and April (the period of displaying behavior of males and mating), large herds of domestic animals, shepherds and dogs are entering the Reserve causing disturbance of Great Bustard. At the same time, the number of parcels of land where agricultural activities are carried out, with the permission of the Institute of Nature Conservation of Vojvodina Province is growing. Apparently, everything can be done, without any knowledge on the location and activities of Great Bustard. At the time of breeding and raising of chicks, grass mowing in the Reserve starts, without control by many individuals, while after 15th June, very intensive grass cutting occurs when in seven days very large grass areas, of up to 1000 ha are being cut, even in core conservation area on location called "Milina Bara", that is grass shelter for young Great Bustards, being therefore killed by mowers (record of the Agricultural Inspectors of the Ministry of Agriculture and Environmental Protection no. 275-320-00355 / 2015-04 of 24.07.2015., 10.08.2015. and 30.09.2015.) The nests of other birds that breed in grass are being also destroyed. At the same time the Reserve receives even more cattle, sheep and pigs, which is additional threat. In the summer and fall all agricultural activities are invasive and intensive and are carried out without any knowledge on the status, location of occurrence and sensitivity of Great Bustards.

In autumn and winter, until 28 February, hunters are using the Reserve for hunting. They are coming in large numbers, making intensive noise and bringing dogs. After those activities, Great Bustards are flying from the Reserve to unprotected areas along the border of Serbia and Romania, where they can be killed and where they do not have the nutritional resources.

Dead Great Bustards in the Reserve are recorded, suspectedly poisoned by carbofuran, but the information is hidden. In some private flats of hunters in Serbia there are stuffed individuals of Great Bustard, killed in the hunting. That information are also hidden.

Perjanica Hunting Association, civil society organization whose main activity is hunting, is organization that is authorised for official nature conservation management and conduction of conservation activities, as well as guarding of the Reserve. Members are joined in this association for their hobby, which is hunting, and they have no knowledge, skills, nor any capacities needed for protection of endangered species.

As a result of all those described activities, Great Bustard is suffering. Numerous omissions, which are causing this situation, are done by Provincial Government, represented by provincial secretary for urban planning, construction and environmental protection Mr. Slobodan Puzović, as well as Provincial Inspectorate for Environmental Protection, sub-ordinated to this Secretariat. Responsible inspector for this Reserve is Ms Gordana Pavkov. Responsible person is also director of the Institute for Nature Conservation of Vojvodina Province, Ms. Biljana Panjković and an expert of the Institute, who is the coordinator of this area, Mr. Nikola Stojnić, who issued permits for illegal activities in the Reserve and to the detriment of Great Bustards.

Over the time, ministers responsible for environmental protection in the Government of Republic of Serbia have changed but the situation remained the same. We see very clearly that the Great Bustard is on the verge of disappearance and that no special protection measures are applied to change this - on the contrary! State Secretary in the Ministry for Agriculture and Environmental Protection is currently Mrs. Stana Božović and Deputy Minister within the same ministry is Mr. Slobodan Erdeljan.

A flock of sheep has again, on 26th March 2016, disturbed the Great Bustard during male display. This is the same activity that the same herd did in 2015. In that year EPAR-OIPA Serbia sent complaint to

Provincial Inspection for Environmental Protection, but Inspection did nothing because the license was granted by the Institute for Nature Conservation of Vojvodina Province for flock to enter the Reserve at the location of «Mansulov Salaš» and «Monument of Mokrin Fighters», the place for Great Bustards male display. In 2014 this flock has come to Reserve and destroyed the nest, eggs and chicks of Short-eared Owl (*Asio flammeus*) – it was reported to nature conservation authorities but no one did anything.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Great Bustard Pasture is ecologically important area: IBA (Important Bird Area (IBA RS008) and Emerald Site (RS0000022), according to the Regulation on Ecological Network ("Official Gazette of Republic of Serbia" no.102/2010). According to Appendix 3 of this Regulation, following activities are prohibited: 1) destruction and disturbance of habitats as well as the destruction and disturbance of wildlife is prohibited; 2) changes in land use under the natural and semi-natural vegetation (meadows, pastures, reed beds, etc.).

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

This complaints is regarded to destruction of population of Great Bustard, which is strictly protected species in the Republic of Serbia (Rulebook on Designation and Protection of Strictly Protected and Protected Species of Plants, Animals and Fungi, ("Official Gazette of the Republic of Serbia" no. 5/2010, 47/2011, 32/2016). Its protection from killing and other threats is established according to the Article 74 of the Nature Conservation Act ("Official Gazette of the Republic of Serbia" No. 36/2009, 88/2010, 91/2010-corr, 14/2016), and Regulation on Protection of Great Bustard Pastures Special Nature Reserve ("Official Gazette of RS" no. 37/1997).

In the period between 2010 and 2016 EPAR-OIPA Serbia has submitted a large number of reports to inspections and other state authorities responsible at different levels for the protection of Great Bustard. However there is no process and no one was accused nor convicted for the killing of Great Bustards, for the reason as charges are initiated against unknown person. No persons are convicted for the destruction of habitats, disturbance of Great Bustard, killing chicks and mowing grass in sensitive breeding period. Agricultural Inspection of Ministry of Agriculture and Enviromental Protection is the only state authority that has legally processed occupation and use of state-owned land in the Reserve, but these charges are not based on the destruction of Great Bustard and its habitat. Consequently, on 22 April 2014, EPAR-OIPA Serbia has sent draft Action Plan for the Protection and Conservation of Great Bustard (*Otis tarda*) to provincial secretary Mr. Puzović and director of the Institute, Ms. Panjković, which contains specific emergency measures needed for preservation of this species, which provincial secretary Mr. Puzović refused. Proposal with accompanying notes are attached to this complaint.

Pending procedure contains: Reports regarded to disturbance of Great Bustard during reproduction period are not followed by relevant activity of Provincial Inspection of Environmental Protection, because the Provincial Institute for Nature Protection has given permission for illegal use of the Reserve without any knowledge about the state of Great Bustards in Reserve, places where it occurs and nests. All this in a prolonged duration, led the species to the brink of disappearance.

No public information is available on the status of Great Bustard or destruction of its habitat.

Except, Source : The protection and monitoring of populations of rare and endangered species: the great bustard (*Otis tarda*) Report of 2009. (Nikola Stojnić) in Attachment.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

List of individuals, location of founding and sources of information are listed in Table 1. in Annex I of this complaint.

Selected available photos:

1. from up to down: Great Bustards disturbance by sheep or cattle on location Manculov Salaš / Monument of Mokrin Fighters; Overview of Reserve after mowing of grass in June, Great Bustards harassment by of machinery belonging to Mokrin Ltd (DOO Mokrin), which sowed a sunflower with the permission of the Institute for Nature Conservation of Vojvodina Province (page 7. 8.9.)
2. from up to down: Male Great Bustard during display on the the location called Monument of Mokrin Fighters, not far from Manculov Salaš in 2015; The male is disturbed by flock of sheep (page 9.10).
3. Quail hunting with decoys in the Great Bustard Pastures 2015, and all previous years, prohibited by The Convention; Massive killing of Turtle Dove *Streptopelia turtur* in Great Bustard Pastures Special Nature Reserve, by Hunting Association in Jazovo, in August 2010 and August 2011 in a zone where hunting in prohibited according to the Regulation on Protection of Great Bustard Pastures Special Nature Reserve (location called Milina Bara), pages 11. and 12.
4. Destruction of nest of Short-eared Owl by a flock of sheep, a few photos from the nests of endangered passerine which was active in second half of June and destroyed by invasive mowing in Reserve, a permit for cutting was issued by the Institute for Nature Conservation of Vojvodina Province every year (page 13 and 14). Assuming that is grass mowing starts immediately after the 15th of June on the surface of about 1000 ha, and that there was minimum one nest per hectare, the number of destroyed nest is at least 1000 per year. The permission for mowing is also issued by the Institute for Nature Conservation of Vojvodina Province, although this activity is forbidden.
5. Illegal ploughing of pastures within the Reserve in Sajan Cadaster Community, about 170 ha, in an area to the left toxic seeds poisoned for birds are visible. That no one cared (page 15).
6. Disturbance of 8 Great Bustards by machinery in 2016; birds were hiding in the remnants of sunflower ; disturbing of displaying male near abandoned object called Manculov Salaš and Monument of Mokrin Fighters (pages 15 and, 16).

The content of the photos is showing threats to Great Bustard and its habitat. There is no period of the year, nor a location when individuals of this species are protected from disturbance in this protected area. All of this was a part of problems.













Photos below are showing evidences of massive killing of Turtle Dove *Streptopelia turtur* in Great Bustard Pastures Special Nature Reserve by Hunting Association Jazovo, in August 2010 and August

2011 at locate, called Milina Bara, where hunting is banned according to Regulation on Protection of Great Bustard Pastures Special nature Reserve.



Photos below are showing -evidences of destruction of passerines breeding on the -ground by intensive cutting in the second half of June; destruction of all nests with eggs and chicks that were still in the nest in the period of mowing. -For these actions Institute for Nature Conservation of Vojvodina Province issued a permit to -for everyone who -applied, If it is forbidden!





Photos below are showing examples of ploughing of pastures and burning of vegetation.



Year 2016







Presented photos on the situation in the Reserve were very difficult for obtaining. Assistant of EPAR-OIPA Serbia who lives in the reserve as the only resident is sending the photos to our organization regularly and because of that he is under constant pressure by Provincial Inspectorate of Environmental Protection and Perjanica Hunting Association.

**Annex I of Complaint to Berne Convention Secretariat by EPAR-OIPA Serbia on
18th April 2016.**

Table 1. List of reported cases of poisoning of birds from App. II of Berne Convention since September 2008 –December 2015. (assignment of the convention by the Republic of Serbia)

Date	Location (settlement,site)	Number of poisoned individuals	Species	Source of information
8 th December 2015	Great Bustard Pastures Special Nature Reserve	1	<i>Buteo buteo</i>	Joca Jančić
20 th May 2011	Great Bustard Pastures Special Nature Reserve	1	<i>Otis tarda</i>	Joca Miladinov
19 th June 2011	Great Bustard Pastures Special Nature Reserve	1	<i>Otis tarda</i>	Joca Miladinov
25 th September 2008	Great Bustard Pastures Special Nature Reserve	1	<i>Otis tarda</i>	Željko Reljin
18 th April 2009	Great Bustard Pastures Special Nature Reserve	1	<i>Otis tarda</i>	Željko Reljin