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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

32nd meeting
Strasbourg, 27-30 November 2012

Other complaint

**MANAGEMENT OF THE WOLF (*CANIS LUPUS*)
IN UKRAINE**

REPORT BY THE GOVERNMENT

*Document prepared by
the Ministry of Ecology and Natural Resources of Ukraine*

Dear Mrs Ivana d' ALESSANDRO,

Thank you for your letter concerning a complaint from the Kyiv Ecological and Cultural Center denouncing a possible breach of the Bern Convention with regards to the management of the Wolf (*Canis lupus*).

Let us inform you that in 2009 the Ministry of Environmental Protection of Ukraine had sent a reply to the Secretariat of the Bern Convention on similar complaint from the Kyiv Ecological and Cultural Center with regards to the wolf (please find it attached).

We would like also to provide some additional comments.

On 21.01.2010 the Law of Ukraine "On Protected Areas of Ukraine) was amended to prohibit hunting on almost all types of protected areas and this prohibition covered the wolf as well.

In addition to the information given in previous letter and according to the state statistical data since 2008 situation with the wolf population trends in Ukraine did not change substantially (numbers of wolves in 2008 was 2737, in 2009 – 2605, in 2010 – 2673, in 2011 - 2556 according to the state statistical data). There are no scientifically justified data in the Ministry indicating that the Wolf population is in decline in Ukraine. The complainant indicated that the number of wolves "is only 800–1,000 and declining steadily" with reference to some "independent research data". However, he has not provided any references to really published data which describes who, where, when and by what methods estimated the wolves numbers in Ukraine that can be considered as support of his statement.

The complainant selectively quotes the Article 33 of the Law of Ukraine "On the Hunting Industry and Hunting" by providing only those paragraphs or their parts that in line with his thoughts. For example, he quotes that "the shooting and capturing of wolves (...) shall be performed by hunters when hunting other species of hunting animals" (paragraph 1 of the Article 33), "(...) The territorial offices of the specially authorized central executive body for forestry, hunting industry and hunting and the users of hunting grounds can provide hunters hunting the said animals with ammunition and other necessary outfit on a free-of-charge bases and establish appropriate bonuses (privileges) for them" (paragraph 3 of the Article 33), "the killing of wolves shall be an official duty of employees responsible for the protection of hunting grounds and shall be performed without a special license to that effect throughout a year" (paragraph 4 of the Article 33). However, the complainant did not quote paragraph 2 of the same article that states: "Shooting and capture of the abovementioned animals and **wolf** and fox during non-hunting season or in forbidden for hunting places is performed by hunters according to **a permit** of territorial office of the specially authorized central executive body for forestry, hunting industry and hunting and within protected areas – according to **a permit** of territorial office of the specially authorized central executive body for environmental protection according to an application in writing of the user of hunting lands".

Taking above into account, one can come to some conclusions that, from the Articles 17 and 33 Law of Ukraine "On the Hunting Industry and Hunting", first, hunting for wolf in Ukraine by hunters is subject of a permit, second, a number of people that have a right to hunt for wolf according to paragraph 4 of the Article 33 of the given Law is limited only to employee of hunting grounds, and third, according to the Law of Ukraine "On Protected Areas of Ukraine" hunting for wolf on protected areas is forbidden or restricted (in case of Reservations or Zakazniks only).

With regards to trade in and possession of wolf skins in internal market of Ukraine it should be noted that there is no reliable data in the Ministry on detrimental effect of such activities on the wolf population status in Ukraine.

Thus, the Ministry believes that the arguments of the complainant with regards to breach of the Bern Convention concerning the wolf conservation are not justified.

At the same time the Ministry would like to reiterate that if any scientifically proven data of declining of wolf populations in Ukraine will be reported the Ministry will take necessary measures aimed at prevention of the wolf of being considered as endangered species as it did in 2009 where quite a number of fauna and flora species was added to the Red Data Book list of Ukraine.

Sincerely yours,

Igor Ivanenko
National Focal Point of the Bern Convention,
Deputy Director of the Department of Protected Areas
Ministry of Ecology and Natural Resources of Ukraine

Appendix

Carolina Lasen Diaz

Secretary of the Bern Convention Council of Europe
Biological Diversity Unit F-67075 Strasbourg Cedex
France

Dear Mrs. Carolina,

In accordance with your letter of September, 15, 2008 the Ministry of Environmental Protection of Ukraine has considered a letter of Kyiv Ecological and Cultural Center of 05.02.08 № 11-A in relation to the protection of wolves in Ukraine and provides the following information on the legislative status of wolf in Ukraine.

In accordance with Law of Ukraine "On Hunting" of 22.02.2000 No. 1478-III, wolf is considered to be a hunting species. In accordance with Article 17 of this Law taking wolf from the wild in a hunting-season is allowed if a shooting card (a kind of permit that allows hunting) is available. The shooting card is issued to hunters by users of hunting lands. In addition, taking wolf is allowed if a hunter is in possession of a hunting license or a shooting card allowing him to take other hunting animals from the wild. In accordance with Article 20 of the Law hunting for wild animals, including wolf, is forbidden, if a hunter does not have a due permission, as well as documents required by Article 14 of this Law.

In accordance with Article 33 of the Law the game shooting or hunting for wolf not in the hunting-season or in non-hunting areas is allowed if a permit of local office of the specially authorized central body of executive power in the field of the hunting (State Forestry Committee of Ukraine) is issued. Hunting for wolf on protected areas is permitted if a relevant permit is issued by a local office of the specially authorized central body of executive power in the field of environmental protection (Ministry of Environmental Protection of Ukraine) according to written application submitted by a user of hunting lands.

In general hunting activities including hunting for wolf is prohibited in protected areas. In accordance with the Regulation of 21.04.98 No 521 of the Cabinet of Ministers of Ukraine "On adoption of rates for the calculation of damage caused by violation of nature protection legislation within the limits of territories and objects of protected areas fund of Ukraine" a fine is established for the illegal hunting for wolf in protected areas.

Wolf is listed in Appendix II to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) to which Ukraine joined in 1999 year in accordance with Law of Ukraine of 14.05.99 № 662-XIV "On Accession of Ukraine to the Convention on International Trade in Endangered Species of Wild Fauna and Flora". Thus, moving of wolves through the state border is regulated according to CITES.

It should be noted that Mr. Boreyko quotes the provisions of the Bern Convention only partly. For example, in the case of p. 6 e) of the Bern Convention Mr. Boreyko quotes only a half of that provision, namely, "the possession of and internal trade in these animals, alive or dead, including stuffed animals and any readily recognisable part or derivative thereof, not citing the second part of the same paragraph, namely, "where this would contribute to the effectiveness of the provisions of this article".

According to the conclusions of Institute of Zoology of the National Academy of Sciences of Ukraine and National Red Data Book Commission, wolf population in Ukraine is not under threat of extinction; its numbers during many years remains stable or increasing.

According to the state statistical data the quantity of wolves in 1961-1970 did not exceed 300 individuals, but in 2001-2007 their numbers substantially increased and oscillated between 2293-2598 individuals. A tendency to the gradual increase of quantity of wolves may continue in future.

Thus, non-application of measures foreseen in Article 6 e) of the Bern Convention does not affect negatively on the population of the species, and, taking into account the reservation made by Ukraine in relation to wolf at the time of joining the Bern Convention, can not be considered as a breach of the Convention. The same applies to paragraph 6 c) of the Convention. Taking above into account as well as the factual data on wolf population dynamics in Ukraine it is possible to come to a conclusion that limited hunting for wolf by foreign hunters does not pose a threat to nature population of the species. Hence, State Forestry Committee's Order No 26 of 28.02.2002 "On the establishment of maximum price levels on hunting trophies, obtained by foreign citizens, and maximum levels of tariffs on services that they get" does not contradict with provisions of the Bern Convention. It should be noted that the above mentioned Order is registered in the Ministry of Justice of Ukraine after No. 289/6577 of 22.03.2002. It means that prior to registration this document passed through proper legal expertise in the Ministry of Justice which did not find any contradictions to current legislation including the Bern Convention.

According to information of the State Forestry Committee of Ukraine, no fees for taking wolves from the wild have been granted during more than 10 years. Such kind of financial encouragement can be an initiative of administrations of individual hunting farms.

An attention should be paid to the cases of wolf attacks on people, which has been reported for Zaporizhzhia, Lugansk, Kharkiv, Kherson and Chernihiv oblasts. Annually the amount of victims from such cases is increased (up to 20).

Increasing wolf population is observed in south areas of Ukraine and even in steppe Crimea, where the species has not been recorded last 50 years. Thus, there is a necessity to regulate wolf numbers, *inter alia*, in connection with their threat to human.

Special teams to regulate wolf numbers are usually established in places, where the amount of these animals reaches a limit, that pose real problems to economic human activity. Activities of such teams do not threaten the wolf population as a whole, and a positive dynamics of wolf population in Ukraine is a proof of that. Thus, there seem no contradictions of the Bern Convention to the State Forestry Committee Order No 121 of 16.12.1997 "On the measures of shooting and catching of predatory and harmful animals". The mentioned Order had also passed through proper legal examination in the Ministry of Justice of Ukraine and registered there on 25.12.97 by No. 623/2427.

May we inform you that all Mr. Boreyko's letters on wolf issues that eventually came to the Ministry of Environmental Protection of Ukraine has been considered repeatedly with involvement of specialists-zoologists and the National Red Data Book Commission, and the proper written replies were given to him.

The Ministry of Environmental Protection of Ukraine believes that Mr. Boreyko's charges of violations of the Bern Convention by Ukraine in relation to wolf conservation are not justified. If scientifically proved signs of declining of wolf populations will be reported on the territory of Ukraine, the Ministry of Environmental Protection of Ukraine will take necessary measures aimed at prevention of wolf from being considered as endangered species.