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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 1-4 December 2020

Other complaints

**Recognising Horbachykha as a protected area
to save it from residential developments
(Ukraine)**

- COMPLAINT FORM -

*Document prepared by
#SaveHorbachykha Activist Movement, Ukraine*

*This document will not be distributed at the meeting. Please bring this copy.
Ce document ne sera plus distribué en réunion. Prière de vous munir de cet exemplaire.*

**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:

Bern Convention Secretariat

Directorate of Democratic Participation
Council of Europe
F-67075 Strasbourg Cedex

E-mail: Bern.convention@coe.int

First name Olga

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On behalf of (if applicable): #SaveHorbachykha activist movement

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Date : 24.02.2020

Electronic Signature

X

Olga Papash

X

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).

I am applying on behalf of a group of Ukrainian grassroots activists whose goal is to make a green zone called Horbakykha a protected area. Horbakykha is located on the bank of Dnieper (Dnipro) River in the geographical center of Kyiv, the capital of Ukraine. It is de-facto a big wildlife park (99 ha), not recognized as a reserve or protected area of any kind by Ukrainian government, though Ukrainian ecologists recommended to do so already in 1994. As a piece of buildingless land in the center of a 3,5 million metropolis it is a magnet for developers, who, in the realities of Ukraine, act hand in hand with the city authorities.

Horbakykha is a unique piece of riverine landscape, home to dozens of endangered and protected flora and fauna species, particularly those protected by the **Bern Convention**, which was **ratified by the Verkhovna Rada of Ukraine (Ukrainian parliament) on 29.10.1996**. It is also part of Dnieper ecological corridor, the way for seasonal migration of birds, in its most narrow place – in the heart of Kyiv metropolis. As such, it falls under the articles of the Bern convention which protect migratory species.

The movement to save Horbakykha from total extermination by recognizing it a protected area (*zakaznik*) was launched by local activists in early 2019 after part of Horbakykha was illegally rented out to an offshore company that plans to build a huge elite residential complex there. Developers (KAN Development company) started preparing the building site in the Northern part of Horbakykha in late 2018. Local community strongly opposed the initiative, which would completely destroy this unique wildlife area, and developers piped down. But the unprotected status of Horbakykha did not change, and the construction can re-emerge any moment. In his latest interview president of KAN development company Ihor Nikonov (ex-adviser to Kyiv's Mayor Vitali Klitschko) [stated](#) that Horbakykha should be developed «for the sake of the multimillion city» and that the activists protecting «some bugs» on the site are just being ignorant.

The protests escalated when another developer (Arkada company) started making concrete embankment in the Southern part of Horbakykha in mid-2019 with the perspective to cover the whole site with high-rise buildings (25 floors and more). This involves sand-washing, which means total extermination of Horbakykha's natural habitats and **gross violation of articles 1,2,3,4,5,6,7, and 10 of the Bern Convention**.

In late 2019 Ukrainian ecologist Ivan Parnikoza submitted an updated scientific justification in support of making Horbakykha a protected area, *zakaznik* (the document that became the ground for this complaint). But the arguments of the ecologists were once again ignored by both the city and state authorities. We are more than sure that the City Council and Ukrainian government take so long with the recognition of Horbakykha a protected area because of the corruptive links of city authorities with developer companies and, therefore, we seek international support in protecting the site.

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)

To fill this complaint form, I studied the latest scientific description of Horbakykha site updated by ecologist Ivan Parnikoza (PhD, Head of Department at National Antarctic Scientific Center of the Ministry of Education and Science of Ukraine) in late 2019 and matched the species and habitats listed there with those listed in Resolution 4 and Annexes 1, 2 and 3 of the Bern Convention. Since I'm not a professional, I might have missed or misspelled some of the species or habitats. However, my comparison gives the general idea: Horbakykha is a unique place, part of Dnieper ecological corridor and the only place in Kyiv where different authentic types of natural riverine habitats preserved. These include sand dunes, xerophyte meadows and riverine woodland.

Horbachykha habitats listed in Resolution 4 of the Bern Convention: Riverine Salix woodland (G1.11), Floating Salvinia natans mats (C1.225), Eutrophic vegetation of slow-flowing rivers (C2.34), Moist or wet tall-herb and fern fringes and meadows (E5.4)

Horbachykha is home to dozens of protected and endangered species, particularly birds, both breeding and non-breeding.

Protected flora species on Horbachykha listed in Annex 1 of the Bern Convention: trapa natans, salvinia natans.

Protected fauna species on Horbachykha listed in Annexes 2 and 3 of the Bern Convention.

Mammals: castor fiber (Annex 3), lutra lutra (Annex 2), mustera putorius (Annex 3)\

Fish: cobitis taenia (Annex 3), gymnocephalus baloni (Annex 3), abramis ballerus (Annex 3), pelecus cultratus (Annex 3)

Birds. A. Breeding: asio flammeus (Annex 2), perdix perdix (Annex 3), caneo caneo (Annex 3), buteo lagopus (Annex 3), coracias garrulus (Annex 2), falco subbuteo (Annex 2), falco tinnunculus (Annex 2), milvus migrans (Annex 2), strix aluco (Annex 2), asio otus (Annex 2), remix pendulinus (Annex 3), oriolus oriolus (Annex 2), dryobates minor (Annex 2), leiopicus medius (Annex 2), dendrocopos syriacus (Annex 2), picus canus (Annex 2), jynx torquilla (Annex 2); upupa epops (Annex 2), lanius collurio (Annex 2), hippolais icterina (Annex 2), ardea cinerea (Annex 3), ardea (egretta) alba (Annex 2).

B. Non-breeding: haematopus ostralegus (Annex 3), sterna hirundo (Annex 2), larus minutus (Annex 2), calidris alpina (Annex 2), calidris ferruginea (Annex 2), philomachus pugnax (Annex 3), tringa ochropus (Annex 2), tringa glareola (Annex 2), hypoleucos (Annex 3), charadrius dubius (Annex 2), gavia immer (Annex 2), gavia stellata (Annex 2), bucephala clangula (Annex 3)

Reptiles: lacerta agilis (Annex 2), emys orbicularis (Annex 2), natrix natrix (Annex 3)

Amphibia: rana arvalis (Annex 2), pelophylax ridibundus (Annex 3), litoria caerulea (Annex 3), triturus cristatus (Annex 2), bombina bombina (Annex 2), pelobates fuscus (Annex 2), bufo viridis (Annex 2)

If needed, we can provide a translation of the detailed scientific description of Horbachykha into English.

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

If the developers and the city authorities make a solid concrete embankment along the whole left bank of Dnieper river, as they plan, all Horbachykha habitats will be complexly destroyed and most species forced out of the site.

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?

As part of the Dnieper ecological corridor Horbachykha falls under the scope of Convention on Migratory Species (CMS), ratified by the state of Ukraine on 19.03.1999, and Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) signed by Ukraine on 16.10.1998 (ratified on 04.07.2002).

Since the site hasn't been identified as a protected area on the state level, it is not part of NATURA2000 / Emerald network site.

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

Since 2005, Ukrainian ecologists have submitted several scientific justifications that Horbakykha site should be recognized a protected area (zakaznik) to the Kyiv City Council, which should take appropriate legislative measures. But since members of the Council have corrupt links with developers interested in the site, all the appeals are still pending.

This complaint is the first attempt to raise the issue on the international level

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

