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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

38th meeting
Strasbourg, 27-30 November 2018

Other complaints

**Presumed threat to Emerald site “Black Sea
Biosphere Reserve” (UA0000017) from military
trainings (Ukraine)**

- COMPLAINT FORM -

*Document prepared by
the Ukrainian Nature Conservation Group, Ukraine*

**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:..

Oleksii.....

Surname(s): Vasyliuk

On behalf of (if applicable): NGO «UKRAINIAN NATURE CONSERVATION GROUP»....

Address:.. Gogol str. 40, Vasylkiv, Kyiv oblast, Ukraine, 08600

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Date : 29.03.2018.

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).

At this time, the threat of damage of the objects of protection of the territory of the Emerald network in Ukraine – «Black Sea Biosphere Reserve» (UA0000017) has appeared. The Armed Forces of Ukraine conduct tests of new powerful weapons and ammunition on the most valuable and protected part of the Emerald territory «Black Sea Biosphere Reserve».

Articles of the Bern Convention, which might be violated: 2, 3, 4, 5, 6, 7, 10.

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)

On the Emerald area «Black Sea Biosphere Reserve» are under protection:

Emerald species (from SDF):

A229 *Alcedo atthis*, 2280 *Allium regelianum*, 2491 *Alosa pontica*, 4127 *Alosa tanaica*, A042 *Anser erythropus*, A255 *Anthus campestris*, A091 *Aquila chrysaetos*, A090 *Aquila clanga*, A404 *Aquila heliaca*, A089 *Aquila pomarina*, A029 *Ardea purpurea*, A024 *Ardeola ralloides*, A222 *Asio flammeus*, A060 *Aythya nyroca*, A021 *Botaurus stellaris*, A396 *Branta ruficollis*, A215 *Bubo bubo*, A133 *Burhinus oediconemus*, A403 *Buteo rufinus*, A243 *Calandrella brachydactyla*, A224 *Caprimulgus europaeus*, 4013 *Carabus hungaricus*, A027 *Casmerodius albus*, 1337 *Castor fiber*, 1088 *Cerambyx cerdo* A138 *Charadrius alexandrinus*, A198 *Chlidonias leucopterus* A197 *Chlidonias niger*, A031 *Ciconia ciconia*, A030 *Ciconia nigra*, A080 *Circaetus gallicus*, A081 *Circus aeruginosus*, A082 *Circus cyaneus*, A084 *Circus pygargus*, A231 *Coracias garrulus*, A122 *Crex crex*, A037 *Cygnus bewickii*, A038 *Cygnus cygnus*, A238 *Dendrocopos medius*, A429 *Dendrocopos syriacus*, A026 *Egretta garzetta*, 1279 *Elaphe quatuorlineata*, A379 *Emberiza hortulana*, A098 *Falco columbarius*, A103 *Falco peregrinus*, A097 *Falco vespertinus*, A321 *Ficedula albicollis*, A320 *Ficedula parva*, A154 *Gallinago media*, A002 *Gavia arctica*, A001 *Gavia stellata*, A189 *Gelochelidon nilotica*, A135 *Glareola pratincola*, A127 *Grus grus*, A075 *Haliaeetus albicilla*, A092 *Hieraaetus pennatus*, A131 *Himantopus himantopus*, A022 *Ixobrychus minutus*, A338 *Lanius collurio*, A339 *Lanius minor*, A180 *Larus genei*, A176 *Larus melanocephalus*, A177 *Larus minutus*, A157 *Limosa lapponica*, 1083 *Lucanus cervus*, A246 *Lullula arborea*, A272 *Luscinia svecica*, 1355 *Lutra lutra*, A242 *Melanocorypha calandra*, A068 *Mergus albellus*, A073 *Milvus migrans*, 1366 *Monachus monachus*, 2633 *Mustela eversmannii*, 1356 *Mustela lutreola*, A159 *Numenius tenuirostris*, A023 *Nycticorax nycticorax*, A533 *Oenanthe pleschanka*, A129 *Otis tarda*, A094 *Pandion haliaetus*, A020 *Pelecanus crispus*, A019 *Pelecanus onocrotalus*, A072 *Pernis apivorus*, A393 *Phalacrocorax pygmeus*, A171 *Phalaropus fulicarius*, A170 *Phalaropus lobatus*, A151 *Philomachus pugnax*, 1351 *Phocoena phocoena*, A234 *Picus canus*, A034 *Platalea leucorodia*, A032 *Plegadis falcinellus*, A140 *Pluvialis apricaria*, A007 *Podiceps auritus*, A120 *Porzana parva*, A119 *Porzana porzana*, A121 *Porzana pusilla*, 4022 *Probatiscus subrugosus*, A132 *Recurvirostra avosetta*, 2021 *Sicista subtilis*, A195 *Sterna albifrons*, A190 *Sterna caspia*, A193 *Sterna hirundo*, A191 *Sterna sandvicensis*, A307 *Sylvia nisoria*, A397 *Tadorna ferruginea*, A128 *Tetrax tetrax*, A166 *Tringa glareola*, 1349 *Tursiops truncatus*, 1298 *Vipera ursinii*, A167 *Xenus cinereus*.

Emerald Habitat types (from SDF):

A2.2, A2.3, A2.4, A2.5, A2.61, A5, B1.1, B1.3, B1.4, B1.8, B2.1, B2.3, C1.25, C1.5, C1.66, C1.67, C3.51, D6.1, E1.9, E2.2, E5.4, E6.2, F3.247, F9.1, G1.414, G1.7, X02, X03, X35.

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

The core area of the Chornomorsky biosphere reserve is located here for the last 90 years. That is the territory with the strictest protected regime according to the Ukrainian legislation on nature protection. In 1984 this reserve was the first one in the USSA to be protected by UNESCO. The protection regime of this area prohibits even visiting it by people (except for the reserve workers). Hundreds of thousands of water

birds come here from the northern and central Europe during the winter time. For instance, Gulf of Tendra is the wintering place for the two globally vulnerable species – *Aythya nyroca* and *Rufibrenta ruficollis*. These species are mentioned in the Red Data Book of Ukraine with the aim of protection them on these wintering places. The total number of populations of all wintering birds on this area is 450-700 thousands of individuals, belonging to 45 species. Moreover, many species protected by Bern Convention form here the biggest nesting colonies in the North Pontic Area, including the unique colony of *Pelecanus onocrotalus*.

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?

This territory is an area of the Emerald network in Ukraine - «Black Sea Biosphere Reserve» (UA0000017), Ramsar sites (YAGORLYTSKA BAY, TENDRIVSKA BAY). As a biosphere reserve the area designated in 1983 under the UNESCO «Man and Biosphere» program.

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

Mentioned military training qualifies as «Intentional destruction or damage of the territories under the protection of the state and objects of the nature reserve fund» according to Article 252 of the Criminal Code of Ukraine.

We have sent letters on this issue to the Prosecutor's office, and to the President of Ukraine (also he is the chief commander of the Armed Forces of Ukraine), but we have not yet received the answers.

The opportunities to solve this issue at the level of Ukraine, except for litigation, has ended.

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

Despite the media coverage of this topic and discussions within the specially created working group at the Ministry of Environment of Ukraine, on April 5, 2018 (at the beginning of the breeding season of birds), the Armed Forces of Ukraine conducted training in the strictly nature protected area of the Black Sea Biosphere Reserve. This is despite of the fact, that any stay on this territory of unauthorized persons, any activity and even flights over the territory below 2000 meters are prohibited. Mentioned military training caused a series of explosions on the territory of the reserve on areas, covered by natural habitats and birds colonies, the loud noise caused by the explosions has spread for many tens of kilometers and covered the entire territory of the reserve. Such activity qualifies as «Intentional destruction or damage of the territories under the protection of the state and objects of the nature reserve fund» according to Article 252 of the Criminal Code of Ukraine. The staff of the reserve found the locations of bombardments and drafted the act of detected damage, which allows to estimate damage to the soil, flora and fauna. The total amount of damage calculated by the state protection service of the reserve is equivalent to 400 000 EUR.

It should be noted, that in 2017, illegal military trainings was carried out twice in other parts of this reserve. We are afraid, that the described situation begins to enter into the shameful practice of conducting military trainings on the nature protected areas, and areas of the Emerald network also. We want to make it impossible to conduct military trainings on the nature protected areas in the future.