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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 Tarutino
(UA0000137) from cultivation developments
(Ukraine)**

- COMPLAINT FORM -

*Document prepared by
Vidrodzhennya, 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:.....Iryna
Surname(s):Vykhrystiuk
On behalf of (if applicable):..... NGO "Vidrodzhennya"
Address:.....Tymoshenko Str. 19
Town/City:.....Tatarbunary
County/State/Province:.....Odesa region
Postcode:.....68100
Country:.....Ukraine.
Tel.:.....+38 067 9564226
Fax:.....+38 0484431196
E-mail:..... csd_tat@i.ua
Web site:
Date : 27.09.2017

Electronic Signature



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

Cultivation of general endangered steppe ecosystem protected under the Ukrainian Law as landscape reserve and the Emerald Network, Tarutino Steppe.

The Tarutino Steppe has been since 2016 formally registered under the Emerald Network under number UA0000137, situated in Besarabia, in the western part of the Odesa region, Ukraine. The Tarutino Steppe was with reason registered under the Emerald Network as it is one of the last steppe territories of such size in South West Ukraine.

The territory is a part of the land reserve of Vesela Dolyna, Tarutino district, Odesa region.

Since autumn 2016 actions have been undertaken to cultivate the steppe, as it is very fertile black soil. An initiator is the Ministry of Defense, renting out the land to surrounding farms. However, according to the Ukrainian Law, they are not the owner as the territory as after the Soviet time the territory was never registered as Ukrainian army polygons. Therefore the territory was added to the local land reserve of Vesela Dolyna, with the status of grassland and under the policy of natural protected area with as a secondary use tourism development.

The territory brought into cultivation is classified as N09, forming originally 85% of the Tarutino steppe and classified as an international endangered ecosystem. Officially, according to the report of the Inspectorate of Ecology of Odesa Region, 904 ha is brought into cultivation, in reality over 1600 ha (see map under 6) and Sentinel images from spring 2016 and present). At least another 1000 ha is prepared to be cultivated later this year.

The Ministry of Ecology and Natural Resources of Ukraine, and the Department of Ecology and Natural Resources of the Odesa Regional State Administration are not taking appropriate action to stop and reverse the cultivation, however all involved organizations are informed by ECNC about the Ukrainian and Emerald status of the territory. Instead, the regional and National institutions are supportive of the Ministry of Defense suggesting the protected status could be taken away as being not valuable for nature.

The status of the reserve, without management, did not allow protection the territory of "Tarutynskyj Steppe" in 2016-2017. Neither the call on the international status. Therefore, at the end a complaint as the obligations of Ukraine under the Emerald network are set aside by them, within a year after agreement on the Ukrainian part.

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)

Ukraine, Odesa region, Tarutino district, coordinates of the center N 46 51 25 E 31 05 23

(numbers according to Resolution 6) Birds: A022 *Ixobrychus minutus*; A023 *Nycticorax nycticorax*; A027 *Egretta alba*; A029 *Ardea purpurea*; A030 *Ciconia nigra*; A031 *Ciconia ciconia*; A037 *Cygnus columbianus bewickii*; A038 *Cygnus cygnus*; A042 *Anser erythropus*; A073 *Milvus migrans*; A081 *Circus aeruginosus*; A082 *Circus cyaneus*; A083 – *Circus macrourus*; A084 *Circus pygargus*; A091 *Aquila chrysaetos*; A095 *Falco naumanni*; A097 *Falco vespertinus*; A103 *Falco peregrinus*; A122 *Crex crex*; A127 *Grus grus*; A129 *Otis tarda*; A131 *Himantopus himantopus*; A132 *Recurvirostra avosetta*; A133 *Burhinus oedicephalus*; A135 *Glareola pratincola*; A222 *Asio flammeus*; A231 *Coracias garrulus*; A242 *Melanocorypha calandra*; A255 *Anthus campestris*; A338 *Lanius collurio*; A339 *Lanius minor*; A397 *Tadorna ferruginea*; A403 *Buteo rufinus*; A515 *Glareola nordmanni*; amphibia: 1188 *Bombina orientalis*; 1220 *Emys orbicularis*; 1298 *Vipera ursinii*; mammals: 2608 *Spermophilus suslicus*.

Types of habitats (biotopes) from resolution 4 (1996): E1.2. Perennial calcareous grassland and basic; E2.25 Low and medium altitude hay meadows.

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

Negative impact in this stage is the reduction of steppe ecosystem. In further stage minimal areal for protected steppe species will be overgone and in latest stage the whole territory will be lost as steppe ecosystem.

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?

The territory is listed under the Emerald Network No. UA0000137.

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

The documents of the State Ecological Inspectorate in Odesa region indicate that 904 hectares are plowed in the landscape reserve of local significance, in fact more than 1600 hectares have been plowed up. (deny)

- August - October 2016, representatives of the local authorities applied to the State Environmental Inspectorate, the Department of Ecology, the police. It was adopted the corresponding decision of the session of the Tarutyno regional council and addressed to the President of Ukraine, the Ministry of Natural Resources and regional structures. Despite the appeals, the police sabotaged the investigations, the state eco-structure was idle. And at that time illegal agricultural work was carried out on the territory of the reserve.
- On November 21 and December 7, 2016, the working meetings of the Odesa Regional State Administration to study the situation and the restoration of the violated areas of the Tarutynskyj Steppe - no real action was taken. The plowing continued.
- On December 21, 2016, the decision of the Economic Court (the plaintiff - the International Charitable Organization "Ecology-Right-Man", the respondent - Bilgorod-Dnistrovsky apartment-operational part of the Ministry of Defense) on the prohibition of any agricultural works on the territory of the landscape reserve "Tarutynskyj Steppe", was not carried out.
- On December 26, 2016, the representative of the Ministry of Defense, Major-General Shevchuk O.N. with letter appealed to the Odesa Regional Council with a request to cancel the decision of the Odesa Regional Council from 26.04.2012 on the creation of a landscape reserve " Tarutynskyj Steppe".
- February - April 2017 - several meetings of the Working Group, set up under the Ministry of Natural Resources, did not yield real results
- In May 2017, the Ministry of Defense filed a lawsuit with the Administrative Court (defendant - Odesa Regional Council and the Department of Ecology of the Region) to cancel the decision of the Odesa Regional Council to create a landscape reserve of local significance "Tarutynskyj Steppe". As the third party in the case entered the National Natural Park "Tuzlovski Lymany", a public environmental organization "Vidrodzhennya", public organization "Green List" and the EPL. The trials are continuing. The next court session is scheduled for October 16, 2017.

In addition, applications were filed for a criminal offense in November-December 2016 from private persons and employees of the National Park. Many statements were ignored. Some were fixed and cases closed.

From the National Park "Tuzlovski Lymany" letters and complaints were sent regarding the situation in the reserve to the Ministry of Environment, the Cabinet of Ministers of Ukraine, the Prosecutor General's Office, the Verkhovna Rada of Ukraine (Ecology Committee).

The State Ecological Inspectorate of Odesa region made a calculation of damage to natural ecosystems, as a result of the Ministry's unauthorized actions.

A lot of meetings in the Ministry of Natural Resources and regional structures did not lead to real results - the Tarutino Steppe is under threat. The harvest grown on plowed virgin lands was gathered (not arrested!). Unlawfully made contracts by the Ministry of Defense unit from agricultural producers have not been abolished and are in force, which will necessarily lead to further losses of the virgin steppe.

The police sabotage the process and often act on the side of violators of the law.

The criminal case for compensation of damage from plowing should have been opened (no information)

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

The entire remaining steppe has an area of more than 10 thousand hectares, the landscape reserve of local significance "Tarutynskyj Steppe" - 5200 hectares, the object of the Emerald Network No.UA0000137 "Tarutynskyj Steppe" - 6176.00 ha.

The territory that was plowed is indicated on the map (in red) in the period August - December 2016). The area is more than 1500 hectares.

The part of the steppe (Emerald Network) is under threat - more than 4,500 hectares

All the remaining territories of the unique Steppe, which did not enter the Emerald Network, are also under threat.

The coordinates of the territory that was ruined by plowing (the central point of plowing) is N 46.15.30 E 29.26.18

The coordinates of the territory that is under threat (central point) - N 46.15.32 E 29.22.07

On request of the Ministry of Ecology under two EU programmes with a common value of 4 MEURO (2007-2009 and 2010-2013), support has been given to the Tarutino steppe by preparing the documentation and the the management plan and to raise the status of the territory.

The value of the Tarutino steppe was formulated and brought to the attention of all involved persons and state structures by our and other NGOs and by the ECNC. No official letters send to the ministers of Defence and Ecology and Governor of the Odessa Oblast were answered, also not the from the ECNC.

Scientists of Ukraine require the creation of the national park "Pearls of Bessarabia" in the Tarutino steppe. The increase of the protected status and the creation of a national park, which has a staff for the protection and management of the territory, will allow real preservation of the protected areas.

Bodies of local self-government and local authorities: Tarutino District State Administration, Tarutino District Council, Vesela Dolyna Village Council, on the lands of which the reserve is located, decided to create a national nature park. However, their opinion is being ignored by the state bodies of the Odesa region and the ministries, without showing any scientific and environmental arguments.

The sabotage of law enforcement agencies, the inactivity of the Ministry of Natural Resources and regional structures, endless litigation, during the cultivation of the natural ecosystem of the steppe, **forcing us to apply to the Bureau of the Berne Convention as the last instance to preserve the unique steppe landscapes of Europe from barbaric ruination.**

The map is presented below.

