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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 NGO

*Document prepared by
The Kiev Ecological & Cultural Center*

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рахунок 26007301901 в АК Промінвестбанк (ЗАТ) м. Кисва, МФО 300012, ЗКПО 24363925

№ _____

від _____

August 12, 2011

Dear Ms d'Alessandro,

We have to write to you in connection with a flagrant breach by Ukraine of the 1979 international Convention of the Conservation of European Wildlife and Natural Habitats (the Bern Convention), which was ratified by Ukraine in 1996. This Convention is being flagrantly breached with regard to the protection of wolves.

Pursuant to the Convention, the wolf (*Canis lupus*) is a strictly protected species (as it is included in Appendix II). It is prohibited to hunt or otherwise kill it (Article 6 of the Convention). Pursuant to Law of Ukraine (dated October 29, 1996) "On the Accession of Ukraine to the 1979 Convention of the Conservation of European Wildlife and Natural Habitats," Ukraine ratified the Convention with a reservation (being entitled to do so under the Convention) with regard to the wolf, the reservation consisting in that in Ukraine, the number of wolves will be allowed "to be selectively regulated, to a limited extent, under appropriate supervision." In reality, however, this is not observed. In Ukraine, widespread killing of wolves continues under the pretext that it is a "harmful" animal. The Law of Ukraine "On the Hunting Industry and Hunting" (adopted in 2000) flagrantly breaches the Convention as well as the Law of Ukraine on its ratification. Article 33 of the said Law of Ukraine classifies the wolf among harmful predators which are allowed to be killed in the territory of Ukraine at any time of the year, even in spring, and in any numbers, when hunting other animals. Moreover, pursuant to the above Article, the shooting of wolves is an official duty of hunting industry employees; this Law even provides for cash bonuses for the killing of wolves. As a result, according to official data from the State Forestry Agency of Ukraine, up to 50 % of the wolves still living in the country are killed each year, i.e. as many as 1,000 – 1,300 animals, the officially recognized number of wolves in Ukraine being 2,300 – 2,600.

Article 33. The shooting and capturing of preying and harmful animals, killing of hunting animals for scientific purposes, and resettlement to new habitats

The shooting and capturing of wolves (...) shall be performed by hunters when hunting other species of hunting animals.

(...) 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 basis and establish appropriate bonuses (privileges) for them.

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 the year.

(In Ukrainian, the Law is available at: <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?page=2&nreg=1478-14>)

Article 6 of the Convention prohibits trade in and possession of wolf skins; in Ukraine, however, this prohibition is not incorporated in any way in the national legislation and so wolf skins are on sale at different marketplaces in Ukrainian cities. Thus, dozens of wolf skins and stuffed wolves are on sale at the Kurenivsky Marketplace in Kyiv each day, being offered for a price of 500 – 1,000 US dollars. We have repeatedly addressed the Government of Ukraine and the President of Ukraine in connection with these violations; but we always received from them replies of a non-committal nature. And so, Ukraine deceives the Council of Europe and the Secretariat of the Bern Convention as well as the whole world community, performing widespread illegal killing of wolves during all the 15 years after its ratification of the Convention.

In view of the above, we kindly ask you to demand from the Government of Ukraine that the legislation of Ukraine be brought in compliance with the requirements of the Bern Convention with regard to the wolf by removing the provisions concerning the payment of cash bonuses for the shooting of wolves as well as those legitimizing the killing of wolves by hunters throughout the whole year and by prohibiting trade in wolf skins and stuffed wolves.

Yours sincerely,

Vladimir Boreiko,

Director of the Kiev (Kyiv) Environmental and Cultural Center

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№ _____

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June 2012

To the Chairman of the Bureau of the Standing Committee of the Bern Convention

Dear Mr. Chairman,

Please allow me to address you for a third time with a complaint regarding the failure of the Government of Ukraine to comply with the provisions of the Bern Convention in relation to the wolf. The main points are as follows.

1. The wolf is included in Appendix II to the Bern Convention; i.e. it is one of the protected species in relation to which, pursuant to Article 6 of the Convention, each Contracting Party must “take appropriate and necessary legislative and administrative measures to ensure [its] special protection.”

2. Pursuant to Article 9 of the Bern Convention, each Party may make exceptions in respect of some species specified in Appendix II, so that the taking or shooting of representatives of such a species will be allowed “provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned,” “to permit, under strictly supervised conditions, on a selective basis and to a limited extent, the taking, keeping or other judicious exploitation of certain wild animals and plants in small numbers.”

3. Pursuant to the Law of Ukraine “On the Accession of Ukraine to the 1979 Convention on the Conservation of European Wildlife and Natural Habitats” dated October 29, 1996 (No. 436/96-VR), the wolf is recognized as one of such species.

That is, pursuant to Articles 6 and 9 of the Bern Convention as well as to the above Law of Ukraine, the wolf is a protected species in the territory of Ukraine, but its taking (shooting) in small quantities is allowed “under strictly supervised conditions, on a selective basis and to a limited extent”.

Now let us take a look at how these conditions are observed in Ukraine in reality.

A. Pursuant to Article 33 of the Law of Ukraine “On the Hunting Industry and Hunting” (No. 1478-III, adopted on February 22, 2000), the wolf is included, along with the hooded crow, the rook, stray dogs and some other widespread animals, in a list of “vermin (“harmful”) and rapacious animals” – and Article 33 itself is entitled “The shooting and catching of rapacious and vermin animals, the taking of hunted animals for scientific purposes, and resettlement to new habitats.” That Article applies to the wolf not only the term “rapacious,” but the term “vermin” as well, which in our view is clearly not in line with the status of the wolf as a species protected under the Bern Convention. Part

four of that Article says: “The taking of wolves from the wild ... shall be among the official duties of employees authorized to protect hunting grounds and shall be performed without any special permit thereto throughout the year”.

As we can see, Article 33 of that Law runs counter to the provisions of Article 9 of the Bern Convention, pursuant to which the taking of animals included in Appendix II to the Convention that are subject to exceptions must be performed under strictly supervised conditions and on a selective basis. Furthermore, we can see that employees authorized to protect hunting grounds are allowed, under Ukrainian legislation, to “take” (shoot) wolves without any permits, which in its turn rules out not only strict supervision of their actions, but any sort of supervision at all – and this is also at odds with Article 9 of the Bern Convention. Moreover, Article 33 of the Law of Ukraine “On the Hunting Industry and Hunting” provides for no restrictions whatsoever on the number of wolves that can be shot by employees authorized to protect hunting grounds; i.e. in principle they can shoot any number of wolves, which is also at odds with Article 9 of the Bern Convention.

B. According to official letter from the State Forestry Agency of Ukraine (No. 03-16/1929-12, dated April 14, 2012), signed by Deputy Chair of that Agency I. Shyshov, “50 percent of the number of wolves is taken” in Ukraine, i.e. 50 percent of the natural population is shot annually. This is another gross breach of the Bern Convention, pursuant to which the taking of animals included in Appendix II to the Convention that are subject to exceptions must be performed “under strictly supervised conditions and on a selective basis.” This might be 10% or 20% of the natural population of wolves, but surely not half of the entire population of wolves in Ukraine. Such a mass shooting performed annually is likely to have a serious negative genetic impact on the Ukrainian wolves, as well as inflicting damage on the social, sexual, and age structure of Ukrainian wolves’ packs, and is eventually bound to lead to negative consequences for the existence of an adequate population of wolves in Ukraine.

C. On July 18, 2007, the Ministry for Environmental Protection of Ukraine and the State Forestry Committee approved Order No. 332/262 establishing rates of fines for illegal shooting of hunted animals. The wolf, however, is not mentioned in that document – and this is conducive to illegal hunting of wolves, since poachers do not have to compensate for the damage caused by illegal killing of a wolf. This document is at odds with Article 6 of the Bern Convention, pursuant to which the Contracting Parties are entitled to “take appropriate and necessary legislative and administrative measures to ensure the special protection” of species protected under the Bern Convention. Inasmuch as in Ukraine the wolf is officially classified as a “vermin” species, its illegal shooting within hunting grounds does not lead to any punishment for the perpetrator, since no rates of fines for the illegal shooting of a wolf have been established so far.

In view of the above, I kindly ask you to re-consider my complaint against the Government of Ukraine in relation to its treatment of the wolf at a meeting of the Bureau of the Standing Committee of the Bern Convention and take appropriate measures to ensure Ukraine’s compliance with all of the provisions of the Bern Convention in respect of the wolf.

Yours sincerely,

Vladimir Boreiko,
Honored Protector of Nature of Ukraine,
Director of the Kyiv Environmental and Cultural Center

Kyiv, June 15, 2012