

Analytical sheet on the destruction of nature reserves within the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol

Provided by the Mission of the President of Ukraine in the ARC

On 4 June 2014 the so-called “Council of Ministers of Crimea” with its Resolution no. 464-r illegally transferred the Crimean Nature Reserve to the Directorate of the President of the Russian Federation for free use. As of October 2014 the Crimean Nature Reserve has been under illegal control of the so-called federal state budget institution “Kompleks Krym” (Crimea Complex). Following the Russian government’s Resolution no. 1091 of 13 September 2018 “On Establishing Protected Nature Reserves of Federal Importance in the Republic of Crimea”, the Crimean National Park (34,563.5 hectares) was illegally established on the grounds of the Crimean Nature Reserve, while the Crimean Nature Reserve’s Ornithological Branch named Swan Islands was separated from the Crimean Reserve, with the Swan Islands Nature Reserve illegally established there. The illegal downgrading of the Crimean Nature Reserve’s status to national park could have devastating consequences for its operation, since Russian legislation, as opposed to nature reserves, allows business and recreational activities in national parks, which seriously hinders efforts aimed at the preservation of protected mountain forests and local flora and fauna.

Order of the Directorate of the President of the Russian Federation no. 422 of 13 November 2019 “On Adopting Regulations for the National Park”¹ approved zoning plans for the territory of the “Crimean National Park”. The plans had the Crimean Nature Reserve illegally divided into four functional zones: the reserve, a zone with a special protection regime, a recreational zone and a business zone. Within the recreational zone the order allows placing tourism infrastructure and museums, accumulating waste, holding sporting events, hunting, etc. These actions violate Article 16 of the Law of Ukraine “On the Nature Reserve Fund of Ukraine” which prohibits any economic and other activities in a nature reserve that are contrary to the reserve’s intended purpose, disrupt the natural flow of processes and phenomena there or may have negative effects on its natural complexes and objects, including such activities as hunting, fishing, construction, etc.

The Russian government’s Resolution no. 1091 of 13 September 2018 “On Establishing Protected Nature Reserves of Federal Importance in the Republic of Crimea” illegally granted the “federal” status to the Yalta Mountain and Forest Nature Reserve. A year prior to that, Order of the so-called “Council of Ministers of the Republic of Crimea” no. 450-r of 27 April 2018 reduced the reserve’s area to 14,459.5783 hectares. According to the Order of the Ministry of Ecology and Natural Resources of Ukraine no. 255 of 18 December 2000 which approved Regulations on the Yalta Mountain and Forest Nature Reserve, the reserve’s area is 14,523.00 hectares. Thus, Russia’s occupying authorities in the temporarily occupied

¹ <https://rulaws.ru/president/Prikaz-Upravleniya-delami-Prezidenta-RF-ot-13.11.2019-N-442/>

Autonomous Republic of Crimea illegally removed about 63.5 hectares from the territory of the Yalta Mountain and Forest Nature Reserve.

In 2020 the occupying authorities established another entity within the Yalta Mountain and Forest Nature Reserve - the federal state budget institution United Directorate of Specially Protected Nature Areas “Zapovednyi Krym”. It was created on 30 November 2019 by Order no. 2874-r of Russia’s Cabinet of Ministers to protect nature reserve fund entities that were illegally granted the “federal” status, namely the Opuk, Kazantyp and Yalta mountain and forest reserves; the Ornithological Branch of the Crimean Nature Reserve “Swan Islands”; and the reserves Karkinitsky and Lesser Phyllophora Field. Put in charge of the institution was Andrey Borodin, born 1973. The institution was registered and began operating on 10 March 2020.

On 4 August 2015, with its Order no. 679-r, the so-called “Council of Ministers of the Republic of Crimea” illegally changed the status of the Cape Martyan National Nature Reserve to nature park of regional importance. These actions by Russia’s occupying administration in the occupied Crimea will have major negative consequences for the nature reserve, since unlike with the latter, Russian law, which is currently in effect in the occupied Crimea, provides no proper guarantees and mechanisms for the preservation of the unique local flora and fauna, allowing cultural and sporting events, tourism and other such activities in nature parks.

The Opuk Nature Reserve was established in 1998 by Decree of the President of Ukraine no. 459/98 of 12 May 1998. It’s located on the southern coast of the Kerch Peninsula and covers 1592.3 hectares, including 62 hectares of the Black Sea along with the Skeli-Korabli (Ship Rocks) Isles. Among the biggest threats to the Opuk Nature Reserve right now is that 580 of its 1592.3 hectares are currently occupied by the proving grounds of the 810th Marine Brigade of Russia’s Black Sea Fleet based in Kozacha Bay, Sevastopol. Furthermore, 3 kilometers west of the cape lie the Opuk proving grounds of Ukraine’s Air Defense Forces which have been in use by Russian troops since the beginning of the occupation. There’s also the proving grounds no. 31 belonging to the Test Center of Russia’s Ministry of Defense which cover the area between Cape Chauda and Cape Opuk as well as a large marine area, including the Skeli-Korabli Isles natural monument.

Based on the information published on the official website of Russia’s Ministry of Defense (<http://mil.ru>), at least 89 instances of shooting drills, bombings and missile launches were conducted as part of military exercises and maneuvers of Russian troops in 2014-2019 on the proving grounds near the Opuk Nature Reserve. In addition to Russia’s Black Sea Fleet forces, the exercises involved units of the 4th Army of the Air Force and Air Defense of Russia’s Southern Military District, the Military Space Force of the Southern Military District, the Novorossiysk Paratrooper Division, the Kamyshynsk and Ulan-Ude separate airborne brigades as well as units of the Caspian Flotilla and the Air Force of Russia’s Western Military District.

Article 16 of the Law of Ukraine “On the Nature Reserve Fund of Ukraine” prohibits any economic and other activities that go against the reserve’s designated purpose, disrupt the

natural development of processes and phenomena there or pose a threat to its natural complexes and objects. The conduct of military exercises by Russian troops on the proving grounds located within the Opuk Nature Reserve or in its immediate vicinity threatens the reserve's unique flora and fauna.

In addition, illegal extraction of natural resources is taking place in the occupied Crimea. The Mission found out from public sources about illegal sand mining on the territory of a nature reserve fund entity, specifically the Bakalska Kosa landscape park. See the link for details: <https://investigator.org.ua/ua/publication/225626/>.

The Mission also learned from public sources about large-scale felling of trees put on Ukraine's Red List of Threatened Species near Sevastopol during the unauthorized building of the road Kerch-Simferopol-Sevastopol (R260 Tavryda): <https://primechaniya.ru/sevastopol/stati/naperekor-zakonu-kak-chinovniki-raspravlyayutsya-s-krasnoknizhnymi-derevyami>. Sections 7 and 8 of the Tavryda motorway near Sevastopol pass through forest (Mekenziiyev Forestry) and mountainous terrain. In total, about 110,000 trees were cut down for these purposes, including Crimean pine trees and junipers. These are most likely *Juniperus excelsa* and *Pinus stankewiczii*, which are on Ukraine's Red List. In accordance with Ukrainian Law "On the Red List of Ukraine", those responsible for illegal destruction of species from the Red List are subject to prosecution under the law.

The complex natural monument of local significance "Meganom Peninsula", established in accordance with the resolution of the Verkhovna Rada of the Autonomous Republic of Crimea №708-5 / 07 from December 19, 2007, is under threat of destruction. In 2017, by order of the so-called "Ministry of Ecology and Natural Resources of the Republic of Crimea" from January 26 №104 "On approval of passports of natural monuments of regional significance" natural monument "Meganom Peninsula" is indicated without a protection zone. On May 21, 2020, the so-called «Sudak City Council» has decided to illegally transfer several plots of land located in the protected area of the Meganom Peninsula to the Federal Agency for State Property Management of the Russian Federation for the construction of the Tavrida Art Residence. Plots of land on the public cadastral map of the Russian Federation have codes: 90: 23: 000000: 961; 90: 23: 000000: 962; 90: 23: 082001: 1; 90: 23: 082001: 2. The illegal construction of the Tavrida Art Residence will have a significant negative impact on the fauna and flora of the Meganom. In particular, at least 10 species of rare birds inhabit the area of Cape Meganom, 13 species of birds and 14 species of plants are included to the Red Book of Ukraine, one species of birds (Black Kite) is included in the European Red List of Animals and Plants. According to the Art. 252 of the Criminal Code of Ukraine: "Intentional destruction or damage of territories taken under state protection and objects of nature reserve fund is punishable by a fine of one hundred to two hundred non-taxable minimum incomes or restriction of liberty for up to three years."

Information on illegal change of status and destruction of nature reserve facilities was collected by the Mission and provided to the Prosecutor's Office of the Autonomous Republic of Crimea and the city of Sevastopol

At the initiative of the Mission of the President of Ukraine in the Autonomous Republic of Crimea, the Prosecutor's Office of the Autonomous Republic of Crimea and Sevastopol initiated a number of criminal proceedings regarding destruction of the: Crimean Nature Reserve, the ornithological branch of the Crimean Nature Reserve "Swan Islands", Yalta Mountain and Forest Nature Reserve, the National Nature Reserve "Cape Martyan", Opuk Nature Reserve; "Meganom Peninsula" etc.

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