

Follow Up to Ramsar Advisory Mission 53

Danube Delta / Kyliiske Mouth Ramsar Site, Ukraine

Mission of 26-29 April 2005

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Introduction

1. A joint UNESCO (Man and the Biosphere Programme) and Ramsar Convention mission visited Ukraine on 27-31 October 2003 in order to examine different choices to re-establish a navigable waterway through the Ukrainian part of the Transboundary Danube Delta Biosphere Reserve and Ramsar Site¹. In its report (available at www.ramsar.org/ram/ram_rpt_53e.htm), the mission reflected on issues concerning navigation *vs.* biodiversity and delta dynamics, the need for compensation of ecological damage, and the need for transboundary cooperation.
2. The mission urged that a comprehensive environmental impact assessment be undertaken, comparing the three remaining choices for deep water navigation waterways and covering not only socio-economic, navigation and geo-morphological aspects, but also those related to biodiversity (notably species and natural habitats). The mission stated the importance of restricting human impacts to an absolute minimum and of compensating for unavoidable damage. It stated that ecological measures need to be planned and executed in parallel with the planning for the construction of a waterway. Their success, in terms of the protection of indicator species and natural habitats and processes, needs to be monitored. Additional measures to improve the functioning of the Danube Biosphere Reserve need to be undertaken, notably to define its zonation according to the MAB guidelines, to prepare and implement an integrated management plan, to monitor key ecological indicators of the reserve, and to develop its visitor and tourist infrastructure in the context of the local socio-economic development of Vilkovo.
3. However, unaware of these proposals, the Ukrainian investment feasibility study for different choices for the construction of a deep water navigation waterway concluded on 13 October 2003, by decree N° 508 of the Cabinet of Ministers, in favour of a waterway

¹ Two adjacent Ramsar Sites cover the main part of the Danube Delta: N°113 **Kyliiske Mouth** in Ukraine and N°521 **Danube Delta** in Romania. Four additional Ramsar Sites are linked with the Delta, situated along the Danube in ascending order: N°760 **Kugurlui Lake** and N°761 **Kartal Lake** in Ukraine, N°1029 **Lower Prut Lakes** in the Republic of Moldova, and N°1074 **Small Island of Braila** in Romania. Further Ramsar Site designations are in preparation.

through the Bystre or Bystroye mouth of the Danube (named “choice A” in the Ramsar Advisory Mission report N° 53).

Phase I of the re-establishment of the Danube-Black Sea deep water navigation waterway

4. Following the recommendations of the Ramsar-UNESCO mission in October 2003, a renewed and increased expert examination procedure was undertaken, and Ukraine made available additional information on possible environmental impacts. However, this information did not include a comparative *ex ante* environmental impact assessment of the different choices for the waterway discussed earlier.
5. On 12 February 2004, by Presidential decree N° 117, the Bystre arm of the Danube river was reclassified into the “anthropogenic landscape” zone of the Biosphere Reserve, thus removing a formal obstacle to start works to open the deep water navigation way. The Cabinet of Ministers approved this by decree N° 283 on 12 May 2004, when the dredging and construction works for the waterway through the Bystre mouth started.
6. This triggered much international concern, including a letter by the Secretary General of the Ramsar Convention to the Ukrainian President (on 3 May 2004), correspondence with the European Commission, and an on-the-spot appraisal on 22-24 July 2004 by the Council of Europe, administering the Bern Convention on the Conservation of European Wildlife and Natural Habitats.
7. The major construction works of Phase I, including the opening of the Bystre mouth to the Black Sea (for a vessel draught of 7.2 m), the construction of a stone wall about 2 km seaward of the estuary (to divert sediment-carrying marine currents), and dredging in the Bystre and Starostambulske arms started on 11 May 2004, during the bird breeding season. Reports by the Biosphere Reserve authority show that this caused the abandonment of breeding colonies of threatened bird species. No detailed information on possible influences on fish spawning and migration and on fish catch by local fishermen has been made available so far. Deep water navigation through the Bystre mouth was formally opened on 25 August 2004.
8. On 21 September 2004, the Romanian Minister of Foreign Affairs and the Ramsar Secretary General invited Ukrainian and Romanian experts and the international organisations concerned, notably the International Commission for the Protection of the Danube River (ICPDR), the European Commission, the secretariats of the Ramsar Convention, the Bern Convention (Council of Europe), the Aarhus and Espoo (EIA) Conventions (UN-ECE), UNESCO (MAB and World Heritage Convention), the World Conservation Union (IUCN), the World Wide Fund for Nature (WWF) and the Centre for International Environmental Law to an emergency *ad hoc* meeting in the offices of the United Nations Environment Programme in Geneva. The meeting was chaired by the executive secretary of **ICPDR**. It was the occasion to distribute additional Ukrainian information on environmental impacts and facilitate bilateral contacts between Ukraine and Romania. The participants concluded that an international expert team, led by the **European Commission**, should visit Ukraine on 6-8 October 2004. The report of this visit, its annexes and recommendations are available at:
http://europa.eu.int/comm/environment/enlarg/bystroe_project_en.htm.

9. During its 2nd meeting of the Parties on 25-27 May 2005, the UN-ECE **Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters** (Aarhus, 1998) adopted Decision II/5b, endorsing the findings of its Compliance Committee that Ukraine failed to provide for public participation of the kind required by article 6 of the Convention, that Ukraine failed to provide information by the responsible public authorities according to article 4 of the Convention, and that Ukraine failed to provide a clear, transparent and consistent framework for the implementation of the Convention according to article 3 of the Convention. For details cf. www.unece.org/env/pp/mop2.htm.
10. The UN-ECE **Convention on Environmental Impact Assessment in a Transboundary Context** (Espoo, 1991) established an Inquiry Commission (as outlined in its Appendix IV) to assess the extent of transboundary environmental impacts caused by the opening of the Bystre deep water navigation waterway. The commission met on 26 January and 24 February 2005 and was expected to make a field visit on 10-16 April, then to meet and decide on its final opinion on 13 May 2005. So far this programme has had to be postponed, however, due to the lack of support by the Ukrainian authorities.
11. The **MAB International Coordinating Council**, during its 18th session at the UNESCO headquarters in Paris on 25-29 October 2004, formally replied to the unilateral change of the zonation of the Biosphere Reserve proposed by Ukraine, and requested Ukraine to provide the official version of the zonation, together with the results of the Environmental Impact Assessment of Phase II of the project, for a decision in relation to the international Biosphere Reserve criteria (the text is part of the report of the 18th session, available at: www.unesco.org/mab/mabicc/2004/eng/IccRept_eng.pdf).
12. On 3 December 2004, the Standing Committee of the **Convention on the Conservation of European Wildlife and Natural Habitats** (Berne, 1979) adopted Recommendation N° 111 on the proposed navigable waterway through the Bystroe estuary, making a number of specific recommendations to Ukraine and also to Romania and the Republic of Moldova (available on the website of the Council of Europe www.coe.int).
13. On 28 January 2005, the *ad hoc* group of international organisations (established during the meeting in Geneva of 21 September 2004) was informed about Ukraine's wish to organise an international conference on the conservation and sustainable development of the Danube Delta. A preparatory meeting for this conference was held in Kyiv on 15 March 2005 between the Ukrainian authorities and the international organisations. It concluded that two workshops should be convened prior to the conference, scheduled for 5-9 September 2005 in Odesa. The first one was to focus on the monitoring programme and its results of Phase I of the re-establishment of a deep water navigation way through the Bystre mouth, and the second one on the results of the environmental impact assessment studies to be prepared before starting Phase II of the deep water navigation waterway works.

International seminar on the monitoring of environmental impacts of Phase I

14. The Ukrainian Ministries of Foreign Affairs, Natural Environment Protection, and Transport and Communication hosted an international seminar in Odesa on 27-28 April 2005, chaired by V. Ermakov, head of the department for environmental safety of the Ministry of Environment. This seminar brought together about fifty specialists from Ukraine and other countries, including an important Romanian delegation and experts representing the international organisations involved. In addition to a Resolution prepared by a smaller group after the seminar, its main outcomes are detailed below.
15. On 27 April, oral presentations were delivered on a number of topics, covering monitoring programmes on hydro-morphological aspects, microelements and phosphorus in sediments, monitoring programmes focusing on the Kylia arm of the Danube river and on the Romanian part of the delta and the entire delta. Specific presentations covered the works undertaken during Phase I of the reopening of the deep water navigation way, Ukraine's national policy for the implementation of the Seville Strategy for Biosphere Reserves, and the Ramsar Convention guidelines, referring to the Ramsar Handbooks accessible at www.ramsar.org/lib/lib_handbooks_e.htm.
16. The only written reports distributed were those on the "revival of Danube-Black Sea deep-water navigational channel on Ukrainian part of delta" by the Ministry of Transport and Communication, the "conclusions of the integrated program of ecological monitoring", and a report on "microelements and forms of phosphorus in sediments of the Ukrainian part of Danube Delta" by experts from Geneva University (Switzerland) working with the Institute of Biology of Southern Seas in Odesa.
17. Many of the reports presented the monitoring approach and methodology, but still very few detailed results. The Ramsar Convention representative deplored the absence of biodiversity information, notably on indicator species and habitats. However, the Romanian Biosphere Reserve authority presented the results of the 2004 monitoring programme on the distribution of waterbird breeding colonies, covering the entire delta, including its Ukrainian part. This was an important first contribution to fill this gap. No detailed results on monitoring of fish populations and fisheries were presented yet. The participants recognized that the monitoring programme was still at its early stages and needed to continue in a regular manner in order to provide conclusive results, including on biodiversity indicators.
18. The major result of the seminar was the demonstrated will by both countries, Ukraine and Romania, to prevent environmental degradation of the Danube Delta, to develop and implement jointly a monitoring programme for the entire delta, and to establish a coordination committee to this end. It was suggested that this committee should benefit from advice by international experts, and that European Union environmental policy and financial instruments should be considered, in the light of Romania's anticipated accession to the EU.

Visit to Vilkovo and downstream to the Bystre estuary

19. The seminar in Odesa (Hotel Morskoy) was followed by a field visit on 28 April 2005 by coach to Vilково, and from there by tourist ship to the Bystre mouth at the Black Sea. In Vilково, the participants visited the renovated navigation control centre and received first-hand explanations of the modern survey equipment in use and the ongoing works to install a wide-range coastal navigation survey radar. They were told that 446 vessels had used the newly established waterway so far, i.e. during the first eight months since its opening in August 2004. The navigation control centre was surveying two waterways linking the Black Sea with Vilково, using the Bystre branch and the Prorva channel, the hitherto used waterway (named “choice B” in the Ramsar Advisory Mission report N° 53).
20. During the field visit, high spring water levels prevailed in the Danube Delta. The opening of the Bystre river arm to the Black Sea was still effective, although only at a permitted maximum vessel draught of 3.8m, due to important sediment deposits since the original dredging works. This corresponded about to the depth of the Prorva channel. The dredging and construction equipment used by the German company Josef Möbius, establishing the Bystre navigation waterway in 2004, had been removed. One Ukrainian dredger (the vessel “Prorvin”) remained anchored in the Starostambulske river arm (linking Vilково with the Bystre branch). The visitors were told that dredging was temporarily stopped in order not to harm fish spawning activities, and that the need for regular dredging in the highly dynamic river arms was estimated to be in the order of at least five months per year.

Conclusion and outlook

21. The requests formulated by the joint UNESCO-Ramsar mission in October 2003 have so far only been addressed in part by Ukraine. Furthermore, since the start of the works for Phase I in May 2004, a number of international conventions have formally expressed their concern or launched specific compliance procedures (cf. above). The timely completion of such procedures remains therefore an international priority. In addition, Ukraine is requested to provide missing information, including a detailed status report on the extent and advancement of Phase I and II and the results of the EIA for Phase II. The latter is a prerequisite to holding the second seminar, foreseen to take place prior to a possible international conference.
22. The international institutions consider that the environmental impacts of navigation through the Danube Delta are of strategic international importance. They need therefore to be addressed in cooperation with all parties involved. In the first place, reinforced bilateral, transboundary cooperation is crucial, in particular between the reserve management authorities in Vilково and Tulcea. It is essential that Ukraine and Romania confirm their commitment to conserve the biological and hydrological functions and values of the delta, and that they are willing to use the delta’s resources in a sustainable way.

Acknowledgements

23. The Ramsar Convention Secretariat thanks the Ukrainian authorities for the invitation and hospitality during this seminar and its field visit, their openness to discuss the different issues at debate and their willingness to continue to work with the Romanian counterparts and to take advice from the international organisations.