

## Annex 1: Timeline of events relevant for the Bystroye Canal project

Updated: December 2009

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**10 July 2003:** Anatoliy Gritsenko, Ukrainian Deputy Minister of Ecology and Natural Resources, approves the state environmental assessment for the Bystroye canal (Conclusion N105), which was started in 2002. The EIA procedure was not made public.

**13 October 2003:** The [Ukrainian investment feasibility study](#)<sup>1</sup> on alternatives for the canal decides in favour of a canal through the Bystroye arm, as concluded by decree N° 598 of the Cabinet of Ministers.

**27-31 October 2003:** [A joint UNESCO \(Man and the Biosphere Programme\) and Ramsar Convention mission](#)<sup>2</sup> is sent to the Delta to examine the canal project in detail. Based on three alternatives examined by the mission, it was determined that the Bystroye canal option represents the worst solution because damage to the environment would be unacceptably high, and the high costs of the required level of ecological compensation measures would outweigh the benefits of shipping.

**12 February 2004:** The Bystroye arm is reclassified into the “anthropogenic landscape” zone of the Biosphere Reserve by Ukraine Presidential decree N° 117, thus removing a formal obstacle to start works on the canal. The Cabinet of Ministers approve this by decree N° 283 on 12 May 2004, when the dredging and construction works for the waterway start.

**26 May 2004:** The Government of Romania makes its first submission to the Espoo Convention Implementation Committee expressing concerns about Ukraine’s compliance with its obligations under the Convention with respect to the construction of the Bystroye canal. On 19 August 2004, Romania requests the establishment of an Inquiry Commission into the Bystroye canal under the Convention.

**16 July 2004:** Representatives of the Ukrainian Biosphere Reserve and three other organisations document the death of tern colonies (Sandwich tern – *Sterna sandvicensis*, Common tern – *Sterna hirundo*) that nested at the Ptichya (“bird”) spit near the mouth of Bystroye.

**25 August 2004:** Ukrainian President Leonid Kuchma formally opens the Bystroye canal to deep water navigation after the completion of Phase 1.

**25-29 October 2004:** The UNESCO MAB International Coordinating Council criticizes the Ukraine for its unilateral revision of the zonation of the Biosphere Reserve during its 18<sup>th</sup> Session ([see paragraphs 105-109 of the report](#)<sup>3</sup>).

**End October 2004:** The EIA for Phase 1 is finally made available by the Ukrainian government to the public due to pressure from a European Commission visit earlier in the month. At this time most of the construction works for Phase 1 have already been completed.

**17 November 2004:** Based on the [findings of the European Commission visit to the delta](#)<sup>4</sup> from 6-8 October 2004, the Expert Team calls upon Ukraine to stop the further works on the navigation route until a monitoring programme reveals more details on the potential ecological effects. Moreover, the Expert Team states that the information policy for Phase I of the project was inadequate and the decision-making opaque.

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<sup>1</sup> [http://www.delta-pilot.ua/index.php?mode=danube\\_docs&atach=384](http://www.delta-pilot.ua/index.php?mode=danube_docs&atach=384)

<sup>2</sup> [http://www.ramsar.org/ram/ram\\_rpt\\_53e.htm](http://www.ramsar.org/ram/ram_rpt_53e.htm)

<sup>3</sup> [http://www.unesco.org/mab/doc/icc/2004/IccRept\\_eng.pdf](http://www.unesco.org/mab/doc/icc/2004/IccRept_eng.pdf)

<sup>4</sup> [http://ec.europa.eu/environment/enlarg/bystroe\\_docs/bystroe\\_joint\\_mission\\_report.pdf](http://ec.europa.eu/environment/enlarg/bystroe_docs/bystroe_joint_mission_report.pdf)

**03 December 2004:** The Standing Committee of the Bern Convention adopts [Recommendation No.111](#)<sup>5</sup> stating that the Ukraine has failed to fully comply with the terms of the Convention due to the construction of the canal. The Committee also asks Ukraine to suspend works and not to proceed with Phase 2 until certain conditions are met.

**13 April 2005:** Dredging resumes to “finalise Phase 1”; the branch already silted up over the winter since works stopped in August 2004.

**27 May 2005:** During its 2nd meeting of the Parties, Member Parties of the Aarhus Convention adopt political sanctions ([Decision II/5b](#))<sup>6</sup> against the Ukraine, stating that the decision-making process of the canal construction violates the most important points of the Convention on access to information and public participation.

**07 June 2005:** The Ukrainian Minister of Environment Pavel Ignatenko announces the temporary halt of the canal’s construction as a response to NGO complaints that the dredging permit was issued by the Ministry during the fish spawning season.

**September 2005:** Ukraine formally submits a request to the European Commission to consider the Bystroye canal project as a priority under the EU’s Trans-European Network for Transportation (TEN-T) programme. To date, this request has not been approved.

**27-28 February 2006:** The “[Conference on the Conservation and Sustainable Development of the Danube Delta](#)”<sup>7</sup> is held in Odessa to launch a sustainable, transboundary vision for the Danube Delta. In addition to the governments of Moldova, Romania and Ukraine, the conference was supported by the UNEP, Ramsar Convention, ICPDR, UNESCO and WWF.

**24 April 2006:** Olya Melen of the Ukrainian NGO [Environment People Law](#)<sup>8</sup> is awarded the internationally distinguished [Goldman Environmental Prize](#)<sup>9</sup> for her work on the fight against the Bystroye canal.

**10 July 2006:** The Espoo Convention Inquiry Commission unanimously concludes that the construction of the canal is likely to have [significant adverse transboundary impacts](#)<sup>10</sup>.

**November 2006:** Ukraine resumes work on the canal since it was halted in June 2005, claiming again maintenance works under Phase 1.

**02 May 2007:** According to a press release by the Ministry of Transport and Communications of Ukraine, the canal again officially opens to ships after the completion of dredging works that started in November 2006.

**18 June 2007:** A public hearing on the canal project is held in Vilkovo, Ukraine where NGOs voice their concern of the project. A similar meeting is held in Tulcea, Romania, on 18 July 2007. These public meetings are organised four years after the EIA was approved by the Ukrainian government.

**December 2007:** ICPDR adopts the [Joint Statement on Inland Navigation and Environmental Protection](#)<sup>11</sup>, which outlines criteria and principles for sustainable development of navigation projects in the Danube River Basin. The Ukrainian Ministry of Transport and Communications, the Ukrainian Ministry of Foreign Affairs / Department of Economic Cooperation, and Delta Lotsman all participated in making these guidelines.

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<sup>5</sup> [http://www.coe.int/t/dg4/cultureheritage/conventions/bern/Recommendations/Rec111\\_2004\\_en.pdf](http://www.coe.int/t/dg4/cultureheritage/conventions/bern/Recommendations/Rec111_2004_en.pdf)

<sup>6</sup> <http://www.unece.org/env/documents/2005/pp/ece/ece.mp.pp.2005.2.add.8.e.pdf>

<sup>7</sup> [http://www.ramsar.org/mtg/mtg\\_danube\\_conference2006a.pdf](http://www.ramsar.org/mtg/mtg_danube_conference2006a.pdf)

<sup>8</sup> <http://www.epl.org.ua/eng/index.htm>

<sup>9</sup> <http://www.goldmanprize.org/node/143>

<sup>10</sup> [http://www.unece.org/press/pr2006/06env\\_p05e.htm](http://www.unece.org/press/pr2006/06env_p05e.htm)

<sup>11</sup> [http://www.icpdr.org/icpdr-pages/navigation\\_and\\_ecology\\_process.htm](http://www.icpdr.org/icpdr-pages/navigation_and_ecology_process.htm)

**21 May 2008:** The Espoo Convention Meeting of Parties decides that Ukraine is in [non-compliance with its obligations under the Convention](#)<sup>12</sup> and asks Ukraine to take a series of steps until 2009 to bring about compliance. At the same time, Ukraine states that it will not commence work on Phase 2 until its obligations under the Convention are fulfilled.

**28-31 July 2008:** A delegation led by the Council of Europe visits the Delta to study the current situation compared to that of the previous visit in 2004, and in relation to Recommendation 111 (03 Dec 2004) of the Standing Committee of Bern Convention. The [delegation finds that](#)<sup>13</sup> “the progress made is inadequate and the results achieved from the standpoint of the protection of flora and wildlife in the delta are still not substantial enough to consider the matter closed” (see pages 9-10 of the report).

**October 2008:** WWF receives news of eyewitness reports and photographs of large stones being transported to the canal for construction of the sea dam.

**09 February 2009:** A [press release](#)<sup>14</sup> from the Ukrainian Ministry of Transport and Communications states that works continue on Phase 1, and that works have started on Phase 2. Both actions are in continuing breach of the Espoo Convention and requirements posed by its Implementation Committee.

**20 March 2009:** Mr. Jan Kubis, Executive Secretary of UNECE, sends a letter (Ref. ECE/EHLM/132/2009/L) to His Excellency Mr. Hryhoriy Nemyrya, Deputy Prime Minister of Ukraine, once again requesting that Ukraine explicitly shows that works on Phase 1 and 2 (operational and maintenance) are stopped.

**15 May 2009:** [Photos on the Delta-Lotsman website](#)<sup>15</sup> clearly show the construction of the stone wall dam has continued. Aleksandr Golodnitsky, Director of Delta Lotsman, publicly states that the dam is fully functional and 1670 m of the dam have been connected to those constructed in 2004 by the German company Moebius.

**09 June 2009:** [NGOs present common statements](#)<sup>16</sup> on the “Assessment of the likely transboundary environmental impacts (EIA) of the Danube-Black Sea navigation route” at public consultation forums held in Tulcea, Romania, voicing once again their concerns about the negative environmental impacts of construction of the canal.

**07 October 2009:** According to the [homepage of the Prime Minister of Ukraine](#)<sup>17</sup> Yulia Tymoshenko, the Cabinet of Ministers approves funds of 236 million UAH (~19.7 million EUR) for the Bystroye canal project to be used over two years up to 2011. By the end of 2009, Delta Lotsman – the beneficiary and operator of the Danube-Black Sea Canal – plans to spend 130 million UAH (~10.9 million EUR) on the construction of the canal.

**16 October 2009:** Another letter (Ref. ECE/EHLM/434/2009/L) is sent by Mr. Jan Kubis, Executive Secretary of UNECE, to His Excellency Mr. Hryhoriy Nemyrya, Deputy Prime Minister of Ukraine, stating that the Espoo Convention Implementation Committee finds that Ukraine remains in non-compliance with its obligations under the Convention for both phases of the project after Ukraine once again fails to show that works have stopped.

**November 2009:** WWF continues to receive narrative reports and newspaper articles from local people all pointing to the fact that construction works on the canal are ongoing.

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<sup>12</sup> [http://www.unece.org/press/pr2008/08env\\_p08e.htm](http://www.unece.org/press/pr2008/08env_p08e.htm)

<sup>13</sup> [http://www.coe.int/t/dg4/cultureheritage/conventions/Bern/T-PVS/Meeting28\\_en.pdf](http://www.coe.int/t/dg4/cultureheritage/conventions/Bern/T-PVS/Meeting28_en.pdf)

<sup>14</sup> <http://www.mintrans.gov.ua/uk/news/print/10584.html>

<sup>15</sup> [http://www.delta-pilot.ua/index.php?mode=hot\\_themes&id=688](http://www.delta-pilot.ua/index.php?mode=hot_themes&id=688)

<sup>16</sup> [http://assets.panda.org/downloads/joint\\_position\\_eia\\_090609\\_final.pdf](http://assets.panda.org/downloads/joint_position_eia_090609_final.pdf)

<sup>17</sup> <http://www.tymoshenko.ua/en/article/3585s78a>