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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

CONVENTION RELATIVE À LA CONSERVATION DE LA VIE SAUVAGE
ET DU MILIEU NATUREL DE L'EUROPE

Standing Committee

25th meeting

Strasbourg, 28 November - 1 December-2005

Comité permanent

25^e réunion

Strasbourg, 28 novembre - 1 décembre-2005

**Position of the NGOs
concerning the Swiss proposal for
amendment of the Appendices
for the wolf (*Canis lupus*)**

**Position des ONG
concernant la proposition de la Suisse
d'amendement des Annexes
pour le loup (*Canis lupus*)**

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Utrecht, November 15, 2004
our reference: ABE/jc/041115.19
contact: drs. A.J.R. Berkhuisen
subject: Bern Convention – Amendments of the Appendices

Dear Sir

With concern we took note from the Swiss deposition of a proposal with the Secretary General of the Council of Europe for amendments of the Appendices of the Bern Convention concerning the deletion of the wolf (*Canis lupus*) from Appendix II and its inclusion in Appendix III. The Swiss exposition draws a confined picture and leaves many open questions. Based on the following arguments the European Habitats Forum would like to express its strong opposition to the Swiss proposal:

- There is no viable wolf population in Switzerland and no reproduction ever occurred since the first reappearance of the wolf in the country. A slowly growing Alpine wolf population in Italy and France is still fragile and would collapse if confronted with exploitation.
- Damage prevention measures are known throughout Europe and have also been successfully implemented in Switzerland. Article 9 of the Bern Convention provides the possibility to kill wolves which caused damage to livestock. There is no need of the amendment from this point of view.
- The Alpine corridor is an important geographical link between Eastern and Western Europe. The region has therefore a special responsibility for migrating species.
- Any amendments of the Appendices should be based on scientific monitoring data and a discussion between the Contracting Parties. In the case of the wolf this has not happened.
- The wolf is listed as priority species in Annex II of the European Habitats Directive. Downlisting the wolf in the Bern Convention would lead to less coherence in its conservation status within Europe and not support the common aim of establishing viable wolf populations in representative habitats all over Europe.

The European Habitat Forum asks the Contracting Parties to

1. Reject the Swiss proposal at the 24th meeting of the Standing Committee of the Convention.
2. Carry out a wolf assessment on population / meta-population level in Europe.
3. Decide based on the assessment to relaunch the discussion on the protection status of the wolf in Europe.

We thank you for taking into account our position and kindly ask you to forward our letter to the Contracting Parties and the non-governmental observers.

Yours faithfully
European Habitats Forum
Arjan Berkhuisen
Chair of the European Habitat Forum



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Convention de Berne
24^e réunion du Comité Permanent
29 novembre 2004 - 3 décembre 2004

À propos de la proposition suisse de déclassement du loup

La Fédération France Nature Environnement et ses associations membres souhaitent vous alerter au sujet de la demande de la Suisse visant au déclassement du loup à l'annexe III de la Convention de Berne.

Cette requête nous inquiète au plus haut point et nous espérons que le Comité permanent saura s'y opposer.

Les arguments avancés par l'OFEFP n'ont en effet, à notre sens, aucun fondement :

1) Sur la nécessité d'un « statut de protection uniforme » :

Le nivellement par le bas du statut de protection d'une espèce est un principe dangereux et indéfendable qui, si on le suivait à la lettre, conduirait rapidement à réduire à néant les efforts de nombreux pays pour protéger la biodiversité. Le loup, comme toute espèce, a des effectifs et une implantation très variables selon les pays. Il est dès lors compréhensible que son statut traduise ces différences et nous ne voyons pas pourquoi l'uniformisation – à plus forte raison par le bas – s'imposerait.

2) Sur la « protection stricte » et la « gestion durable et crédible » :

L'article 9 est précisément là pour permettre des dérogations à la protection stricte. D'ailleurs, la France s'en est servi malgré la faiblesse de sa population de loups (ce qui n'est pas sans poser de problèmes mais telle n'est pas l'objet de la présente). Quant aux propositions de Luigi Boitani sur la chasse, elles sont sorties de leur contexte par la Suisse puisque M. Boitani précise bien que la chasse n'est envisageable que dans une optique de diminution de la population, si celle-ci est viable (plus de 100 individus !) et sans aucune nécessité biologique. Or, les pays « nouvellement colonisés » (et donc abritant une faible population), comme la France ou la Suisse, peuvent utiliser l'article 9 en cas de besoin. La proposition suisse, si elle était acceptée, aurait des conséquences graves dans notre pays et l'on n'ose imaginer ce qui se produirait pour l'espèce si la chasse était autorisée, alors que plusieurs tirs administratifs sont désormais prévus annuellement et que le braconnage (que la chasse ne réduirait pas) est important.

3) Sur l'impact supposé d'un déclassement :

La Suisse affirme qu'un déclassement ferait perdre au loup son image « d'animal intouchable » et inciterait les éleveurs à prendre les mesures de prévention. Affirmation gratuite d'autant que le système dérogatoire possible en annexe II permet déjà une « désacralisation » de l'espèce si tant est qu'elle soit nécessaire.

L'exemple français avec les 4 autorisations de destruction délivrées cette année est probant. Ces autorisations ont déjà abouti à la destruction de 2 loups. De facto, l'espèce n'est donc plus « intouchable ». Mais cela n'empêche pas le monde de l'élevage de demander le tir de 15 loups, quand la demande n'est pas tout simplement l'éradication de l'espèce ...

Il est frappant de constater la faiblesse des effectifs de loups en Suisse (3 ou 4 individus) alors que l'espèce y a fait sa réapparition au début des années 1990... Tirs administratifs et braconnage n'y sont pas étrangers. Un déclassement de l'espèce permettrait sans doute d'y maintenir les effectifs proches du zéro ...

France Nature Environnement veut par ailleurs mettre en garde le Comité Permanent de la Convention de Berne : **il est très facile de déclasser une espèce. Il l'est beaucoup moins de faire machine arrière et de renforcer son statut quand on s'aperçoit que la viabilité de l'espèce est menacée.**

C'est pourquoi, nous maintenons que le loup, en phase d'installation dans plusieurs pays, a besoin d'une protection forte (dont aucun pays n'a à rougir) pour être accepté et pouvoir s'implanter durablement. **Cette espèce doit en conséquence être maintenue en annexe II de la Convention.**



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Zurich, 16th November 2004

Bern Convention - Swiss Proposal for Amendment of the Appendices

Dear Mr Fernández-Galiano,

We refer to the Swiss proposal to the Secretary General of the Council of Europe for amendments of the Appendices of the Bern Convention dated September 2004. We cannot but express our disappointment with the rationale outlined by Switzerland concerning the deletion of the wolf (*Canis lupus*) from Appendix II and its inclusion in Appendix III. Switzerland's proposal contradicts the Convention's stated aims and lacks a sound scientific basis. The WWF European Alpine Programme strongly rejects the Swiss proposal based on the arguments below. We would be very thankful if you could forward this letter to the Contracting Parties and the Non-Governmental Observers.

- Sustainable management of the species may be requested in countries with healthy populations, however, since the return of the wolf to Switzerland in 1994 no viable wolf population has been established and no reproduction occurred in the country. Intensified culling in the Alps would seriously damage the fragile recovery of the wolf population in the Alps.
- Damage to livestock in the Alps does occur but was considerably reduced where damage prevention measures were implemented. Wolves causing serious damage are already been shot according to Article 9 of the Bern Convention. Therefore a modification is not even required for the removal of stock-raiding individuals.
- The Alpine arc functions as a major corridor for wildlife migration. In the long term, the small populations in Western Europe rely on sound wolf populations in Eastern Europe ensuring a minimal but constant flux of individuals. The Alps play an important role for the entire Western European wolf population.
- The distribution of the wolf should be representative of suitable habitats in different regions and cannot be simply delegated to Eastern European countries.
- WWF supports a regular review of the species listed in the Appendices and conclusive amendments based on scientific monitoring of population development, threats and recovery. To our knowledge no European wolf assessment on population levels is available.

The WWF European Alpine Programme asks the Contracting Parties to consider the above arguments. For further information please refer to the attached fact sheet.

We suggest to reject the Swiss proposal at the 24th meeting of the Standing Committee of the Convention in Strasbourg and to start a Europe wide wolf monitoring programme on population levels.

Yours sincerely

WWF European Alpine Programme

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Fact sheet of the WWF European Alpine Programme concerning

Swiss deposition of a proposal with the Secretary General of the Council of Europe for amendments of the Appendices of the Bern Convention: deletion of the wolf (*Canis lupus*) from Appendix II and its inclusion in Appendix III

Zurich, 9th November 2004

Wolf situation in Switzerland and the Alpine region

At present no wolf population exists in Switzerland. Switzerland has 3 - 4 wolves living in the border region with Italy. Damage to sheep and goats occurred and still occurs, but was considerably reduced by damage prevention measures (shepherds with livestock guarding dogs and electrical fences). Innovative farmers implementing damage prevention measures are still under great pressure from parts of the agriculture lobby fundamentally opposing to the return of wolves in Switzerland. Downlisting the wolf would question the incentive for damage prevention and enhance the pressure on regional authorities to give in to calls for wolves to be killed. In the past, wolves causing serious damage to livestock were shot according to Article 9 of the Bern Convention.

In 1985 wolves first returned to the Alps. Today, about 100 wolves live in French and Italian areas in the Western Alps. Both countries made no reservation concerning the wolf. The wolves are dispersing slowly towards Switzerland and the Eastern Alpine region. The long-term survival of the wolf in the Alps is not yet secured. Population control in the Alps is not needed at this point in time.

European wolf situation and reliable data

Wolf populations in Europe are on the increase. The wolf situation varies, however, very strongly between the different European countries and regions: 3 - 8 individuals in Germany or Switzerland, some hundreds in Poland or Latvia and about 2000 individuals in Spain. This makes it difficult to find a common strategy for wolf protection all over Europe. Based on the idea of achieving a representative distribution throughout Europe, wolf populations should in the long term be present in all suitable habitats. How delicate the population increase in some European countries still is and how strong the pressure against the wolf can be was clearly demonstrated by the Norwegians reducing their wolf population to such an extent that there was no intact family group left in the country.

Any discussion on modification of the Appendices should be based on a sound data basis. The data available on the wolf in Europe is fragmentary and out of date. There are no common data collection methods in place at the moment. Furthermore the available data is based on country level surveys and does not help to get a clear picture of the viability on a population level. Therefore, a scientifically based assessment of the European wolf population is urgently needed in order to be able to discuss future wolf protection and management. A recent assessment of lynx populations in Europe¹ showed that all populations considered as viable expanded across international borders and hence required an international approach in protection and management.

¹ Status and conservation of the Eurasian lynx (*Lynx lynx*) in Europe, KORA 2004

Critical appraisal of the official Swiss rationale

Requested uniform protection status

The wolf situation varies strongly among different regions and countries in Europe. A uniform protection status is not the appropriate solution in this case. A differentiated listing according to the status of the wolf population in a particular country and a regular assessment of the populations and their listing is more appropriate.

Statements on changes in Europe's wolf populations

Wolves have not yet colonized Switzerland as is wrongly stated in the paper. The 3 - 4 individuals in Switzerland cannot yet be considered a starting point of a permanent population, as so far no reproduction has taken place. Over the past ten years the wolves returning to the country either disappeared, moved on, died in accidents or were shot legally because they caused damage to livestock.

Europe's wolf populations are not secured: in most Western European countries and Scandinavia the populations are fragile and not ready for exploitation.

Requested sustainable management

The instrument of sustainable management is used for an established population. Individual wolves causing serious damage to livestock can be removed under the present regime, according to Article 9 of the Bern Convention. Wolves disperse slowly. Thus countries to which wolves have returned recently do not need an instrument for population control in the medium term but can instead rely on the exceptions listed in Article 9 of the Convention.

Requested credible management

Switzerland requests a downlisting in order to be able to regulate wolf populations which are causing damage to sheep and goats "more credibly". This case, however, is exactly provided for by Article 9 of the Bern Convention. To be credible no modification of the Annexes is needed.

Presumed link to promotion of protective measures

It is not comprehensible why farmers should feel inclined to implement damage prevention measures if the wolf is less protected. Passing the species to Appendix III will rather be perceived as a first step to abolish protection in general and therefore make investments in prevention measures redundant. The pressure from wolf opponents on the farmers implementing damage prevention measures would grow and the success of such measures diminished. In Norway, the killing of wolves had been applauded in the media and was not helpful to get a broader acceptance of the species.

**Position de Pro Natura –
« Ligue suisse pour la protection de la nature »
concernant la proposition d'amendement
de la Suisse sur le loup**

***IL NE FAUT PAS MODIFIER LE STATUT DU LOUP (CANIS LUPUS) DANS LES ANNEXES DE LA
CONVENTION DE BERNE SUR LA PROPOSITION DE LA SUISSE DE RAYER LE LOUP DE L'ANNEXE
II DE LA CONVENTION DE BERNE POUR L'INTRODUIRE DANS L'ANNEXE III***

En date du 27 septembre, le Conseil fédéral suisse demande à la Commission permanente de la Convention de Berne de rayer le loup de l'Annexe II (liste des espèces animales strictement protégées) pour l'introduire dans l'Annexe III (liste des espèces animales protégées).

Pro Natura – Ligue suisse pour la protection de la nature prie les membres de la Commission permanente de ne pas satisfaire à cette demande, ceci pour les raisons suivantes :

Mesure de protection couronnée de succès

Avoir donné au loup dans la Convention de Berne le statut d'espèce animale strictement protégée s'est avéré être jusqu'ici une mesure efficace. Depuis, les effectifs du loup se sont étoffés dans de nombreux pays, et l'espèce animale s'est bien répandue. Et la protection actuelle du loup nous laisse suffisamment de marge de manœuvre pour résoudre les conflits avec les éleveurs de petit bétail.

Un statut de protection homogène serait un désavantage

Les effectifs du loup dans les différents pays signataires de la Convention de Berne varient fortement d'un pays à l'autre. Dans certains, seuls quelques individus isolés sont observés, dans d'autres, l'espèce est largement répandue. Au moment de la ratification de la Convention de Berne, quelques pays ayant de bons effectifs de loups l'ont exclu de la liste des espèces animales strictement protégées ; il est donc dans ces pays simplement protégé. Ce niveau de protection du loup différencié selon les pays est pour sa protection un avantage plus qu'un désavantage.

Une différence par rapport au droit de l'UE

Dans l'Annexe IV des directives de l'UE sur les habitats de la flore et de la faune, le loup figure comme espèce animale strictement protégée dans l'intérêt commun (exception faite de quelques régions de l'UE). Rayer le loup de l'Annexe II de la Convention de Berne serait contraire au droit en vigueur dans l'UE. Dans les pays ne faisant pas partie de l'UE, comme c'est le cas de la Suisse, le loup serait ainsi moins strictement protégé qu'au sein de l'UE.

Sans effet sur le management du loup en Suisse

La Loi suisse sur la chasse prévoit pour le loup une protection aussi stricte que celle réservée aux espèces animales de la liste de l'Annexe II de la Convention de Berne. Elle n'autorise le tir de loups que si la sauvegarde des biotopes ou le maintien de la diversité des espèces l'exige et lorsqu'ils causent des dégâts importants ou représentent un danger grave. Rayer le loup de la liste des espèces animales de l'Annexe II de la Convention de Berne pour l'introduire sous Annexe III serait en premier lieu sans effet en Suisse.

La protection du loup peut être levée en Suisse

La modification du statut de protection de loup dans la Convention de Berne n'aurait d'effet pour la Suisse que si celle-ci abolissait la protection du loup dans la Loi suisse sur la chasse. Ces dix dernières années, 14 loups sont venus s'établir en Suisse. Presque aucun n'a survécu. Malgré les dispositions légales qui garantissent une protection stricte à l'espèce, les autorités suisses ont autorisé l'abattage de sept de ces loups. Si la Convention de Berne affaiblit le statut de protection du loup, Pro Natura craint que celui-ci ne redevienne en Suisse une espèce exterminée.

La Suisse a peu d'expérience du loup. Son management n'y est pas exemplaire, ce qui fait que les loups ne survivent pas longtemps dans notre pays. La proposition de la Suisse de modifier le statut de

protection du loup pourrait stopper son développement positif en Europe. Si la demande du Conseil fédéral était acceptée, la pression se renforcerait sur les autorités pour qu'elles rayent le loup de la liste des espèces protégées. Nous vous prions donc de ne pas entrer en matière ou de refuser cette demande.

Pro Natura - Ligue suisse pour la protection de la nature

Dr. Urs Tester

Chef de la division Protection des biotopes et des espèces

Brigit Wyss

Cheffe de projet



Position statement on the proposal by Switzerland (27th September 2004) to amend the appendices of the Convention on the Conservation of European Wildlife and Natural Habitats, concerning the deletion of the wolf (*Canis lupus*) from Appendix II and its inclusion in Appendix III [document T-PVS (2004) 9].

Prepared by the Large Carnivore Initiative for Europe

The LCIE recognises that wolf conservation in modern day Europe is challenging and that many countries have difficulties in balancing the needs of conservation with those of their other socio-economic and political commitments. The LCIE also recognises that any form of legislation enacted at the pan-European level may provide some challenges for implementation within specific national contexts. However, this being said, the Bern Convention has without doubt greatly aided the conservation of wolves and many other species throughout Europe for over 3 decades, such that any changes to it needs to be evaluated with care. The proposal by Switzerland to move the wolf from appendix II to appendix III is therefore a reflection of these issues and requires careful consideration.

It is important to remember that the major goal of the Bern Convention is focused on conserving species (Article 1: “*The aims of this Convention are to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation*”) while the degree of protection afforded a species (by inclusion on the various appendices) is an instrument to bring about this conservation. As the status of various species change, it is logical that the degree of protection afforded to them is adjusted. In many ways it could be claimed that downlisting to a lower level of protection could be seen as a benchmark of successful conservation.

In many parts of Europe the numbers and distribution of wolves has improved during the last 3 decades. In many areas this has also led to an increase in a range of social and material conflicts. Addressing these conflicts requires a wide range of measures, including education campaigns, the introduction of effective mitigation measures to protect livestock and sometimes changes to decision making structures and systems of wildlife management. The lethal control or recreational hunting of wolves may in some cases be an effective way to reduce some of these conflicts, and we accept such management practice if a local wolf population can tolerate it (see LCIE core group position statement on hunting and lethal control of large carnivores, T-PVS / Inf (2002) 28). Bern Convention appendix II designation provides clear limits on these later activities, although article 9 does provide some flexibility. Many of the countries (Bulgaria, Czech Republic, Finland, Latvia, Lithuania, Poland, Slovakia, Slovenia, Spain, Former Yugoslav Republic of Macedonia, Turkey and Ukraine) that had significant wolf populations at the time of signing the Bern Convention took out an exception for wolves. Therefore, it is often in countries that had no significant wolf presence at the time of signing (e.g. Switzerland, Norway and France) that now experience the problem of rising conflicts within an international legislative framework that may be perceived as being restrictive. Therefore, the LCIE believe that there may be some merit in re-evaluating the specific appendix designation of wolves, especially if this led to countries withdrawing their exceptions for the wolf.

However, there are a number of prerequisites that must be considered for such an evaluation to occur.

Firstly, the Bern Convention is a pan-European level convention, and therefore any changes to species designation must be viewed at this level, and not at the level of a single country. While wolf populations may be stable or increasing in some areas, they are small, fragmented, potentially declining, and still absent from others, including the Alpine arc of which Switzerland is a part. Any change to the appendix status of wolves must be principally seen within the full pan-European context.

Secondly, because of the scales at which wolf populations function, we must consider that in most contexts (including the Alps) wolf populations will span international borders. It is such species that article 1 specifically identifies as being important for the Convention. Therefore, changes to a species protection status must be seen within the practical context of biologically meaningful population units.

Thirdly, any change to a species status must be based on a solid platform of scientific knowledge concerning their ecology, and population status. Although most European countries have some form of population monitoring in place for wolves, these results have never been robustly evaluated or compared to each other such that there is no up-to-date, standardised or holistic overview of wolf population status at the European level.

Fourthly, it is important that any discrepancies between the Bern Convention and the Habitat Directive should be minimised such that conflicts between different pan-European legislation is avoided.

Therefore, the LCIE recommend the following;

- (1) The proposal by Switzerland should be rejected at this time.
- (2) The status and distribution of wolves in Europe should be reviewed using robust and comparable methods.
- (3) European experience at managing wolves under different systems of protection should be evaluated.
- (4) The Bern Convention secretariat should explore the possibilities to adopt a flexible, population based appendix designation system for conflict causing and controversial species such as wolves.
- (5) Based on the above, there should be a detailed, science based and inclusive discussion about the appropriate appendix designation for wolves.
- (6) For the sake of efficiency this review process could be simultaneously conducted for Eurasian lynx (Appendix III), and wolverines and brown bears (Appendix II), as the species share many similar conflicts and aspects of ecology with wolves.
- (7) Guidelines of acceptable management practice should also be drawn up for the regulation of exploitation of large carnivore species included on Appendix II as outlined in article 7, and for the invocation of article 9 exceptions for large carnivores included on Appendix III.

The Large Carnivore Initiative for Europe is a task force operating under the auspices of the Species Survival Commission of the World Conservation Union (IUCN). It also constitute the Group of Experts on Large Carnivores to the Bern Convention.