



## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



The possibility of derogating from the articles of the Bern Convention is subject to two very clear general conditions, and the non cumulative specific reasons for which the exceptions may be granted are listed exhaustively in Article 9.

The two general conditions that should be met are:

- a) that there is no other satisfactory solution; and
- b) that the exception will not be detrimental to the survival of the population concerned.



## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



2009: Nature Diversity Act, a new law in Norway intended to protect all wildlife in Norway.

Some texts were removed from the older Wildlife Act under the new Act .



## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



The provisions in the **Wildlife Act** were:  
Wildlife may be killed irrespective of  
protection when the killing is deemed  
necessary in order to remove an existing  
and serious threat of injury to a person.  
Similarly, the landowner or a person  
acting on the landowner's behalf may kill  
wildlife that is directly attacking cattle or  
domesticated reindeer.





## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



Originally, Section 11, Subsection 1 of the Wildlife Act included a general rule that allowed anyone to kill wildlife in order to remove a threat towards a person or to cattle, and the condition of “being deemed necessary” covered both these situations – persons and wildlife.



## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



A self-defence clause in the **Nature Diversity Act**, under Section 17, Subsection 2 provides a right to kill birds of prey and other predators under specific circumstances

Nature Diversity Act:

Section 17, Subsection 2, point 2:

The owner, or a person acting on behalf of the owner, may kill a wild animal making a direct attack on livestock, domesticated reindeer, pigs, dogs and poultry.



## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



Supreme Court in Norway has now ascertained that it cannot interpret a condition that killing “must be deemed necessary” to kill wildlife which make a direct attack on cattle, domesticated reindeer, pigs, dogs and poultry.





## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



The actual case in 2012 involves the shooting of a Northern Goshawk, which attacked a farmer's hens at a smallholding in Lierne, Central Norway. The farmer discovered the hawk on top of one of his hens, pecking at the hen. The farmer used a shotgun to shoot and kill the hawk, even though there were other options available.





## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



Other options available to the farmer  
included:

- scaring the goshawk away, or
- ensuring that the hens were in a predator-proof enclosure.

These are non-lethal measures.





Partnership for nature and people

# Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



The Government Committee for Energy and the Environment discussed a proposition to amend the Nature Diversity Act (administrative exemptions and confiscations) on 18<sup>th</sup> October 2016.



## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



However, the Royal Norwegian Ministry of Climate and Environment decided that they would not forward a motion to change Section 2, Subsection 2 of the Nature Diversity Act, without giving any good reasons for not forwarding this motion.



## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



This is despite the fact that any wildlife that attacks poultry and livestock has, due to an oversight, a lesser level of protection today than previously. The current legislation does not make a provision that such killing “must be deemed necessary”, and allows for killing without using other methods first.





## Norwegian legislation is a violation of Article 9, point 1 of the Bern Convention



We ask the Standing Committee of the Bern Convention to support BirdLife Norway to ensure that the term “must be deemed necessary” is added to the current Nature Diversity Act in order to give birds the same protection as during the previous Wildlife Act.

