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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee
24th meeting

Strasbourg, 29 November - 3 December-2004

Possible file

**Control of the wolf (*Canis lupus*)
in the Grisons Canton (Switzerland)**

Report by the Secretariat

*Document prepared by
the Directorate of Culture and of Cultural and Natural Heritage*

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The purpose of the "files" is to find a satisfactory solution to problems encountered in implementing the Convention and to monitor as effectively as possible the means chosen to resolve them.

I. Background

The Italian organisation "LegaAmbiente" lodged a complaint with the Bern Convention Secretariat concerning the authorisation for the killing of a wolf, the only individual present in the region, issued by the authorities of the Canton of Grisons and the Federal Office for Environment, Forests and Landscape (OFEFP).

II. Application of the Bern Convention

This shooting authorisation contravenes several provisions of the Convention:

- The wolf is listed in Appendix II of the Convention (strictly protected species);
- Article 6 prohibits all forms of deliberate killing of the species:
"a. *all forms of deliberate capture and keeping and deliberate killing; [...]*"
- Article 9 allows the Parties to make exceptions from the provisions of Article 6 "provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned".

Switzerland made no reservation concerning the wolf when ratifying the Convention.

III. Information provided by the Swiss Government

a. In December 2001

The Secretariat was informed that the *Council of States* (the upper chamber of the Federal Assembly) had approved a parliamentarian's motion (the Maissen motion) to have the wolf's protected species status withdrawn. The final decision was to be taken by the second chamber of the Federal Parliament, the *National Council*.

b. In 2002

On 8 March 2002, the Director of OFEFP justified the shooting authorisation by the fact that the wolf in question had attacked 50 head of livestock, which was above the limit set by the management plan.

Since the wolf was from the ever-growing Italian population, shooting it had no immediate impact on the population of origin. Furthermore, it was possible for a sub-population to become established in Switzerland in the medium term even if certain individuals causing damage were shot.

The Swiss authorities considered that this authorisation did not contravene Article 9 of the Convention.

c. In 2003

On 17 June 2003, the Secretariat was informed that the lower chamber (the National Council) had rejected the motion and invited the Federal Council (Government) to adapt the "Wolf Concept", taking into account more particularly the interests and maintenance of the pastoral economy (sheep) in mountain regions. This new draft Concept, which would include an Action Plan, would be drawn up and then submitted for consultation to the official cantonal and federal services concerned and other stakeholders.

d. In 2004

Since the deadline for consultation of the "Wolf Concept" by stakeholders was 22 March 2004, the Swiss Government was able to send the final version only in July 2004.

IV. Decision of the Standing Committee concerning this file

At the 22nd meeting of the Standing Committee, the Swiss delegate informed the Committee of the very complex situation facing his government: Switzerland had not entered a reservation in respect of the wolf because this species had not been present at the time of ratification. The final decision concerning possible withdrawal of the wolf from the list of protected species would be taken by the Federal Assembly in 2003.

He recalled that the authorisation had been based on the Concept for wolf management.

The Standing Committee instructed the Bureau to monitor developments.

At the 23rd meeting of the Standing Committee, the Swiss delegate submitted information on the “Swiss Strategy for the Wolf”. He also informed the Committee that his government would be submitting a formal request for the wolf to be transferred from Appendix II to Appendix III of the Convention on the grounds of the changed situation of the species, whose numbers and distribution in Europe had increased since the Bern Convention was opened for signature. He undertook to submit the “Wolf Concept” at the next meeting of the Bureau.

In view of the information submitted, the Standing Committee instructed the Bureau to examine the documents that would be presented by the Swiss Government and decided to keep this question as a possible new file.

At its meeting on 10 September 2004, the Bureau took note of the “Wolf Project” OFEFP brought into force on 21 July 2004, which contains the principles governing protection, authorisation to shoot, prevention, reports of damage and payment of compensation. It should help the cantons, which are responsible for its application, to manage the predator’s natural return and, in particular, to reduce as far as possible the conflicts that may arise between human activities and needs and the natural return of the protected species. Furthermore, the Swiss authorities transmitted to the Secretariat for discussion the official proposal to transfer the wolf from Appendix II to Appendix III of the Convention, on the basis of Article 17.

The main reasons for this request are as follows:

- The wolf does not have uniform protected status in Europe since many Contracting Parties in which wolves live have entered a reservation. Downgrading to Appendix III would ensure uniform protection of the species throughout Europe;
- Since the Convention was drafted European wolf populations have recovered and colonised new regions and countries which, because of the strict protection required by its classification in Appendix II, do not have the necessary instruments needed to manage the species;
- Downgrading is compatible with the *Action Plan for the conservation of wolves (Canis lupus) in Europe* and is even a prerequisite for some of the measures it advocates.

The Bureau decided to maintain the file as a possible new file.