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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

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Open File: 2022/03

**Wolf Culling Policy in Norway
(Norway)**

- GOVERNMENT REPORT -

*Document prepared by the
Royal Norwegian Ministry of Climate and Environment*



Secretariat of the Bern Convention Att. Mikael Poutiers

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Government report - Complaint No. 2022/03 Norway: Wolf culling policy

Introduction

The Norwegian Ministry of Climate and Environment refers to your letter dated December 20th, 2024, inviting Norwegian authorities to send a report on requested information and other relevant updates to be addressed at the spring meeting of the Bureau. Since 2022, we have provided information on Norway's wolf culling policy in our reports. In this report, we present our view on the statements made in relation to the decision of the Standing Committee to elevate the status of the file to an Open File and give some relevant updates.

The Government's view on the decision to elevate the status of the case file

As described in previous reports and at the meeting of the Standing Committee in December 2024, our position is that Norway's wolf culling policy is in accordance with the obligations of the Convention. In our view, the statements presented in relation to the decision to elevate the status of the case file (referred to as "the statement"), are not sufficiently grounded in the obligations of the Convention.

Management of wolves, as well as other large carnivores, is a challenging field. This has been acknowledged under the Bern Convention on many occasions¹. Due to the challenging nature of the management of wolves and other large carnivores, the flexibility provided by Article 9 of the Convention cf. Article 2, to regulate the populations of such species, was important when the Norwegian Parliament ratified the Convention.²

There has been social conflict related to the presence and management of wolves in Norway for decades. The objective to ensure the survival of the wolf in Norwegian nature and contribute to a viable wolf population in Southern Scandinavia, must be balanced with the objective to maintain grazing of

¹ St.C. Recommendation No. 17 (8.12.1989), St.C. Recommendation No. 82 (1.12.2000) St.C. Recommendation No. 115 (1.12.2005), St.C. Recommendation No. 137 (27.11.2008), Revised Resolution No. 2 (1993) – 2.12.2011, St.C. Recommendation No. 163 (30.11.2012).

² Recommendation nr. 92 (1985-1986) from the Foreign Affairs and Constitutional Committee of the Stortinget, Regarding Consent to Ratification of a Convention of 19 September 1979 Concerning the Conservation of European Wildlife and Natural Habitats (Bern Convention), with Certain Reservations and Issuing a Declaration.

livestock and semi-domesticated reindeer, as well as other interests of importance in the society, such as other interests related to rural policy. This is a challenging task, as the interests are often conflicting.

To balance the different interests as well as possible, the Norwegian Parliament has decided – through broad agreements - a population target for wolves in Norway, and a wolf management zone where wolves shall be allowed to reproduce. Within the boundaries following from Norwegian law and the Bern Convention, the Norwegian part of the Scandinavian wolf population is managed according to the population target. Decisions to cull wolves are based on thorough and individual considerations according to Article 9 of the Convention. Nevertheless, we agree that promoting long-term co-existence between humans and wolves, as well as other large carnivores, is important to reduce social conflicts, and that this is an important basis for the long-term survival of such species. We are open for dialogue and collaboration with the Bern Convention and parties to the Convention on identifying and discussing best-practice in this field.

We cannot see that the population target, or the Norwegian wolf management policy in general, is contrary to obligations of the Convention. Article 2 of the Convention contains the main obligation that follows from the aims stated in Article 1. The statement does not refer to this Article, nor does it show how the statement is grounded in the obligation following from this Article. Article 2 sets out an obligation for parties to “take requisite measures to maintain the population of wild flora and fauna at, or adapt it to, a level which corresponds in particular to ecological, scientific and cultural requirements, while taking account of economic and recreational requirements and the needs of sub-species, varieties or forms at risk locally”.

Rather than laying down a specific level, this leaves a margin of appreciation for parties to decide what level the population shall be maintained at. Other requirements than ecological may be considered, including cultural and economic requirements. Norway is committed to ensure the survival of the wolf in Norwegian nature and we contribute to ensuring the satisfactory conservation status of the Scandinavian wolf population through the population target. However, an obligation for parties to maintain viable populations of species in their territory when these species are parts of transboundary populations, cannot be deduced from Article 2. In this regard, we also refer to Revised Resolution No. 2 (1993) on the scope of Articles 8 and 9 of the Bern Convention, which states the following concerning the wording «the population concerned» in Article 9³: “In case of a transboundary population, its entire habitat and subpopulations should be considered when using an authorisation”. We cannot see that the term “population” shall be understood differently when used in Article 2.

As described in previous reports, The Norwegian Supreme Court has considered decisions by Norwegian authorities to cull wolves outside (2021) and inside (2023) the wolf management zone. The Supreme Court found these decisions to be in accordance with the obligations of the Convention. The Court’s judgements are based on recognized international legal methodology, and the obligations rising from Articles 2 and 9 of the Convention were thoroughly considered. Amongst others, the Court concluded that Article 2 of the Convention does not require the Norwegian part of the Scandinavian wolf population to be viable on its own.

The Court also concluded that the obligation following from Article 2 is fulfilled when the Norwegian part of the Scandinavian wolf population is at the level of the population target. The Norwegian part of the Scandinavian wolf population is currently at the level of the population target that has been set by the Norwegian Parliament.

³ Paragraph 7

As pointed out in the statement, the Norwegian part of the population has a very high inbreeding coefficient. The level of inbreeding is a serious threat to the population, and improving this situation is a high priority, as described in previous reports. Protecting immigrating individuals from eastern populations and their offspring is the central mean to this end. The size of the population does not impede improvements of the inbreeding coefficient.

The call to Norwegian authorities to “(...) abstain from culling entire wolf packs and territory- marking pairs in the wolf zone” implies that Norwegian authorities shall abstain from regulating the wolf population within the management zone for wolves, independent of the purpose behind the culling and independent of whether the obligation set out by Article 2 is met. We cannot see that this statement is founded in the obligations of the Convention. We refer to the flexibility that Articles 2 and 9 grants to the parties in fulfilling their obligations. We also want to add that if culling is to be allowed within the wolf management zone, the most efficient and controlled approach is in our opinion to cull entire wolf packs or territory-making pairs.

In the statement, it is stressed that “considering lethal prevention measures a norm, on the grounds of “overriding public interests“, where alternative means are not exhausted, is contrary to the Bern Convention Article 9 regardless of the status of protection of the species, especially if practiced also within the wolf management zone (...)”. This indicates that the decisions of Norwegian authorities to cull wolves, especially within the wolf management zone, is considered to be contrary to Article 9. However, the legal obligations following from Article 9 are not addressed or explained as a basis of this statement. We also find it necessary to highlight some misunderstandings and unclear assertions that seem to be part of the basis of the statement.

Firstly, quotas for culling of wolves are not automatically decided or upheld. Whether culling of wolves shall be permitted is considered thoroughly and given independent evaluation, according to Article 9. Due to the political intention to maintain free grazing in large parts of Norway and the geographically differentiated management system, there will often be a potential for damage to livestock outside the wolf management zone that cannot be prevented in any other satisfactory way than by permitting culling of wolves in these areas. We cannot see that this is contrary to Article 9. We also emphasise that this basic element of the geographically differentiated management system has been approved by the Norwegian Supreme Court. Within the wolf management zone, culling has been allowed since 2018 to safeguard public interests of substantial importance. Reducing social conflicts related to the presence of wolves and the management policy, and ensuring public trust in the management, are important interests in this regard. We refer to our description above, regarding social conflicts related to wolves, and the management policy which is a compromise between the different interests in this field. It is the assessment of Norwegian authorities that it is important that this compromise is followed up by the authorities, including the population target, given that this is not contrary to Norwegian law or Article 2 or 9 of the Convention. The interests that the culling inside the wolf management zone has been decided to safeguard, are primarily of a general nature. However, these are legitimate interests under Article 9 paragraph 1 third indent, and the general nature of the interests does not mean that such decisions are not given thorough and independent evaluation according to Article 9.

Article 18 of the Norwegian Nature Diversity Act sets out the criteria for permitting killing of wolves, and implements Article 9 of the Convention, with one exception. The fifth indent of Article 9 first paragraph is not included in Article 18 of the Act. As described above and in previous reports, decisions to cull wolves within the wolf management zone is considered according to the purpose of exception in Article 9 paragraph 1 third indent. Our view is that the decisions to cull wolves within the wolf management zone falls under the scope of the purpose of exception in Article 9 third indent. We also

point out that the assessment of the Norwegian Parliament has been that the purpose of exception in Article 9 paragraph 1 third indent provides sufficient flexibility to allow culling within the wolf management zone, to safeguard interests such as rural policy. Consequently, the Parliament has concluded that implementing the fifth indent of Article 9 paragraph 1 has not been necessary in this regard. Nevertheless, we want to emphasise the flexibility provided by the purpose of exception in the fifth indent, which should also be taken into account when considering the obligations and the flexibilities following from Article 9.

Secondly, it is not clear whether the statement implies that the criteria set out by Article 9, that there is no other satisfactory solution than culling, is not met in the decisions made by Norwegian authorities. If this is how the statement is to be understood, the legal assessment behind this conclusion is not given any explanation. We agree that the killing of individuals of a species listed in Annex II, where alternative means are not exhausted, is contrary to Article 9. However, culling of wolves will only be allowed if the purpose of preventing damage to livestock or to safeguard public interests of substantial importance cannot be achieved in another satisfactory manner. As explained in previous reports, it follows from the geographically differentiated management system that the requirement to consider alternative, non-lethal measures are stricter within the wolf management zone, than outside this zone. To put it briefly, alternative, non-lethal methods are not prioritised outside the wolf management zone, as other interests than maintaining the wolf population are prioritised in these areas, such as livestock industry. Within the wolf management zone, such measures shall be prioritised, if this is sufficient to achieve the purpose of safeguarding public interests of substantial importance. Culling has been allowed within the wolf management zone to safeguard interests related to rural policy and to reduce social conflict related to the wolf population exceeding the population target set by the Parliament. To this end it has been seen necessary to reduce the size of the wolf population. The system with stricter requirements for considering alternative solutions within the wolf management zone, than outside, as well as the assessment of this criteria in decisions by the Ministry regarding culling both outside and inside the wolf management zone, has been confirmed by the Norwegian Supreme Court to be in accordance with the obligations following from Article 9.

Norwegian authorities are invited to “prioritise proven, non-lethal measures of damage reduction and conflict mitigation, and to step up the promotion of long-term co-existence between humans and wolves based on the available best practice”. How alternative, non-lethal measures are considered has been briefly described in the section above, and more thoroughly in previous reports. We also refer to what is said above regarding dialogue and collaboration with the Bern Convention and parties to the Convention on identifying and discussing best-practice in this field.

Relevant updates

Since the government’s report last year, and the meeting of the Standing Committee in December 2024, there have been no significant changes to report regarding the national culling policy or the management of wolves in Norway in general. However, we would like to inform you about the Government’s most recent decisions regarding the culling of wolves, and internal court proceedings. Regional boards for the management of large carnivores, or the Ministry of Climate and Environment, have decided quotas for culling of wolves in Norway in 2024 – 2025. A quota of 27 wolves was set for areas outside the wolf management area, while a quota of two wolf packs and remaining wolves from a pack that was culled during winter 2023-2024 was set for the wolf management area. The quota does not necessarily correspond with the estimated number of wolves killed. To illustrate this: in the season 2023 – 2024 the total quota for culling outside the wolf management zone was set to 26 wolves, while the actual number of wolves killed based on the quota was 6 wolves (23 percent).

In the end of December 2024, two organisations, NOAH – for dyrs rettigheter and Foreningen Våre Rovdyr, filed a motion for the Oslo District Court for a preliminary injunction to prohibit the execution of the decision to cull wolves within the wolf management zone. On January 20th, the Court ruled that there were no grounds for prohibiting the execution of the decision. This means that the Court has found that it has not been substantiated that a lawsuit regarding the legality of the decision would succeed. The Court's assessment is that the judgements of the Norwegian Supreme Court from 2021 and 2023 regarding wolf culling represents current law regarding the interpretation of Article 18 of the Nature Diversity Act, including the relation to the obligations of the Bern Convention. In January 2025, the organisation Ulv i Hele Norge filed a motion for the Oslo District Court for a preliminary injunction to prohibit the execution of the decisions to cull wolves outside the wolf management zone. The Court is yet to reach a conclusion in this case.

Concluding remarks

It is of great importance to us that the management of Norwegian flora, fauna and their natural habitats is in accordance with our obligations following from international conventions. The management of wolves, as well as other large carnivores, is a specifically challenging field, as the presence of such species in many cases involve challenges for other interests. Our view is that the system established by the Norwegian Parliament for managing the Norwegian part of the Scandinavian wolf population, to balance the different interests in this field, is in accordance with the obligations of the Bern Convention.

The obligations following from Articles 2 and 9 of the Convention are central to this case file, but we cannot see that the legal obligations following from these Articles have been addressed or given any discussion in the statement related to the opening of the case file. As described, the Norwegian Supreme Court has found that decisions to cull wolves both outside and inside the wolf management zone have been in accordance with the obligations of the Convention, including Article 2 and 9, based on a thorough assessment according to international legal methodology. These judgements, and the analysis of the obligations of the Convention, are weighty sources of law for Norwegian authorities in our management of the Norwegian part of the Scandinavian wolf population.

Yours sincerely

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