



Strasbourg, 9 May 2022

T-PVS/Files(2022)31_rev

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

42nd meeting

Strasbourg, 28 November - 2 December 2022

New complaint: 2022/03

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

- COMPLAINT FORM -

Document prepared by

Margareth Konst, Ragnhild Sollund, Stefanie Reinhardt and NOAH/Ms Katrin Vels

**Convention on the Conservation of European
Wildlife
and Natural Habitats**



COMPLAINT FORM

First name: Margareth

Surname(s): Konst

On behalf of (if applicable): N/A

Web site: N/A

Date: 25 February 2022

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated)

My reason for complaint is Norway's wolf administration, which leads to red-listed wolves remain highly endangered. By signing the Bern Convention, Norway has committed itself to ensuring the survival of wolves in Norwegian nature. The Convention aims "to protect **wild flora and fauna** and their natural habitats" and places particular emphasis on "endangered and vulnerable species».

I refer Chapter 1, General provisions, Article 2: The Contracting Parties shall take the necessary measures to maintain the populations of wild flora and fauna or to adapt them to a level which in particular corresponds to the ecological, scientific and cultural requirements, taking into account the economic and recreational requirements and the needs of subspecies, varieties or types who are locally endangered. This must be interpreted as meaning Norway has committed itself to maintaining **viable populations** of all the large predators. Norway has adopted a population target for wolves that is strikingly low in relation to Norway's area size.

By signing the Bern Convention, Norway has committed itself to ensuring the survival of the wolves in Norwegian nature. The Convention aims "to protect **wild flora and fauna** and their natural habitats" and places particular emphasis on "endangered and vulnerable species".

Each year begins with a heinous and cruel hunt to regulate the wolf population further down from an already critically endangered level. According to the Bern Convention, it is not possible to kill critically endangered animals to reduce the number.

I refer also Chapter III, Article 6, Appendix II, the wolf is listed as a "strictly protected species" in the Convention. Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in **Appendix II**.

High hunting quotas mean that far too many of the small wolf population are killed. Biologically, the wolf population consists of so few individuals that it is not viable. In principle, there should be no hunting of species in **Appendix II**.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Wolves are listed in **Chapter III, Article 6, Appendix II**. Wolves are on one or more international convention lists (Bern, CITES, Bonn). Listed as critically endangered on the Norwegian Red List, with a very small population. The wolves is only allowed to establish itself within the wolf zone which is under 5 percent of Norway's land area. The latest status report for wolves in Norway, shows that only 34–38 have been registered in Norway, while 22-25 lives on both sides of the national border.

3. What might be the negative effects for the specie/s or habitat/s involved?

I find the wolves population alarming and not in accordance with national and international agreements. The population is so low wolves risk becoming extinct. In order to further reduce the population of this endangered species, extensive license hunting is opened every year. The Norwegian governments allows only 3 litters a year, (4-6 litters when border herds are included). The number of animals in the population must increase and new genetically important individuals must enter. Wolves from other regions and countries are not allowed to enter the zone and have new genes introduced into the population.

Without fresh blood, inbreeding will create major problems for the survival of the population. Despite Norwegian authorities know setting such a low population will lead to even more inbreeding, they do not listen to scientific data and expert assessments for calculations of necessary population sizes.

THE RESEARCH¹: Reduced genetic variation is serious for the wolves' survival, which means that the entire wolf population is very vulnerable. It is Swedish and Norwegian research communities, as well as an American and a Briton, are behind a study that has examined the entire genetic material of almost 100 wolves in Scandinavia. The study revealed little genetic variation and an extreme degree of inbreeding in Norwegian and Swedish wolves.

There are just under 500 wolves in Scandinavia, and until recently the entire wolf population could be traced back to only five unrelated individuals.

«According to the study, the average relationship in the population is on a par with sibling relationships in a larger population. Most striking was the extreme lack of genetic variation found in some individuals», says Øystein Flagstad, geneticist at the Norwegian Institute for Natural Research (NINA) and one of the researchers behind the study.

Other defects that can be linked to inbreeding have also been found, such as tooth position defects, skeletal defects and sterility in some males.

For long-term survival, the researchers therefore believe that it is important that new wolves come in from outside. The wolf population will definitely need some new Finnish-Russian immigrants in the years to come.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Norway has committed to participate and contribute in NATURA 2000/Emerald Network. Wolves are listed among the species Norway is obliged to protect. The Convention on Biological Diversity affects Norway's management of endangered species.

¹ Information from a researcher of the Norwegian Institute for Natural Research (NINA)

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

I have no information of any pending procedures at the national or international level regarding the object of my complaint.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

The wolf zone is the area where the authorities have decided the wolves should have its habitat.

The zone has been greatly reduced in the last 30 years. The wolf zone is only 5 percent of Norway's land area. In order to have a viable population the wolves need larger areas to live in. In this small wolf zone where the wolves should have special protection, they are not allowed to live in peace either. Wolves living in stable herds and stay away from grazing animals are shot. Despite the fact that there are no grazing sheep in this area, it was opened for hunting in the wolf zone (2018). It is completely unacceptable that the authorities allow the shooting of wolves in stable family groups within the wolf zone.

These are family groups that are crucial to take care of to ensure the wolf's future in Norway. License hunting does not reduce sheep loss. There are no sheep on pasturelands during this period.



ANNEXED LETTER

One of the reasons why wolves are shot in Norway is the grazing industry. There are major conflicts between the grazing industry and those who want wolves in Norway. Farmers are not willing to change the way the grazing industry operates. In addition to the grazing industry, there are other strong business interests as influence wolf policy in Norway. **Rich forest owners and hunters have financial interests** in the wolves being shot. Strong interest groups have a traditionally great impact on Norwegian wolf policy.

In the summer, 2.2 million sheep are sent out into the wilderness to fend for themselves.

Of these sheep, 120,000 die, most of them from infections, falls, diseases, parasites, injuries, ticks and poisonous plants. The predators kill approx. 20000 sheep. The wolves kill a small part (1200).

The Norwegian state pays a lot of money in compensation for sheep killed by wolves. Fewer and fewer sheep are killed by wolves and the number of applications for compensation for the loss of predators is declining. In recent years, the figures for compensated losses of grazing animals to protected predators have been significantly reduced.

When vulnerable wolves are shot every year as a result of the same problems in the grazing industry, the Norwegian authorities must be able to demand preventive measures be taken to prevent the killing of critically endangered wolves.

Norway's predator policy is set by the Norwegian Parliament, the Storting.

The Storting's adopted population target for wolves, which is three all-Norwegian litters a year (4-6 litters when border herds is including), is so low the wolves is constantly managed on the verge of extinction. This goal is so low it violates international obligations, researchers believe.

Norwegian wolf management cannot be described as scientifically based.

When the wolf population target was set in 2004, it was originally a scientific estimate of an absolute minimum number of litters needed to ensure a sustainable wolf population. This scientific recommendation has since been translated into an absolute maximum of politically permitted litters. This is completely absurd. No country with respect for nature and wildlife sets a maximum target for a critically endangered specie.

With as few litters as the government allows, the wolves will not have viable and genetically healthy populations in Norway. With such a small population, a virus or other disease can eradicate the wolf population.

The population target is set to secure the species. It is worrying that most political parties in the Storting now interprets this as a maximum goal. That is why Norway is starting every new year with a cruel wolf hunting in the wolf zone. These wolf packs are not a threat to grazing animals. There are no grazing sheep in this area. These animals have done nothing. Still, they have to pay with their lives.

There are no reason at all to shoot the wolf packs. The decision is based on: Public interests of significant importance (the interests of hunters and landowners). The population target is not in line with the intentions of the Bern Convention.

Although Norway is a large country with a low population density, we only have room for 4-6 litters. This is not a moral contribution to fulfill the convention.

Hunting also takes place during the breeding season. It violates the requirements of **Article 6** which oblige the Contracting Parties to prohibit the deliberate disturbance of wild fauna, in particular during the breeding season.

Norway is probably the only country in the world that has a legal license to hunt all its endangered predator species. In addition, many wolves are killed by illegal hunting.

It is difficult to imagine that any of what is happening to wolves in Norway is in accordance with the Bern Convention. Norway is getting closer and closer to the extinction of the wolf.

It is especially difficult to understand the reasoning behind killing healthy wolf packs that have been established within the wolf zone and that have caused no or only minimal damage to sheep farmers.

The Ministry of Climate and the Environment gave permission to kill 26 wolves outside the wolf zone, in addition the Ministry also gave permission to kill 25 wolves inside the protected zone this winter.

All the wolves in the wolf zone will probably be shot by March 1.

The extensive killing of wolves every year with major consequences for the wolf population must be stopped. I find this controlled extermination extremely alarming and not in accordance with national and international agreements.

Yours sincerely
Margareth Konst
Norway

**Convention on the Conservation of European
Wildlife
and Natural Habitats**



COMPLAINT FORM

First name: Ragnhild

Surname(s): Sollund

On behalf of (if applicable): N/A

Web site: [Ragnhild Sollund - Department of Criminology and Sociology of Law \(uio.no\)](https://www.uio.no)

Date: 17 February 2022

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

The culling of the wolves breaches with article 6 and 9.

The Norwegian government has decided to kill all individuals of the three Norwegian wolf packs in the territories of Hornmoen, Bograngen, Mangen and the pack in the border territory with Sweden; Rømskog. All these packs live(d) within the wolf zone, i.e. the 5% of Norwegian territory where the state has decided wolves shall have particular protection. Outside wolf territory all wolves are systematically killed. The predator boards that are delegated responsibility to make decisions concerning the killing of endangered predators in Norway made this decision. The Norwegian Environment Agency supported it, and so did the Minister of Climate and Environment. Fifty-four wolves, 26 outside designated wolf zone, and 28 within the wolf zone are therefore in the process of being killed. These are more than half of the entire Norwegian wolf population.

With this culling, Norway fails to take individual responsibility for protecting a critically endangered species, and fails to comply with the Bern convention.

Further, no alternatives to killing have been attempted (See article 9 of the convention and the Nature Diversity Act §18). That no alternatives have been attempted makes sense in view of the lack of threat to livestock and human health and security the wolves constituted.

When Norway does not comply with its own predator zone policy, this clearly emphasizes that no wolves in Norway enjoy protection, at the contrary, their mere existence justify them being killed, in the eyes of the predator management authorities in Norway.

Norway has been criticized before for not complying with the Bern convention in regard to wolf culling and the goal of only 4-6 litters a year², which started out as a minimum goal but has developed to become a maximum goal.

The decision to proceed with the culling is also breach of the Norwegian wildlife law, which protects wildlife from hunting during breeding. The wolf hunt was extended to March 1st, rather than being stopped at February 15. The hunt is also breach of the Animal welfare act, since the wolves are hunted by means of helicopters, which causes extreme stress.

Finally, when the state initiates license killing of wolves and other protected predators, research shows the threshold for killing these species illegally is lowered. From a sociology of law perspective, the normative message sent by legislation that killing an animal of a protected species is illegal and punishable with up to five years, becomes extremely blurred when hunters may legally kill more than half of the population legally. Research also shows that actors who are involved in illegal hunts also

² Trouwborst, A., Fleurke, F. M., & Linnell, J. D. (2017). Norway's wolf policy and the Bern Convention on European Wildlife: avoiding the "manifestly absurd". *Journal of International Wildlife Law & Policy*, 20(2), 155-167.s

engage in license hunting³. Both the legal and the illegal hunting contribute to endangering the wolves in Norway⁴.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Grey wolves in Norway. Appendix II.

3. What might be the negative effects for the specie/s or habitat/s involved?

The decision of the culling is not scientifically but politically based and the Scandinavian (including the Norwegian) wolves suffer and are endangered due to inbreed. The number of wolves to be killed will endanger the species in Norway, which will take many years to recover, unless this Norwegian culling practice is abandoned and the Bern convention respected.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

N/A

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

The culling was stopped after several NGOs succeeded in getting an injunction from Oslo tingrett, on Dec. 29. 2021. The state and the Utmarkskommunenenes Sammenslutning [forest owners] appealed to Borgarting lagmannsrett (court of appeal) that overruled the decision to stop the culling on 11 February 2022. The NGOs are now considering whether to appeal this overruling to the Supreme Court. Another court case in Oslo District Court [Oslo tingrett] concerning the killing of wolves inside wolf zone judged illegal the killing of the wolves in Letjenna, on July 9, 2021. The Norwegian state has appealed this sentence and the NGOs wanted this year's hunts to be stopped until the case has been treated in Borgarting Court of appeal, which is scheduled totake place in June 2022. Despite the pending of this case, Norway proceeded with the killing.

³ Sollund, R. (2017). Perceptions and law enforcement of illegal and legal wolf killing in Norway: organized crime or folk crime? *Palgrave Communications*, 3(1), 1-9. ; Sollund, R. (2016). The animal other: Legal and illegal theriocide. In *Greening criminology in the 21st century* (pp. 93-113). Routledge; Sollund, R., & Goyes, D. R. (2021). State-organized crime and the killing of wolves in Norway. *Trends in Organized Crime*, 1-18.

⁴ Skogen, K., von Essen, E., & Krange, O. (2021). Hunters who will not report illegal wolf killing: Self-policing or resistance with political overtones?. *Ambio*, 1-11.

⁴ Wikenros, Camilla, Morgane Gicquel, Barbara Zimmermann, Øystein Flagstad, and Mikael Åkesson. "Age at first reproduction in wolves: different patterns of density dependence for females and males." *Proceedings of the Royal Society B* 288, no. 1948 (2021): 20210207. Kardos, M., Åkesson, M., Fountain, T., Flagstad, Ø., Liberg, O., Olason, P., ... & Ellegren, H. (2018). Genomic consequences of intensive inbreeding in an isolated wolf population. *Nature ecology & evolution*, 2(1), 124-131.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

This culling will likely have very negative impact on the Norwegian wolf population, and entail more inbreed. The killing of stable flocks will open up for new wandering immigrant wolves who will constitute greater risk to livestock and thus increase the level of conflict related to the wolves.

Killing these wolves leaves territories open for new establishment that will take time, but that eventually will lead to further conflict, as long as the state does not acknowledge its responsibilities to the Bern convention and to conserving the large predators in Norway.

According to Rovdata.no⁵, the public entity that surveils the large predator population in Norway, by February 2nd, there were in total maximum 116 wolves in Norway, of which only 44-45 were living only in Norway and 54-57 lived in cross border territory (to Sweden). Killing 56 wolves therefor severely impacts on the species chances of recovery.

⁵ [111-116 ulver påvist i Norge så langt i vinter \(rovdata.no\)](https://www.rovdata.no/)

ANNEXED LETTER

To the Secretariat of the Bern convention

From Ragnhild Sollund,
Professor
University of Oslo,
Dept. of Criminology and Sociology of Law
Date: 25. august 2022

Appendix to complaint form

I am leading the research project, Criminal justice, wildlife conservation and animal rights in the Anthropocene, CRIMEANTHROP, funded by the Norwegian research Council. [CRIMEANTHROP - Department of Criminology and Sociology of Law \(uio.no\)](https://www.uio.no/department/crimanthrop)

The project investigates the implementation of CITES and the Bern convention in Norway, Spain, Germany and the UK. On basis of following Norway's large carnivore policy over years, I add the following to my complaint of Norway's lack of compliance to the Bern Convention:

The Norwegian government has decided to kill all individuals of the three Norwegian wolf packs in the territories of Hornmoen, Bograngen, Mangen and the pack in the border territory with Sweden; Rømskog. All these packs live(d) within the wolf zone, i.e. the 5% of Norwegian territory where the state has decided wolves shall have particular protection.

I am highly critical to the fact that Norway in this decision fails to take responsibility for Norway's own obligations to the Bern convention and leaves it to Sweden to conserve the wolf species in Southern Scandinavia, and regard this to be a breach of the Bern convention, article 6 and 9.

When Norway does not comply with its own predator zone policy, this clearly emphasizes that no wolves in Norway enjoy protection, at the contrary, their mere existence justify them being killed, in the eyes of the predator management authorities in Norway.

Norway has been criticized before for not complying with the Bern convention in regard to wolf culling and the goal of only 4-6 litters a year⁶, which started out as a minimum goal but has developed to become a maximum goal. The decision of the culling is not scientifically but politically based and the Scandinavian (including the Norwegian) wolves suffer and are endangered due to inbreed⁷.

The decision to proceed with the culling after February 15 is also breach of the Norwegian wildlife law, which protects wildlife from hunting during breeding. The wolf hunt was extended to March 1st. The hunt is also breach of the Animal welfare act, since the wolves are hunted by means of helicopters, which causes extreme stress.

Further, when the state initiates license killing of wolves and other protected predators, research shows the threshold for killing these species illegally is lowered. From a sociology of law perspective, the normative message sent by legislation that killing an animal of a protected species is illegal and punishable with up to five years, becomes extremely blurred when hunters may legally kill more than half of the population legally. Research also shows that actors who are involved in illegal hunts also

⁶ Trouwborst, A., Fleurke, F. M., & Linnell, J. D. (2017). Norway's wolf policy and the Bern Convention on European Wildlife: avoiding the "manifestly absurd". *Journal of International Wildlife Law & Policy*, 20(2), 155-167.s

⁷ Wikenros, Camilla, Morgane Gicquel, Barbara Zimmermann, Øystein Flagstad, and Mikael Åkesson. "Age at first reproduction in wolves: different patterns of density dependence for females and males." *Proceedings of the Royal Society B* 288, no. 1948 (2021): 20210207. Kardos, M., Åkesson, M., Fountain, T., Flagstad, Ø., Liberg, O., Olason, P., ... & Ellegren, H. (2018). Genomic consequences of intensive inbreeding in an isolated wolf population. *Nature ecology & evolution*, 2(1), 124-131.

engage in license hunting. Both the legal and the illegal hunting⁸ contribute to endangering the wolves in Norway⁹.

Article 6 of the Bern convention states that: «Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the special protection of the wild fauna species specified in Appendix II. The following will in particular be prohibited for these species: a all forms of deliberate capture and keeping and deliberate killing »

Nonetheless Article 9 gives exceptions from article 6, more precisely, it says: «Each Contracting Party may make exceptions from the provisions of Articles 4, 5, 6, 7– in the interests of public health and safety, air safety or other overriding public interests».

This is the exception that is incorporated into the Nature Diversity Act, [NML] §18 c¹⁰, where it is stated that exceptions to the protection can be made to secure general health and security considerations or other public interests of significant importance. This refers directly to article 9.

The authorities acknowledges that this culling will severely impact on the Norwegian wolf population and the decision is based on the condition that Sweden upholds its own responsibility to conserve the Scandinavian wolves; that illegal killing does not exceed what is expected, and that sufficient wolves immigrate from Finland for the population to recover.

According to a decision in Borgarting court of appeal, the Ministry of Climate and Environment states no alternatives exist to killing the stable wolf packs. Their argument is that to kill these wolves will ease social conflict related to predator management.

The Norwegian authorities' argument for killing these wolves is invalid, and entails that just by saying it is of public interest of significant importance, the culling of more than half of the population of critically endangered species is pretended to be justified. This policy is a serious threat to the survival of wolves in Norway, and will create and prolong such invalid justification and legitimacy for future culling. A considerable weakness of the argument for killing all these wolves, is that it was not concretized what; “general health and security considerations or other public interests of significant importance” constitute.

The authorities, as cited in the Court overruling from Borgating court appeal, list the following reasons for killing the wolves, and state this is according to §18 c of the Nature Diversity Act: 1st, the goal of only four to six litters, 2nd district political considerations, 3rd the aim to reduce conflict connected to wolf management and 4th to increase the trust in wolf management.

The Ministry of Climate and Environment's argument does not concretize why these described concerns are “overriding circumstances” that can permit exceptions to the strict protection that follows from the Bern Convention and the Nature Diversity Act that presupposes a high threshold for killing wolves inside the wolf zone. This fourfold argument is invalid for the following reasons: 1) The management goal of only four-six litters a year is a minimum goal aimed at keeping the wolves at the brink of extinction, not to ensure a healthy population. 2) District political considerations is in reality the interests of forest owners and hunters, not the interest of the majority of the Norwegian (human) population. 3) The uproar and protests against the culling clearly illustrate that conflict is increased rather than being reduced; and 4) Except for hunters and farmers who want NO predators in Norway the trust in Norwegian predator management is reduced, as exemplified in public debate and protests.

The state does not enter into how the decision to make this dramatic reduction of wolves in Norway will settle the conflict concerning wolf management in Norway for the majority of the Norwegian human population who want to have wolves in Norwegian nature¹¹.

⁸ Sollund, R. (2017). Perceptions and law enforcement of illegal and legal wolf killing in Norway: organized crime or folk crime? *Palgrave Communications*, 3(1), 1-9. ; Sollund, R. (2016). The animal other: Legal and illegal theriocide. In *Greening criminology in the 21st century* (pp. 93-113). Routledge; Sollund, R., & Goyes, D. R. (2021). State-organized crime and the killing of wolves in Norway. *Trends in Organized Crime*, 1-18.

⁹ Skogen, K., von Essen, E., & Krange, O. (2021). Hunters who will not report illegal wolf killing: Self-policing or resistance with political overtones?. *Ambio*, 1-11.

¹⁰ [Lov om forvaltning av naturens mangfold \(naturmangfoldloven\) - Lovdata](#)

¹¹ Tangeland, T., Skogen, K., & Krange, O. (2010). Om rovdyr på landet og i byen. Den urban-rurale dimensjonen i de norske rovviltkonfliktene. *NINA rapport*. [About predators in rural areas and the city. The urban-rural dimension of the Norwegian predator conflicts].

Since these were stable packs that did not threaten livestock, what remains is that the wolves existence per se is the cause for conflict, and the culling is done to satisfy local communities who have an aversion against the existence of wolves in Norway. This is an insufficient reason for culling 28 wolves inside wolf zone, and is a breach of the justification for the predator zone system, which should grant predators special a high degree of protection inside the zone.

This culling of wolves in 2022 will likely have very negative impact on the Norwegian wolf population, and entail more inbreed. The killing of stable flocks will open up for new wandering immigrant wolves who will constitute greater risk to livestock and thus increase the level of conflict related to the wolves.

Killing these wolves leaves territories open for new establishment that will take time, but that eventually will lead to further conflict, as long as the state does not acknowledge its responsibilities to the Bern convention and to conserving the large predators in Norway.

Ragnhild Sollund

Professor

Department of Criminology and Sociology of Law

University of Oslo

**Convention on the Conservation of European
Wildlife
and Natural Habitats**



COMPLAINT FORM

First name: Stefanie

Surname(s): Reinhardt

On behalf of (if applicable): N/A

Web site: [Stefanie Reinhardt - Universitetet i Sørøst-Norge \(usn.no\)](https://www.usn.no)

Date: 15 February 2022

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

The reason of complaint is about the management of the Norwegian wolf population in general, and the ongoing culling in particular. The Contracting Party is the Norwegian government.

Article 6(a) of the Convention is the article of main concern, as it states that all deliberate killing of the species is prohibited. Now 28 individuals out of approximately 60 Norwegian wolves (i.e., spending their entire life span within Norwegian borders) or alternatively 28 out of approximately 110 individuals, both Norwegian and transitional (shared with Sweden) wolves will be culled.

Other violated Article of the Convention are article 1(2), 2, 3 (3), 9, 11(2a)

1(2) the species is classified to be critically endangered according to the Norwegian Red List. Additionally, the species is listed on Appendix 2 of the Bern convention, i.e. a strictly protected fauna species.

Article 2 The Contracting Party has not taken requisite measures to maintain the population of (...) 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.

Article 3(3) The Norwegian government has not promoted education and disseminate general information on the need to conserve the mentioned species of wild (...) fauna and its habitat.

Article 9 states that each Contracting Party may make exceptions from the provisions of Articles 4 (...), provided that there is no other satisfactory solution and that the exception will not be detrimental to the survival of the population concerned: There is no ground for granting exceptions since there is no damage to crops, livestock, forests, fisheries, water and other forms of property (the hunted wolves are residing in the wolf zone, where only small numbers of livestock are kept, thus these wolves have almost not killed any livestock at all), there is no damage to the interests of public health and safety, air safety or other overriding public interests; – research and education is not the reason of the culling, neither is repopulation, of reintroduction and for the necessary breeding; – it's neither a small number of individuals that are hunted, it's rather half of the population, already considered to be critically endangered in Norway before the hunt.

Article 11(2a) The Norwegian wolf population has very low genetic diversity, and there has not been made any attempts to encourage any augmentation of genetically distant wolves which would contribute to the long-term survival of the species.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Canis lupus (Appendix II) The species is considered critically endangered according to the Norwegian Red List.

The ongoing culling affects individuals in certain territories (Hornmoen, Slettås, Bograngen and Rømskog), those territories are located within the Norwegian “wolf zone”, which covers 5% of the Norwegian area and is considered a priority zone for wolves.

However, the ongoing management policy affects the whole Norwegian wolf population. There are ca. 60 wolfs spending their entire lifespan within the borders of Norway. Out of these 60 wolfs, 28 will be culled in the ongoing hunt which was just prolonged until March 1st.

3. What might be the negative effects for the specie/s or habitat/s involved?

The number of individuals was even before the ongoing culling below the minimum viable population (MVP). Now the number is even further decreased. The MVP is even not fulfilled for the Norwegian and Swedish population together.

Further, there is no augmentation program conducted to counteract the problem of small populations and a low genetic diversity.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

N/A

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

Yes, recently there were/ are two injunctions going on at the national level. One has its final proceedings next summer. The other one where it was decided that 28 wolves could be culled now was announced last Friday afternoon. The time of announcement made it impossible for the opposite party to request a postponement of the irreversible consequences of the decision. And during the weekend a large part of the Norwegian wolf population has already been killed.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

Now it has also been opened for an extension of the hunting period. Usually, the wolf culling in Norway ends February 15th, now it's extended until March 1st. Thus, wolf culling and mating season coincide which is not appropriate from an animal welfare point of view neither.

**Convention on the Conservation of European
Wildlife
and Natural Habitats**



COMPLAINT FORM

First name: Siri

Surname(s): Martinsen

On behalf of (if applicable): NOAH – for animal rights

Web site: www.dyrsrettigheter.no

Date: 12 April 2022

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

In December 2021, the Norwegian Ministry of Climate and Environment approved the hunting of 54 wolves out of a population of 69-86 wolves (more than 2/3 of the Norwegian wolf population)¹². This quota included four families in the wolf zone where legal protection of wolves should be especially strict. NOAH is submitting a complaint on the five decisions of the Ministry of Climate and Environment of Norway on the license hunt of wolves for population control purposes **outside the wolf zone** 2021-2022, adopted on 26 November 2021. These decisions opened for the culling of altogether 26 wolves in five different predator management regions – region 1, region 2, region 3, regions 4 and 5 (considered as one region for wolf management purposes), and region 6. The period for the license hunt is 1 December 2021–31 May 2022, as laid down in the Regulations on the Management of Large Predators. NOAH considers that the above-mentioned decisions on the population control of wolves (license hunting) outside the wolf zone are in breach of the following provisions of the Bern Convention:

- **Article 2:** Excluding 95% of a critically endangered species from its natural range is not in line with Article 2, considering the low number of wolves in Norway and the extremely high inbreeding coefficient (0,24). As long as the politically set population target is applied as the maximum limit value on the wolf population in Norway, the wolf is kept at the critically endangered (CR) status indefinitely.

- **Article 4:** By excluding the presence of wolf from 95% of its territory, Norway is not ensuring sufficient habitats, including routes for migrating, for the critically endangered wolf population. Especially in the north of the country, several genetically important immigrant wolves have been shot as part of damage hunting and license hunting in recent years, making it difficult for the isolated Norwegian wolf population to be connected to the Finnish/Karelian wolf population which further exacerbates the extinction risk due to heavy inbreeding.

- **Article 6:** With year-round culling and license hunting (also during the period of breeding) and adopting annually high quotas to limit the growth and/or distribution of the critically endangered wolf population, Norway is not ensuring the special protection of the wolf.

- **Article 9(1)(e):** Norway has not transposed the last indent of Article 9 with its respective restrictions into its national law; the license hunt that is motivated by the mere reduction of the number of wolves and their distribution range in Norway, has no legal basis.

Article 9(1)(b): According to the above-mentioned decisions, mere occurrence/presence of lone wolves outside the wolf zone fulfils the requirement of “damage” and gives ground for the application of the exception; the qualification “serious” is not transposed into Norwegian law and not applied in areas outside the wolf zone.

¹² There were 111-116 individuals of wolves registered in Norway during the registration season 2020/2021, of which 44-45 were registered only in Norway. <https://rovdata.no/Nyheter/ArtMID/17026/ArticleID/4150/111-116-ulver-p-229-vist-i-Norge-s-229-langt-i-vinter.aspx>

- **Article 9(1)(c):** According to the above-mentioned decisions, it is an “overriding public interest” that no established pairs of wolves/wolf packs occur outside the wolf zone – the mere occurrence/presence of such wolves triggers the application of this exception. NOAH argues that Norway has defined the term “overriding public interests” too broadly, encompassing such interests and considerations that should be considered only under indent b in Article 9(1) – discomforts relating to adaptation and the accruing potential loss of income by the grazing industry, damage to hunting dogs and the accruing potential loss of income by the hunting industry/landowners. The wide array of interests included under the term “other overriding public interests” contradicts with the guidelines in the Revised Resolution No.2 (1993) on the scope of Articles 8 and 9 of the Bern Convention. According to the guidelines, exceptions under Article 9 are allowed for “*non-cumulative* specific reasons”. By applying indent c as a catch-all clause, Norway has circumvented other exception grounds in Article 9 and in this way considerably weakened the strict protection of the wolf, as established by the Convention. Considerations such as general conflict mitigation and increasing trust and predictability in the wolf management in the “best” case might fall into the margins of the term “overriding public interests”, if they can be considered under this exception at all. In any case, these considerations cannot be used as the main and decisive ground for justifying an exception under “overriding public interests”, especially when the authorities themselves, on the one hand, promote the expectation of removal of all territory-marking wolf pairs/wolf packs outside the wolf zone, and on the other hand, resort to the exception (as the only solution) in order to deliver on it.

- **Article 9(1): the condition “that there is no other satisfactory solution”** has not been met, as the justification for the license hunt is based on the control of the population size and distribution range as such. Restricting the distribution range of wolves to 5% of Norway has been the motivating factor of and ground for the license hunt. NOAH argues that the purpose of the exception “overriding public interests” cannot be having less or no wolves as such. Obviously, it is impossible to find other alternatives than culling to such purpose. However, this renders the condition of “no other satisfactory solution” meaningless and therefore constitutes a breach of the Bern Convention.

- **Article 9(1): the condition “the exception will not be detrimental to the survival of the population concerned”** has not been met - as long as there is no political agreement on the common management of the Norwegian-Swedish wolf population, Norway cannot legally rely on the wolves found in Sweden when assessing the condition “not detrimental to the survival of the concerned population”, even if the wolf populations in Norway and Sweden are biologically connected. In any case, a population of 40-60 wolves (4-6 annual reproductions) is not enough to ensure that the wolf population will survive in the long-term in Norway.

2. Which are the specific specie/s or habitat/s included in one of the Appendices of the Bern Convention potentially affected? (Please include here information about the geographical area and the population of the species concerned, if applicable)

Canis lupus in Appendix II of the Bern Convention. The map of the wolf zone in Norway can be accessed here: <https://miljoatlas.miljodirektoratet.no/KlientFull.htm?ma=927D9>.

3. What might be the negative effects for the specie/s or habitat/s involved?

The negative effect is that the wolf population in Norway and Sweden is being pushed further towards extinction. The wolf population in Norway is categorized as “critically endangered” (CR) and as “threatened” (EN) in Sweden. According to the Swedish Red List of Species 2020, the Swedish wolf population was uplisted from “vulnerable” (VU) to “threatened” (EN). This indicates that the conservation status of the wolf has worsened. Recent scientific reports conclude that the wolf population in Norway and Sweden is the most inbred wolf population in the world and has a high risk of extinction if urgent measures are not taken¹³; new data (see attached report) shows that the population founder

¹³ Stenøien, H. K., Sun, X., Martin, M. D., Scharff-Olsen, C. H., Alonso, G. H., Martins, N. F. G., ... & Gilbert, M. T. P. (2021). Genetisk opphav til den norsksvenske ulvestammen (*Canis lupus lupus*). *NTNU Vitenskapsmuseet naturhistorisk rapport*. Available online at: <https://ntnuopen.ntnu.no/ntnu-xmlui/handle/11250/2987985> English summary can be found on page 4.

individuals already showed signs of inbreeding and that the Scandinavian wolf population is in genetic peril.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

The wolf population in Norway is biologically considered to be a part of the wolf population in Sweden. Sweden is bound by the Habitats Directive. See the attached report for further details.

5. Do you know if there are any pending procedures at the national or international level regarding the object of your complaint?

There are no procedures pending in Norway or internationally concerning the license hunt of wolves outside the wolf zone; the legal proceedings were finalized in March 2021. There is an ongoing court case concerning license hunt of wolves in the wolf zone.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

Conflict mitigation is a research area that has received especially much attention with regard to large carnivores. There are several ongoing projects that address the societal dimensions of living together with wolves. This research has not been taken into account by the Norwegian authorities. See the attached report for further details.

ANNEXED ADDIOTIONAL INFORMATION

1. Please state the reason of your complaint (refer also the Contracting Party/es involved and the Articles of the Convention which might be violated).

NOAH is submitting this complaint on Norwegian wolf management outside the wolf zone as the Norwegian authorities have made the Convention de facto inapplicable to 95% of Norwegian territory. In the remaining 5% of the territory the Bern Convention is applied for the main purpose of limiting the wolf population in Norway to 40-60 wolves (4-6 annual reproductions). Paradoxically, the Norwegian authorities have developed a management practice where the Bern Convention is no longer providing strict protection to the wolf; the provisions of the Convention are used in order to justify the gradual weakening of this protection through an extremely liberal interpretation and extensive use of exceptions in Article 9 of the Convention. The obligations under Articles 2, 3, 4 and 6 have not been implemented in Norwegian legal acts nor in policy with regard to the critically endangered wolf – there is no wolf conservation plan in place, as there is for example for the threatened (EN) Arctic fox (*Vulpes lagopus*). The population limit value of 4-6 annual reproductions of wolves, of which 3 must occur in Norway only, is arbitrary and is not based on any scientific assessments on the ecological capacity¹⁴ or the longterm viability of the wolf population in Norway. In addition, the way this population limit value is applied – as a maximum/ceiling on the population – that in itself almost automatically satisfies all the three conditions in Article 9, is not in line with Article 2 of the Convention. By applying the exceptions in a general manner, Norway has in all practical terms reduced its commitments with regard to the wolf to a level where the Convention does not affect it anymore.

According to the Regulations on the Management of Large Predators the purpose of the license hunt of wolves (culling for population control) is to “limit the growth and/or distribution of a population”, and exceptions to the strict protection of the wolf can be made on the following two exception grounds: “to prevent damage to crops, livestock, forests, fisheries, water and other forms of property” (the term “serious” is not included in the Norwegian legal acts) or “in the interests of public health and safety, air safety or other overriding public interests”. The decisions on the license hunt of wolves outside the wolf zone are aimed at keeping 95% of the Norwegian territory free of lone and breeding wolves. License hunting is conducted in the period of 1 December until 31 May¹⁵.

The decisions mentioned in the complaint are mostly directed at lone wolves (wandering wolves in search of territory and a mate), but in regions 4 and 5 the Ministry also opened for the killing of a territory-marking pair¹⁶. Since 2017, the Norwegian authorities have used the exception ground “other overriding public interests” to allow culling of wolf packs and territory-marking wolf pairs outside the wolf zone, because such wolves as a rule do not take sheep and the exception ground “to prevent damage to crops, livestock, forests, fisheries, water and other forms of property” does not become legally relevant. The expectation that no wolves occur on a permanent basis outside the wolf zone has been considered by the Ministry as an “overriding public interest” under Article 9(1)(c) of the Bern Convention.

Statistically, the number of wolves killed as part of license hunting (both outside and in the wolf zone) is as follows¹⁷: 2017/2018 – 24 wolves (adopted quota 42 wolves); 2018/2019 – 15 wolves (adopted quota 33 wolves); 2019/2020 – 10 wolves (adopted quota 32 wolves); 2020/2021 – 25 wolves (adopted

¹⁴ According to a study conducted in 2003, there is suitable habitat for 408 reproductive units of wolves (reproductive pairs or wolf packs) in Sweden and 288 reproductive units of wolves in Norway. Fagrapport, N. I. N. A. Potensielle leveområder for store rovdyr i Skandinavia: GIS-analyser på et okoregionalt nivå (2003). Available online at: <https://www.nina.no/archive/nina/PppBasePdf/fagrapport/064.pdf>

¹⁵ In addition to culling to “limit the growth and/or distribution of a population”, decisions on the culling for damage prevention (skadefelling) are adopted on a running basis ever year in the period starting around 15 May (with effect 1 June) until autumn when the grazing season ends (in September-October). These decisions are based on the exception ground “to prevent damage to crops, livestock, forests, fisheries, water and other forms of property”. As a rule, these permits are granted where the wolf has not attacked any animals; pure sightings or tracks are considered as sufficient proof of risk of damage; “seriousness” of the damage is not considered, even one killed sheep is sufficient to satisfy the threshold for culling.

¹⁶ Another pair of wolves was “accidentally” killed during the license hunt of wolves in region 4 outside the wolf zone.

¹⁷ These numbers do not include wolves culled for damage prevention (skadefelling). In the period 2017-2018 until 2020/2021 **26 wolves** were shot in the grazing season as part of culling for damage prevention

quota 37 wolves); 2021/2022 – 33 wolves shot per 16.03.2022 out of the total quota of 54 wolves. Hence, although NOAH submits a complaint on the decisions 2021-2022, these decisions are only the latest example of a policy that is based on an extensive lethal control of the wolf population in Norway as a normal and general practice. The adopted quotas make 2/3 of the Norwegian wolf population per year, resulting in the extermination of around 30% of the Norwegian wolf population annually.

NOAH would like to elaborate in more detail on the exceptions resorted to in the respective decisions:

- **Article 9(1)(b): I. “to prevent serious damage”** – in its judgment of 26 March 2021, the Supreme Court has accepted the Ministry’s approach according to which the mere occurrence of lone wolves outside the wolf zone is sufficient to fulfil the requirement of “damage”, and the qualification “serious” need not be applied in areas not defined as “wolf zone” (95% of the territory of Norway). The Supreme Court accepted that there is no requirement to assess on a case-by-case basis the potential threat of damage against the quota for license hunting, because the designation of the wolf zone in itself constitutes the “balancing of interests” for all future decisions on population control (license hunting) for damage prevention; **II. “there is no other satisfactory solution”** – based on the presumption that there should be no lone wolves present outside the wolf zone, the removal of such wolves is the only satisfactory solution; in other words, the condition that “there is no other satisfactory solution” is automatically met by the mere fact that lone wolves occur outside the wolf zone. **NOAH argues** that this kind of reasoning is circular and renders the condition legally meaningless.

- **Article 9(1)(c): I. “other overriding public interests”** – in its judgment of 26 March 2021, the Supreme Court has accepted the state’s approach that the following interests and considerations come under the exception ground: grazing industry with regard to livestock, other business activities, hunting, the safety and general psycho-social considerations of the local people. The Court stated further that these interests can be presumed to reach *cumulatively* the threshold of “overriding public interests” when the population limit value of 4-6 annual reproductions has been met, even if those interests on their own do not reach the threshold. The Court concluded that considerations such as predictability, conflict mitigation and increasing trust in the wolf population management weigh heavily, especially as “*For both life development and investments, it could be important that those who live and work outside the wolf zone can count on wolves not having their habitat there on a permanent basis.*” Based on this, the Ministry has argued in the above-mentioned decisions that it is an “overriding public interest” that no established pairs of wolves occur outside the wolf zone. The Court also dismissed both the requirement of documentation and the requirement to assess how these considerations are actually relevant with regard to the wolf packs to be culled; the Court concluded that it is in the nature of such considerations that they are non-quantifiable and general. **NOAH points out** that this conclusion contradicts with the position statement by Large Carnivore Initiative for Europe (LCIE) on the 2010 Swedish wolf hunt of December 2010: “... *we consider it important to document that such a hunt actually increases rural acceptance for wolf presence and reduces conflicts (be they material, economic or social).*»¹⁸ The Norwegian authorities also failed to assess whether culling might have the opposite effect (less tolerance), and did not consider results from social research according to which the local population do not necessarily consider culling as the appropriate measure to address potential conflicts.

II. “there is no other satisfactory solution” – the decisions establish that there is no alternative to the removal of the established pair as the negative effects related to unpredictable wolf management and conflicts and reduced trust in the wolf management can only be dealt with culling. The Ministry refers to the argumentation of the Supreme Court: “*If it is first assumed that the license hunt will strengthen confidence in the predator management and increase the predictability for people outside the wolf zone, it is not easy to see how this can be achieved in another satisfactory way.*” **NOAH considers** this argumentation circular; it renders the condition “no other satisfactory solution” legally meaningless and is in breach of Article 9 of the Bern Convention.

The management approach adopted by the Norwegian authorities is counterproductive to creating and increasing public acceptance of wolves and of a wolf management that is not based on culling. General

¹⁸ <http://jandarpa.se/wp-content/uploads/2017/07/LCIE-Statement.pdf>

policy issues such as the number of wolves and the distribution of the population should not be dealt with by resorting to exception clauses; exceptions should be reserved to dealing with concrete problem situations and should be assessed on a case-by-case basis.

3. What might be the negative effects for the specie/s or habitat/s involved?

A study published in 2018 underlines the extreme rate of inbreeding in the Scandinavian wolf population¹⁹. The new method used in that study to measure inbreeding (whole genome sequencing) showed that Scandinavian wolves are on average even more inbred than thought before, as previous studies were only looking at genealogy of the population. The study showed that some immigrants from the Russian-Karelian population were also suffering from inbreeding: *«In the case of the Scandinavian wolf population, having inbred and related immigrants means that animals are on average more inbred than it appears based on pedigree information alone ... This emphasizes the importance of immigration into the population to limit inbreeding and inbreeding depression.»* In 2022, another study was published that concluded that despite a handful of immigrants who have been integrated with the local population in recent years the inbreeding levels in the Scandinavian wolf population continue to be high and signs of inbreeding depression have been recorded. This includes reduced litter size and/or juvenile survival, age at first reproduction, as well as congenital anomalies²⁰. The researchers concluded that Scandinavian wolves are in genetic peril.

The Norwegian authorities argue that the high inbreeding coefficient is compensated by regular immigration of wolves from the Russian/Karelian wolf populations. There is, however, no scientific proof in the decisions that this immigration rate is upheld. The offspring of the recent immigrants has still not become part of the wolf population and historically, the survival and breeding success of immigrants' offspring is very low. Success of immigration of wolves from Finnish/Karelian wolf population remains uncertain. Norway also killed F2 individuals during the license hunt in the wolf zone this year, which has further weakened the genetic status of the population.

The Swedish report of 2015 states that if the precondition of immigration is not met, the population in Sweden should consist of at least 1700 wolves in order to survive on a long-term basis²¹. The population should then also be respectively bigger in Norway.

Illegal killing is not accounted for in the assessments, even if it is mentioned. Every year several lead animals of wolf packs disappear, but as these are often replaced by immigrating wolves from Sweden, the effects of illegal killing are not taken into account. In addition, research shows that sustained shooting of wolf packs can lead to changes in reproductive structure and breeding strategy and accelerate loss of genetic diversity²²: *“The potential physiological effects of substantial, human-caused mortality suggest that hunting could be causing changes in reproductive structure and breeding strategy, as well as imposing chronic stress. Though increased reproduction might be viewed as a positive response of wolves to population reductions, the implications on lifetime reproductive output and generational survival of offspring as compared with undisturbed populations are unknown. However, a predicted outcome of such population disturbances is the loss of genetic diversity that can lead to a decrease in individual fitness and evolutionary potential, as well as an increased risk of population extinction (Frankham, D. & A. 2002; Leonard, Vila & Wayne 2005).*

Letting the wolf population in Norway to grow is the most effective and certain measure to alleviate the problem of inbreeding²³. The wolf is a social animal, which means that the population is viable when the social structures in the population are strong²⁴. Shooting entire wolf packs is directly counterproductive

¹⁹ Kardos, M., Akesson, M., Fountain, T., Flagstad, O., Liberg, O., Olason, P., ... & Ellegren, H. (2018). Genomic consequences of intensive inbreeding in an isolated wolf population. *Nature ecology & evolution*, 2(1), 124.

²⁰ Viluma, A., Flagstad, O., Akesson, M., Wikenros, C., Sand, H., Wabakken, P., & Ellegren, H. (2022). Whole-genome resequencing of temporally stratified samples reveals substantial loss of haplotype diversity in the highly inbred Scandinavian wolf population. *Genome research*, 32(3), 449-458. <https://genome.cshlp.org/content/32/3/449.short>

²¹ <https://www.slu.se/globalassets/ew/org/inst/ekol/forskning/projekt/skandulv/publikationer/rapporter/naturvardsverket-2015-delredovisning-av-regeringsuppdraget-att-utreda-gynnsam-bevarandestatus-for-varg.pdf>

²² Bryan, H. M., Smits, J. E., Koren, L., Paquet, P. C., Wynne- Edwards, K. E., & Musiani, M. (2015). Heavily hunted wolves have higher stress and reproductive steroids than wolves with lower hunting pressure. *Functional Ecology*, 29(3), 347-356.

²³ Laikre et al., Metapopulation effective size and conservation genetic goals for the Fennoscandian wolf (*Canis lupus*) population, *Heredity* (2016) 117 Official journal of the Genetics Society, 279–289. Raikonen J, Vucetich JA, Vucetich LM, Peterson RO, Nelson MP (2013) What the Inbred Scandinavian Wolf Population Tells Us about the Nature of Conservation. *PLoS ONE* 8(6): e67218.

²⁴ C-674/17, Luonnonsuojeluyhdistys Tapiola, <http://curia.europa.eu/juris/liste.jsf?num=C-674/17> (10 October 2019), paras. 57 and 72

to maintaining long-term viability and genetic diversity in the wolf population. In line with the precautionary approach, no extensive reduction of the existing population should be allowed.

4. Do you know if potentially affected species or habitats also fall under the scope of other international Conventions, (for instance: RAMSAR, CMS, ACCOBAMS, Barcelona Convention, etc) or if the area has been identified as a NATURA 2000/Emerald network site?

Norwegian authorities consider the Norwegian population of 40-60 wolves (4-6 annual reproductions where 3 reproductions have taken place in Norway) as an inherent part of the Swedish population and therefore assess the condition “not detrimental to the survival of the population” based on this limit value, and additionally on the Swedish population and the condition “favorable conservation status” in the Habitats Directive. The population limit value of 4-6 annual reproductions is not based on any biological assessment of the wolf population in Norway but is a political decision that originally was meant to denote the minimum level for the population. In recent years, this limit value has been used by the Norwegian authorities as the maximum in order to limit Norway’s responsibilities according to the Bern Convention. There is no legal ground for the limitation of responsibilities as it has not been agreed with Swedish authorities on a political level; it is a unilateral a decision and apparently unique in the context of the Bern Convention. Researchers who drafted the report on the favorable conservation status of the wolf in Sweden in 2015 included the existing number of wolves in Norway at that time into the assessment; however, this was not taken on board by the Swedish authorities in the final version of the assessment²⁵. There is no political agreement on the distribution of responsibilities between the two countries with regard to the wolf population in Norway and Sweden.

6. Any other information (existence of an Environmental Impact Assessment (EIA), size of projects, maps of the area, etc)

The Norwegian authorities rely on conflict mitigation over general policy issues on wolf management as an overriding public interest. Conflict mitigation is a research area that has received especially much attention with regard to large carnivores. There are several ongoing projects that address the societal dimensions of living together with wolves in Europe²⁶.¹³ Research conducted by Skogen and Krange in Norway (2020) concluded that “Analyses show that acceptance [for illegal killing of wolves - NOAH] joins a broader pattern of controversies in Norwegian society, expressed by phenomena such as xenophobia, skepticism of anthropogenic climate change, anti-elitism and low confidence in institutions working to preserve Norwegian nature. Being a hunter or having wolves in the neighborhood matters less.”²⁷ There is no evidence that license hunting creates or improves tolerance for wolves. Scientists have found that the opposite is true²⁸: «Our results provided evidence that illegal killing can be the most influential mortality factor, even in a wolf population that is simultaneously controlled through regulated harvest. ... Legal permits may release the pressure of illegal killing in the short term but do not necessarily improve the tolerance for wolves. The poaching of large carnivores is more strongly influenced by social factors, such as peer group norms and impending sanctions on killing, than threats to livelihoods (Treves and Bruskotter, 2014). Legal hunting alone can be an ineffective tool for the conservation and management of large carnivores, especially if there is a lack of quantitative knowledge about poaching and its relation to legal hunting.” Research published in 2020 by Straka et al. showed that “educating the public was preferred in any scenario; irrespective of the severity of the human-wildlife conflict” and that the focus should be on “promoting education programs that foster co-existence with wolves”²⁹ According to one leading wolf scientist in Norway, the wolf zone in Norway has space for 15-20 wolf packs.

²⁵ Supra n. 8.

²⁶ <https://www.eurolargecarnivores.eu/en/>

²⁷ Krange, O., & Skogen, K. (2020) Loven ost for Glomma. The law east of Glomma. Support for illegal killing of wolves as an expression of political resistance. *Norsk sosiologisk tidsskrift*, 4(03), 165-180.

²⁸ Suutarinen, J., & Kojola, I. (2017). Poaching regulates the legally hunted wolf population in Finland. *Biological Conservation*, 215, 11-18.

²⁹ Tanja M. Straka, Kelly K. Miller & Maarten H. Jacobs (2020) Understanding the acceptability of wolf management actions: roles of cognition and emotion, *Human Dimensions of Wildlife*, 25:1, 33-46.

Contribution to the complaints submitted on the decisions on license hunt of wolves in the wolf zone 2022 in Norway

In addition to the complaint on the license hunt of wolves outside the wolf zone, NOAH would like to contribute to the complaints submitted on the license hunt of wolf packs in the wolf zone in 2022, as decided by the Ministry of Climate and the Environment on 22 December 2021, and on 15 February 2022. We therefore ask that the information provided in this complaint on 1) Article 9(1)(c): I. “other overriding public interests” 2) requirement that “there is no other satisfactory solution” and 3) requirements that “the exception will not be detrimental to the survival of the population concerned”, and the information from scientific reports relating to this last requirement are taken into consideration when looking at the complaints submitted against the Ministry’s decision on the license hunt of wolves in the wolf zone in 2022. In light of the total number of wolves killed annually (in and outside the wolf zone) it may be appropriate to process the complaints simultaneously.

The Ministry’s decision of 15 February 2022 was adopted as an “extraordinary measure” not subject to any complaint procedure. The Ministry permitted the use of helicopters and shotguns in this “extraordinary” removal of two wolf packs (altogether 9 wolves were killed, including the lead animals in both packs). According to the Ministry, the extraordinary character was related to the fact that the culling was extended into the mating season of wolves, until 1 March. According to the Regulations on the Management of Large Predators, license hunting of wolves in the wolf zone ends on 15 February. In light of this, NOAH would like to add the following grounds on the breach of the Bern Convention to those already referred to in NOAH’s complaint and in the submitted complaints:

- **Article 6(c)**: The justification for the exception to the prohibition to deliberate disturbance of wild fauna, particularly during the period of breeding, was to keep the wolf population in the wolf zone at a population limit value (4-6 annual reproductions). By this time, two wolf packs had already been killed. **NOAH argues** that there was no particular (extraordinary) reason to extend the license hunt beyond the period laid down in the Regulations. The disturbance caused by the hunt to other breeding wolves was significant in relation to the objectives of this Convention. The Ministry’s decision of 15 February 2022 is in breach of Article 6(c).

- **Article 8**: The justification for the exception to the prohibition to use aircraft (as prohibited in Annex IV of the Convention) was the start of the breeding season. **NOAH argues** that the start of the breeding season should rather have provided an even stronger reason to abstain from using the prohibited means and methods for the killing of the critically endangered wolf. The Ministry’s decision of 15 February 2022 is in breach of Article 8.

The Norwegian wolf management is neither legally nor scientifically founded – the government argues that preventing a wolf population exceeding a politically pre-determined level (in order to avoid *alleged* conflict in society over the size and distribution of the wolf population) is an overriding public interest that is more important than the public interest of ensuring a viable wolf population in Norway. This constitutes misuse of the protection system established in the Bern Convention. Moreover, claiming that culling of wolves (including the use of culling as an “extraordinary measure”) will create trust in the authorities and reduce conflict over wolf management is overly simplistic and substantively unfounded.