

Back to square one? Wolf dis-protection in Europe

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After a short period of time in which the wolf has enjoyed a protected status prohibiting its hunting, the European Union institutions and its Member States are considering reversing their current protection regime.

After several years of harsh criticism in the European Parliament's agriculture committee, demands from various groups; farmers, hunting associations and political parties, have put wolf hunting back on the agenda, ahead of the upcoming elections in June 2024.

On 20 December 2023, the European Commission presented a proposal for a Council Decision to adapt the protection status of the wolf under the Bern Convention on the Conservation of European Wildlife and Natural Habitats, to which the EU and its Member States are parties. On the same day, the European Commission presented a report on the situation of the wolf in the European Union which states that, although 9 wolf sub-populations are present in 24 Member States and their numbers are constantly increasing, their conservation status is inadequate in several of them.

Although the number of wolves is growing, so are the threats they face, which this report has ranked in order of importance:

illegal hunting and killing as poisoning, the impact of roads, paths, railroads and related infrastructure that cause traffic accidents and the fragmentation across populations, border fences and wolf-dog hybridisation.

If this proposal is adopted, the European Commission will negotiate with the other State parties to the Bern Convention to reduce the level of protection of the wolf from "strictly protected" to "protected" by moving it from Appendix II (strictly protected fauna species) to Appendix III (protected fauna species). This will again raise the possibility of regular hunting in EU Member States, together with an increase in the number of individuals selected for lethal management.

The backdrop to these changes is a variety of circumstances. The losses caused by wolves to farmers have been a constant cause of criticism of the conservation status of wolves in many European countries. However, the problem is much more complex than the one presented by media debate, fueled by news reports, such as the death of President Ursula Von der Leyen's favourite pony, Dolly, from an attack by a lone wolf that could not be captured. The increasing number of wolves due to successful conservation policies are showing the limits of humans' willingness to coexist with wolves in different countries.

However, not all measures to be adopted to ensure co-existence can be the same, as the presence of wolves, their proper conservation status or the changes in their behaviour are very different depending on the states and the conflicting interests. For instance, their status of conservation is not guaranteed, as three sub-populations are classified as “Least Concern”, five belong to the category “Near Threatened” and one –the Scandinavian sub-population– belongs to the category “Vulnerable”(LCIE 2022), yet critically endangered in Norway.

In Spain, the change in the protection status of the wolf in the EU could reverse the current regime to the previous situation where the wolf was only a “protected” species north of the Due-ro River and a “strictly protected” species in the South where hunting was prohibited, which did not prevent it from becoming extinct in Andalusia.

In Norway, not only farmers and hunters’ interests but also forest owners’ interests are prioritized over biodiversity and the conservation of wolves (and other large predators). With a change in the protection status in the Bern convention this can entail even stronger persecution and the end of the Norwegian wolf population, which is already critically endangered and subject to annual culling in breach of the Bern convention as it currently stands. The species is kept at the brink of extinction due to a political agreement made in Stortinget (The Norwegian parliament).

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To guarantee a decent income for farmers and stockbreeders, greater state protection is undoubtedly needed, if the natural environment is to continue to be preserved with their help, in those protected areas that are privately owned. The European Commission has acknowledged this situation affirming on its proposal that “extensive livestock farming is essential for the maintenance and conservation of high-diversity agricultural ecosystems, such as permanent grassland” and “pastoralism is a traditional activity, part of our social heritage and a key to the economy of mountainous and marginal rural areas”.

In Spain, the damages sustained by extensive livestock farming because of wolf attacks have led to constant litigation for better compensation from the State according to the requirements set by the European legislation, while in Norway compensation far exceeds the number of sheep or other privately owned animals the wolves actually attack. This has still not increased farmers’ acceptance of the presence of the wolves. In Spain, livestock farmers argued that because the compensation was insufficient and left them in a situation of vulnerability, this gave them the right to defend themselves and hunt the wolf.

This issue was finally settled by a ruling of the Supreme Court that concluded that “... when dealing with animal species that enjoy special protection, due to the concurrence of a relevant public interest such as the environmental interest for the conservation and protection of the species, this means that private individuals cannot adopt their own measures, as it is up to the Administration to adopt the most appropriate measures for the conservation of the ‘canis lupus’ in that area” and to compensate for the damage caused. Thus, the loss of the wolf’s special protection status could also lead to the loss of the Spanish State’s compensation according to this jurisprudence of the Supreme Court.

The European Commission has justified that its proposal to reform the Bern Convention will give more flexibility to its State Parties to deal with increased damage and potential socio-economic conflicts related to wolves in some areas, while maintaining the objective of achieving a favourable conservation status for all wolf populations in the EU. The annual culling in Norway confirms that states are already given too much flexibility in interpreting how to implement the Bern convention and in deciding how many large predators a country should have. What is a truly a favorable conservation status is disregarded on cost of anthropocentric and economic interests (See the policy brief of David R. Goyes). In Norway, the government should ensure all alternatives to killing are attempted, such as fencing and herding, before allowing wolves (and other endangered predators) to be killed, and the number of large predators that should be in the country should be assessed on basis of science, rather than populist political decisions.

The debates on wolf dis-protection in Europe that lie ahead will have many implications for our model of relationship with nature that will have to be assessed from all points of view, once again. This debate should also encompass the intrinsic value of each individual and animal rights. For instance, the methods by which wolves are killed breach with rules for humane hunting and the Bern convention. Measures to strengthen damage prevention and compensation, as well as measures to combat threats to their conservation status, such as illegal hunting, must certainly be on the agenda of these new and necessary public debates and within our national parliaments.

NOTES

1. Proposal for a Council Decision on the position to be taken on behalf of the European Union on submitting proposals for amendment of Appendices II and III of the Convention on the Conservation of European wildlife and natural habitats with a view to the meeting of the Standing Committee of the Convention, COM/2023/799 final, 20/12/2023, available at <https://eur-lex.europa.eu/legal-content/EN/TX-T/?uri=CELEX%3A52023PC0799>
2. European Commission, Directorate-General for Environment, Blanco, J., Sundseth, K., The situation of the wolf (*canis lupus*) in the European union – An in-depth analysis, Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2779/187513>

3. STS 367/2020 of the Sala Contencioso-Administrativo (Contentious-Administrative Chamber) of 11 February 2020, - ECLI:ES:TS:2020:367

4. 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.



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