

Wolves, lynx and brown bears in Spain: exceptions to the rule for conservation?

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Spain is one of the few countries in the European Union where charismatic species such as the wolf, the lynx and the bear are still present. In Spain, the conservation status of these species differs depending on very diverse circumstances related to their social acceptance or their presence in publicly owned protected areas or on private property. In Spain the Bern Convention is strictly enforced; wolf hunting is prohibited and lethal wolf control is authorized only when considered necessary, respecting the adequate status of conservation. In Spain, the wolf, the lynx and the bear are protected by the regime determined by the legislation of the European Union -the Habitats Directive-, which has developed the Bern Convention extensively, albeit with exceptions.

The case of the wolf in Spain, *canis lupus signatus* has been the main subject of the Spanish CRIMEANTHROP study. The Spanish legislation concerning the wolf has changed in the last two years (2020-2022) to take into account international and European normative approaches and also the case law of the Court of Justice of the European Union (ECJ). Its groundbreaking jurisprudence in preliminary rulings by wolf management bodies in Finland and Romania has made these changes possible.

In the Tapiola case regarding Finland, the ECJ established that lethal control of wolves can only be a measure of last resort that must take due account of their conservation status. In a case on Romania, the ECJ ruled that “the strict protection of animal species provided for in the Habitats Directive extends to specimens that leave their natural habitat and stray into human settlement”. The ECJ has also stated that lethal control cannot be carried out through hunting. These changes in the interpretation and application of European legislation have also been introduced in Spain, where it has given rise to an important social debate. The incorporation of the wolf to the list of protected species has led this to discussion of the regulatory model among all interested parties, including the Spanish Ministry of Ecological Transition and Demographic Challenge. The livestock farmers' demands have been taken into account but not those of hunters. The claims of livestock farmers suffering wolf attacks have been recognized through a series of important measures. Firstly, the courts have recognized that farmers should be compensated for damages caused by wolf attacks. Secondly, the regulatory reform has maintained the lethal control of wolves for those individuals that pose a serious problem due to their predation on livestock in certain areas.

However, the petitions of the hunters' lobby to the Government and Parliament to maintain wolf hunting have not been accepted. Attempts to challenge the modification of the law by this lobby have also been rejected by the main Spanish jurisdictions. In any case, the success of the new legislation banning wolf hunting throughout the country and the strategy for wolf management and conservation in Spain will depend on the constant dialogue between the administration, livestock farmers, conservation organisations, hunters' associations and the general public.

The situation of the Iberian lynx (*lynx pardinus*) is very different. After being classified by the IUCN as one of the most endangered cat species in the world, it has recovered thanks to one of the most successful captive breeding programs, financed by the LIFE program of the EU. Its critical situation was due to the decimation of its prey (rabbit) by a contagious disease, and also to the fragmentation of ecosystems due to the construction of dams, roads and other public works. This caused the Iberian lynx to disappear from Portugal and from the north and center of Spain, being reduced to two areas in Doñana and Sierra Morena, where, due to their low numbers, they also suffered inbreeding problems that endangered their conservation status. The success of its recovery in captivity has made possible its reintroduction (rewilding) in some areas of Spain and Portugal. However, this reintroduction attempt has also been affected by illegal hunting in Spain and poisoning in Portugal, although these environmental crimes have not endangered this ongoing initiative.

Brown bear conservation in Spain presents a very complex situation in its two conservation areas. After having become extinct in the Pyrenees, its reintroduction with subspecies from the Balkans, more aggressive and with a greater number of incursions into human settlements, has led to episodes of environmental crimes such as the one that occurred in 2020 when a member of the Plataforma Anti-Oso group poisoned the bear Cachou with refrigerant. In the Cantabrian Mountains, the bear is still conserved in two populations that have been affected not only by human action, but also by the reduction of their food and shelter alteration as a consequence of climate change in their conservation areas. Despite this, the success of ecotourism initiatives that aim to observe them in the wild is a reason for hope.

Although there are still many aspects to be improved, it can be affirmed that European legislation in Spain is enabling a better coexistence with nature, which will require a constant effort to preserve the wolf, the bear and the Iberian lynx. The ultimate and common goal to be achieved as a public policy is to reach an adequate state of conservation of species and ecosystems, which must be accomplished with a better and stronger collaboration of livestock farmers, landowners dedicated to hunting activities and all the authorities of a federal state such as Spain. Economic resources from the European FEADER funds are being used to develop tools with livestock farmers, such as a pilot project of conditioned aversion to reduce wolf attacks on livestock.

The social debate must continue to expose the seriousness of environmental crime resulting from the illegal hunting of wolves, lynxes and bears, as well as foxes. Illegal hunting is often disguised as hunting errors and is not prosecuted because of the difficulty of proving it.

It is also important that Spain, as the country with the greatest biodiversity in Europe, continues to assume European commitments, in particular the one to increase protected areas by 30% of its territory by 2030, as accepted by the European Union at the last COP of the Convention on Biodiversity. To this end, Spain must not only expand the Natura 2000 Network areas, but also improve their management by the public administration and all citizens in order to make this global project of 'making peace' with nature a reality.



The opinions expressed in this policy brief are the author's own and do not reflect the view of the University of Oslo, Department of Criminology and Sociology of Law.

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