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CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

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**QUESTIONNAIRE FOR THE REPORTING OF PARTIES
TO THE BERN CONVENTION ON THE MEASURES UNDERTAKEN
TO IMPLEMENT THE STANDING COMMITTEE
RECOMMENDATION NO. 155 (2011) ON THE ILLEGAL KILLING,
TRAPPING AND TRADE OF WILD BIRDS**

*Document
prepared by
BirdLife International*

QUESTIONNAIRE
FOR THE REPORTING OF PARTIES TO THE BERN CONVENTION ON THE MEASURES
UNDERTAKEN TO IMPLEMENT THE STANDING COMMITTEE
RECOMMENDATION No. 155 (2011) ON THE ILLEGAL KILLING, TRAPPING AND
TRADE OF WILD BIRDS

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A. COMMUNICATION AND NATIONAL STRATEGY

Q1: Were the results of the 1st European Conference on Illegal Killing of Birds (Larnaca, Cyprus, 6-8 July 2011) discussed and promoted in your country?

- No
 Yes

If yes, please describe when, where and how (in governmental administration, civil society, others)?

The results of the Conference were discussed internally within the Federal office for the environment FOEN, the scientific community (i.e. the Swiss Ornithological Institute) and NGOs (e.g. Nos Oiseaux).

Q2: The national communication strategy on Illegal killing, Trapping and Trade of Wild Birds has/is:

- not started yet
 being developed by:
 will be published/issued in/..... (M/Y)
 developed and implemented by:.....

If the communication strategy is developed, please provide a weblink to the communication material, list the participating interest groups, and first impressions/analysis of the impact.

General information / preliminary note:

In Switzerland, fowling can be considered a local tradition in some parts of the country practised on a very limited scale - predominantly as leisure or sports activity. Fowling is well regulated and the regulations are enforced adequately. Furthermore, fowling causes a deep rejection - for ethical reasons - from a broad majority of the population. Illegal taking of birds is therefore not considered a concern in Switzerland.

At the national level, principles for the regulation of harvesting/hunting are established in the Federal Act on Hunting and the Protection of Wild Mammals and Bird (JSG, 1988, SR 922.0) and the Ordinance concerning Hunting and the Protection of Wild mammals and Birds (JSV, 1988, SR 922.01). In general terms, the Birds are protected by law (JSG, Art. 5), with exception of those considered to be quarry¹. The Act defines a hunting season (JSG, Art. 5) and the ordinance lists prohibited hunting aids and utilities (JSV, Art. 1, 2). Furthermore, the unlawful possession of and trade in birds, eggs or parts thereof is punishable by law (JSG, Art. 17, 18). Specific provisions on the conservation of birds are also included in the relevant legislation regarding protected areas, i.e. the Ordinance concerning Reserves for Waterbirds and Migrants of International and national importance (WZVV, 1991, SR 922.32) and the Ordinance concerning Federal Game reserves (VEJ, 1991, SR 922.31). The cantonal authorities are responsible for the regulation and planning of hunting, giving due consideration to local conditions (JSG, Art. 3).

In addition to regular hunting, some protected species, in particular fish-eating birds, are shot under license. These licenses are debated and NGOs play an active role in campaigning and enforcing the law by bringing excessive cases to court.

Illegal killing of raptors happens, with cases of active poisoning known but the amount is unknown and there is no active campaign.

The existing regulations, the intense and successful campaigning by NGOs for the conservation of birds as well as the integration of the issue into the mandatory training of gamekeepers are considered equivalent to a communication strategy.

Q3: Does the communication strategy and its actions cover the following aspects?

In Switzerland, the following aspects are regulated by law and generally known and accepted (detailed information: Q1):

	Yes	partly	no
Killing/taking for leisure	x		
Killing/taking for consumption	x		
Killing/taking for collection	x		
Control of predating birds	x		
Killing/taking inside protected areas	x		
Killing/taking outside the legal season	x		
Killing/taking without a permit	x		
Use of illegal equipment	x		
Illegal trapping	x		
Poisoning	x		
Killing/taking of protect species	x		
Illegal trade and transit	x		

¹ i.e. Black Grouse, Rock Ptarmigan, Common Wood Pigeon, Eurasian Collared Dove, European Magpie, Eurasian Jay, Common Raven, Hooded Crow, Carrion Crow, Common Pheasant, Great Crested Grebe Common Coot, Great Cormorant, Eurasian Woodcock and wild ducks (with exception of the Common Shelduck, Ruddy Shelduck, mergansers and swans, Marbeled Teal, Steller's Eider, Harlequin Duck, White-headed Duck, Barrow's Goldeneye, Red-crested Pochard and the Ferruginous Duck).

Q4: Please describe the best practices in awareness-raising activities carried out or planned to address the aspects of illegal bird killing listed in Q3. Where possible mention the type of material (leaflets, manuals, press releases, ...), the target audience, scale of investment and impact.

In general, Swiss ornithology is looking back on a long tradition and is significantly supported by the broad public. The main actors in ornithology including bird protection (see below) regularly publish studies, information material and position papers on relevant topics and represent a major contribution to public awareness:

I) The Swiss Ornithological Institute² is a non-profit foundation sponsored by the public (75'000 benefactors), engaged in research, conservation projects and information campaigns in support of native birds;

II) SVS/BirdLife Switzerland³ (NGO, 60'000 members) aiming at protecting of birds and biodiversity from a local to the international level and by this making a contribution for a natural environment and for people;

III) ALA - Schweizerische Gesellschaft für Vogelkunde und Vogelschutz⁴ (NGO; 1'300 members) publishes quarterly the journal "Ornithologischer Beobachter", a distinguished journal including reports and scientific articles in German language, provides training and is involved in the management of protected areas.

IV) Nos Oiseaux (NGO) commits itself since 1913 to the study and the protection of the birds in French-speaking Switzerland. By its quarterly review and its activities on the ground, Nos Oiseaux is engaged in the formation of a great number of ornithologists - in particular young peoples organised in a youth group.

Hunting practitioners and those responsible should have a strong interest to assist at all levels and with all partners to an effective improvement of habitats.

It is common that actors involved in hunting take action in habitat protection (eg. undisturbed wildlife areas, renouncement of exploitation of alpine areas, habitat enhancements, visitor management) and support monitoring projects of individual species.

Q5: Do national or regional stakeholders (ministries, agencies, authorities, NGOs and others) exchange information on best practices on awareness-raising, knowledge sharing such as data exchange?

- No
 Yes, irregular
 Yes, coordinated by conference of the authorities for hunting and fishing

If yes please specify how

The conference of the authorities for hunting and fishing is an association for the cantonal responsible experts of species management, hunting and fishing. The main concerns are to advise the cantons, the coordination of consultations, promotion of cooperation among stakeholders, as well as the transfer of knowledge between the cantons and between research and practice. Public information and awareness-raising are mainly provided by the main actors of bird

² Swiss Ornithological Institute: <http://www.vogelwarte.ch/startseite-english.html> (en, fr, ger)

³ SVS/BirdLife Switzerland: <http://www.birdlife.ch/d/home.html> (fr, ger)

⁴ Ala, Schweizerische Gesellschaft für Vogelkunde und Vogelschutz: <http://www.ala-schweiz.ch> (ger)

protection. See Q4.

Q6: Please describe potential barriers raised by stakeholders when promoting the recommendations of the Larnaca conference and your solutions to these barriers

NA

B. MONITORING AND ENFORCEMENT

Q7: Do you have a national/regional focal point to collect reports of bird crimes and/or birds found dead or trapped?

- No
- Yes

If the answer is yes, please describe where the unit is based (government agency, NGO, etc.), how the unit is financed and with what human and financial resources they work

The responsibility lies with the Cantonal authorities. The cantons report to the Federal office for the environment on the populations of important huntable and protected animal species, the numbers of animals shot, the number of hunters, and the use prohibited methods and equipment for hunting (JSVArt. 16). Cases of illegal poisoning of raptors are, however, rarely reported.

Q8: Which stakeholders are invited to report to the focal point and how?

See Q7.

Q9: Does the burden of proof lie with the defendant or with the enforcement authorities?

NA, depends on the circumstances

Q10: Is there a national/regional systematic monitoring and reporting system for illegal activities?

- No
- Yes

If yes please specify the reporting format

Q11: Is there a national/regional practice to report on prosecution, court cases, convictions and penalties on illegal activities?

- No
- Yes

If yes please specify the reporting format

There are criminal records in place and cases of fowling are in general reported in the medias.

Q12: Do you measure the effectiveness of the detection of bird crimes and their prosecution?

- No
- Yes

If yes, please specify how

.....

.....

Q13: Do you measure the recidivism rate of people convicted for illegal killing, trapping and trade of birds?

- No
- Yes

If yes please share any available statistics

.....

.....

Q14: Please describe the best practices on legal provisions and enforcement mechanisms relevant to tackle illegal killing, trapping and trade of birds. This can for example include successful substitutions for illegal activities, cross-compliance mechanism that link subsidies to penalties, compensation mechanisms, subsidies for prevention measures, trade of illegal equipment, etc.)

Penalties: Offences are defined in Article 17 and infringements in Article 18 of the JSG. The law also specifies penalties ranging from fines to imprisonment (JSG, Art. 17). Another possible penalty is the revocation of a hunting licence (JSG, Art. 20). The Federal office for environment FOEN is providing the cantons with an annually updated list of persons, to whom the hunting license has been revoked according to Article 20.

Q15: Were domestic and/or international links identified between the demand for wild birds and the supply through illegal activities?

- No, not checked
- No, checked but none identified
- Yes

If yes please specify the links

Q16: Do special units of police, prosecutors or judges exist for combatting wildlife/bird crime?

- No, not allowed by internal judicial processes
- No, no time or capacity
- Yes

If yes please specify

The cantonal authorities are responsible for ensuring effective supervision (JSG, Art.3, Para 2). The officials responsible for enforcement of the JSG are granted wide-ranging powers, e.g. the status of police officials, the right to an inspection and of confiscation (JSG, Art. 26). However,

there are hardly any cases of prosecution.

Q17: Please describe any important constraints in the existing legislation to tackle illegal killing, trapping and trade of birds.

Switzerland's legislation is sound, however,

Q18: What practical steps would strengthen investigation and enforcement to tackle illegal killing, trapping and trade of birds?

.....
.....

Q19: Can you provide information of studies on the biological consequences of habitat deterioration by species disturbance?

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- Vogeljagd in der Schweiz. Standpunkt der Schweizerischen Vogelwarte Sempach. 2010
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- Keller, V. (1992): Schutzzonen für Wasservogel zur Vermeidung von Störungen durch Menschen: wissenschaftliche Grundlagen und ihre Umsetzung in die Praxis. *Ornithol. Beob.* 89: 217–223.
- Zuur, B. (1982): Zum Vorkommen von Bleischrotkörnern im Magen von Wasservögeln am Untersee. *Ornithol. Beob.* 79: 97–103.

Q20: Were hotspots of bird concentrations and illegal activities identified and prioritised following the implementation of the Larnaca recommendations?

- No
- Yes

If yes please specify

.....

Q21: The control on illegal killing of birds in protected areas is more intensive than in the wider countryside:

- No
- Yes

If no, please specify why there is insufficient management (capacity)

.....

If yes please specify the best practices

NA
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