

## 25-YEAR REVIEW EXPOSES UK GOVERNMENT BREACHES OF EUROPEAN WILDLIFE CONVENTION

18th October 2012

An environmental think tank today exposes the Government's failure to implement fully the main European Convention protecting endangered wildlife.

In signing the Bern Convention (1) in 1979 the UK government accepted a responsibility to protect the endangered plants and animals on its Appendices. The report shows how, after 25 years of sluggish effort and despite some positive progress in site designation and management, progress with many of our declining animals covered by the Convention has been grossly inadequate. In particular the great crested newt, which was of great concern in 1985, has undergone continued rapid decline. One other outstanding problem identified relates to the badger.

**Badger** –Papers recently disclosed (see link below) show that the UK has not worked towards developing an alternative strategy to culling, using vaccination of both badgers and cattle. The UK is in direct breach of Article 9 of the Bern Convention in experiments attempting to cull 70% of badgers in new trials. This could impact regional status of the species and may cause the disease Bovine TB (bTB) to spread. The decision to cull is on the basis of DEFRA's preferred perception for the cheapest method (see link below) rather than the method least impacting this protected species, as is required by Bern. This position is determined as unlawful following adoption of expert appraisals of Article 9 by the Bern Convention in 2011. The Bern Convention has been in receipt of a Complaint regarding badger culling from the Humane Society International/UK in 2012 and the UK now faces legal challenge. The convention meets next month in Strasbourg, France.

The key DEFRA (2) letter showing the UK error is at:

<https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2131135&SecMode=1&DocId=1877118&Usage=2>

**Great crested newt**- An estimated 25% decline in breeding sites over as many years follows a massive neglect and loss of ponds in the last century. Insufficient effort has been made to address pond conservation and the lack of regional surveys to determine areas in need of immediate action. Protective site designation for the species has been minimal.

Further investigations of species listed on Bern Appendix II and III are of concern including:

## **Smooth snake, merlin and corncrake**

The plight of these three species that were highlighted by the UK charity Wildlife Link 25 years ago has seen little significant improvement despite the quarter of a century that has since elapsed.

A range of detailed recommendations are given in the report. These include that the Council of Europe/Bern Convention and the European Union should assist the Convention signatories to enforce legal obligations that have been made within the agreed timescales and not allow further slippage.

In the UK, to stop the on-going wildlife losses and improve upon recovery and prospects for these species, the government should take urgent measures including:

**Instruct** Natural England not to issue licenses for badger culling in England and to revoke those issued in favour of a new strategy based upon vaccination and better cattle management and other measures.

**Instruct** DEFRA and the UK nature conservation and water management agencies to instigate extensive new actions aimed at improving recovery of animals protected by the Convention.

**Instruct** DEFRA to oversee the designation of far more areas of Sites of Special Scientific Interest which are important to species protected by the Convention

**Ensure** nature conservation agencies have sufficient resources to carry out these urgent tasks.

**Address negative changes in planning guidance:** In March 2012 the government withdrew the function of the statutory body Natural England from giving site-based advice on nature conservation issues outside of sites designated for nature conservation. Instead, Standing Advice from Natural England is used which is over-simplistic and inadequate. Local planning authorities have been handed the task of giving this advice, but they do not have the experience to replace the dedicated agency staff that were purpose-trained in the past to do this. As a result the standard of decision making for planning applications is falling. The result is more high court challenges to planning decisions which have been inadequately informed and addressed. Threats even to a National Nature Reserve have been recorded.

***In addition, recommendations of this report for the Bern Convention are for it to:***

**Consider** the Complaint against the UK for allowing badger culling as the cheapest option during the meeting of the Standing Parties in November 2012.

**Request** the UK suspend shooting of badgers immediately and to revoke all culling licences pending further considerations by the Convention.

**Encourage** the UK to review and take forward protection of Bern species such as the rapidly declining great crested newt and pond habitats.

**Cooperate** more extensively with the European Union to greatly increase the resourcing and coordination for more positive outcomes of the Bern Convention, via increased expert scrutiny, expert working groups, publications, conferences, policy reviews and greater funding for recovery projects.

**Enable** full access to and participation in Member State European Commission briefing meetings during the Convention by all ngo groups attending in the interest of openness and the spirit of international cooperation and productivity.

**Work** with the European Union to establish a special new task force to ensure the 2020 biodiversity targets of the European Union are delivered on time to meet the requirements of the Bern Convention.

#### NOTES TO EDITORS

**(1) The Bern Convention.** The Bern Convention aims to “conserve wild flora and fauna and their natural habitats”, to promote cooperation between countries in their conservation efforts and to give “particular emphasis to endangered and vulnerable species”. In order to achieve its objectives, the convention provides for the conservation of wildlife and wildlife habitats in general and for the special protection of species listed in Appendix I (strictly protected plants), Appendix II (strictly protected animals and protected animals (Appendix III) of the Convention.

The next Bern Convention Standing Party meeting is in Strasbourg , France during the last week of November (26-29 Nov.) 2012.

[http://www.coe.int/t/dg4/cultureheritage/nature/bern/default\\_en.asp](http://www.coe.int/t/dg4/cultureheritage/nature/bern/default_en.asp)

**(2) DEFRA** The Department for Environment, Food and Rural Affairs (DEFRA) is a government department in the UK making policy and legislation in areas such as the natural environment, biodiversity, plants and animals, sustainable development and the green economy, food, farming and fisheries, animal health and welfare, environmental protection and pollution control, rural communities and issues. DEFRA works directly in England and closely with the devolved administrations in Wales, Scotland and Northern Ireland. It generally leads on negotiations in the EU and internationally.

**Enviro-law UK** is an informal network of concerned nature conservationists in the UK seeking to identify and encourage change in the field of biodiversity protection in an international context. The network includes experienced wildlife experts and campaigners in Britain who feel that the current voluntary wildlife conservation bodies have become too financially dependent upon the government to be an adequate and sufficiently vocal wildlife watchdog in UK nature conservation.

**For further information and copies of the report please contact:  
Enviro-law UK representative Tel: 00 44 (0)1244 538638**

**ENDS**

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