



Norwegian Ornithological Society (NOF)

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Convention on the Conservation of European Wildlife and Natural Habitats

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Your ref.	Your contact person	Our ref.	Our contact person	Date
		2018/575-410.2	Martin Eggen	21.11.2018

New case where bird of prey was shot in Norway under the self-defence clause of the Nature Biodiversity Act

BirdLife Norway have previously asked the Bern Convention to contact the Norwegian authorities about the lack of protection of birds of prey in Norway, where we mean that the current legislation is in breach of Article 9 of the convention, which states that killing shall only be a last resort where there are no other satisfactory solutions. It is vital that legislation is clear and not open to any misunderstandings. We refer to our previous communication of January 2017 (our ref: 2017/575-410.2).

The Standing Committee to the Bern Convention discussed the lack of legal protection for Northern goshawk *Accipiter gentilis* and other birds of prey in Norway during the meeting held between 5th-8th December 2017. We would like to report yet another incident where raptors have been shot in Norway in an alleged situation of self-defence (protection of livestock). This incident involved a White-tailed eagle *Haliaeetus albicilla* in November 2017. This incident exemplifies that the use of the self-defence clause of the Nature Biodiversity Act is very relevant in Norway, and the Norway ought to have legislation that is compliant with the terms of the Bern Convention..

Case: White-tailed eagle shot in Fyresdal in Telemark county

A person had been out hunting when he observed what he thought was a Golden eagle *Aquila chrysaetos* close to some sheep in an enclosure by the family's farm. According to a report on one news channel (NRK), the same person saw the birds stoop towards the enclosure where there were some lambs, before it sat in a treetop close by. When he shot the eagle, it was perched on top of a farm shed, only a few metres from the sheep shed. The person stated that he had no regrets about killing the bird, as this was an emergency situation and that he acted in self-defence. He himself reported the matter to the police, who took his statement.

We have been unable to obtain a detailed account of the said statement, although the matter has been well covered in national media. In the media the hunter who shot the White-tailed eagle in Fyresdal has said he would not hesitate to do the same again. The hunter meant that the eagle tried to attack the sheep, in particular the lambs, as it was the lambs that were out where the eagle perched. The hunter was aware that the eagle was a protected species, but acted in self-defence. At the time of writing, the police have not yet decided on any course of action or not according to the police inspector we have been in contact with.

Available knowledge about White-tailed eagle reveals that the species is not a threat to livestock, and that they are easily scared off. It is probably that the eagle was in the area feeding on, or in search of,

carcasses or offal which would be readily available during the moose hunting season, or left lying from other human activities. BirdLife Norway are of the opinion that such a reaction was unacceptable, and that we need an acceptable legislation to deal with such actions.

Under current legislation, birds of prey in Norway are in an undesirable situation. This situation has arisen due to an earlier case where the Supreme Court acquitted a man who had shot another protected species in Lierne in Trøndelag county, in this case a Northern goshawk. The man was acquitted thanks to an omission in the text of the Nature Biodiversity Act, and that the accused was acquitted despite the fact that alternative non-lethal means to resolve the situation were available were not used.

We would also like to draw the committee's attention to the fact that another White-tailed eagle was found in Telemark county in spring 2018. This bird was found together with broken bottles and other litter by Jostein Hellevik. The bird had its head chopped off, and an obduction carried out by the State Nature Inspectorate confirmed that the bird had been shot.

Links to media coverage of shot White-tailed Eagle in Telemark:

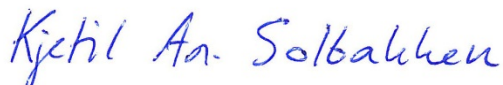
<https://www.nrk.no/telemark/havornskytteren--jeg-angrer-ikke-1.13813311>

<https://www.nrk.no/telemark/jeger-skjot-fredet-havorn--folk-er-i-harnisk-1.13802195>

<https://www.nrk.no/telemark/skjot-fredet-havorn-1.13801906>

We hope that you will be able to discuss this matter at the forthcoming meeting of the Standing Committee of the Bern Convention.

Yours sincerely,



Kjetil Aa. Solbakken, director

COPY:

Norwegian Environment Agency

Ministry of Climate and the Environment

Willem van Den Bossche, Birdlife International