

Mrs Margot Wallström
Commissioner for the Environment
B-1049 Bruxelles
Belgique

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AB/gc A(o2) 15486 D(02)3873 D(02)130530

Accession of the Republic of Cyprus

Delays in enforcement of protection of wild birds

Concerning:

- 1 Disregard of bird and wildlife Directives of the EU and the Bern Convention
- 2 Delayed enforcement and compliance with laws.
Contradictory and incoherent interpretation of laws prevent efficient jurisprudence
- 3 Illegal industrial production of lime sticks.

Dear Mrs Wallström,

One year has passed since our first correspondence about the accession process and environmental issues in the Republic of Cyprus.

The disregard of the bird and wildlife directives of the EU and the Bern Convention is still an issue.

In 2002, the Cyprus government shifted their policy regarding wild bird protection, and moved away from supporting the unlawful big business and trade in the meat of millions of migratory birds. We were able to save a large number of endangered birds. The number of bird trappers was reduced to (still too many) hidden private plots of farmers and restaurant owners, thanks to a strong presence of the Ministry of Interior in the media and the supervision of the trapping areas by representatives of Bird Life International.

This is the good news of progress in environmental protection which I can forward to you.

Our satisfaction over this progress was offset, however, by our experience in the field regarding the laxity of Cypriot game wardens and police officers. In many instances wardens used obscure pretexts in order not to arrest or make charges against poachers caught in the act of killing birds with lime sticks and nets. The responsible game wardens and police officers have been clearly acting contrary to their duty.

Delays in application of EU accession agreements on enforcement and compliance with environmental laws

2. Contradictory and incoherent interpretation of laws prevents efficient jurisprudence.

Nothing has changed since 2001 in the jungle of contradictory use of legislation. Any game warden or police officer seems to interpret law in the way it suits him best, acting as “magistrate” in the field.

Because there is no information or systematic training of the police and game warden forces regarding amended legislation by the government, the progress in environmental protection

risks failure because of the increasing number of bird poachers who know the real agenda of the police and game wardens who operate on their behalf.

A strictly applied interpretation of the evidence law (meaning the poacher has to be caught in the act by the police) is the stumbling-block opening the way to misuse and excess. The enforcement of a slightly amended and less strict evidence law, together with the allowance of circumstantial evidence as approved by the Attorney general in 2001 (letter enclosed), must be proclaimed publicly to the police and game wardens and in the media, without delay. This will make a substantial contribution towards efficient control of the mass bird poaching. Birdlife Cyprus wrote (in the NGO's report to the Bern Convention) in 2001:" The problem thus lies not in lack of legislation, for it's all there, but in its enforcement." These old Cypriot laws conform to EU law.

In May 2003 the new President Tassos Papadopoulos expressed his vision in the words:" We want to restore the prestige of the police on the highest possible level to serve the people and not to be a servant for those in power. The police force needs to be rid of the strong influence of the political parties."(Cyprus Mail May 14, 2003)

This is an important goal as the aims of game wardens and police officers seem to be influenced strongly by the policy of the mayor of a district and his party. If he is protecting the illegal bird trappers for personal reasons, the game wardens prevent the bird poachers from being arrested and convicted by their own means and their personal interpretation of their duty. Policemen and game wardens in the areas of bird trapping (south-east Cyprus) are either related to or friends of poachers and prefer to turn a blind eye. Patrols against bird trappers turn out to be a farce as all possible tricks are used to secure poachers from arrest. (letter by the Attorney General of June 2003 enclosed)

It's impossible to get statistics from the government for convictions and fines imposed on poachers in the year 2002, but earlier statistics indicate an enforcement effort and low penalties grossly inadequate to serve as a deterrent to poaching.

Transparency seems to be perceived by the authorities more as a threat than as a major means to supervise progress and EU harmonisation.

The EU was assured that **the new hunting law**, which will also add strongly to the protection of wildlife and wild birds during the annual season from November to the end of February, would be implemented by 1 January 2003. We are still waiting for the delayed introduction of the promised new legislation. .

Our fear: if compliance to even the old familiar Cyprus laws (corresponding with EU-bird directives and conventions) takes years to come, the shaky zeal of the government to eliminate bird massacres could fade, give way in the face of the poachers' relentless ardour to continue their profitable business, and the return of annual losses of 20 million birds of passage will be the true future reality.

The EU must put pressure on the judiciary, police and game authorities to enforce and apply the laws properly, and demand strict transparency.

3. New illegal industrial production of lime sticks

The future is endangered by the poachers' concerted efforts to increase the scale of their activities. Rapid development of new generations of lime sticks is currently taking place.

In the old liming tradition of baiting lime sticks with honey and homemade fruit juice the sticks would serve 3-4 hours to catch a few birds and then dry out.

However, in autumn 2002 we found a new kind of lime stick in the bushes. The glue of this stick is industrially produced. The thick liquid mixture can be pulled into elastic, highly viscous strands. This kind of birdlime is water-repellent and can be dissolved only by detergents and long hours in a water bath, and even then can be removed only patchily. This glue is a sticky brutal mass for any bird caught in it and birds cannot usually recover even with assistance.

In spring 2003 another generation of sticks appeared, made of glass-fibre covered by a thick mixture of water-repellent glucose birdlime.

Behind this precipitate development I suspect two intentions: one is that the bird killers, far from giving up bird trapping for good, are developing with the chemical industry new kinds of almost waterproof sticks for use during the rainy season to kill all winter visitors to Cyprus. Another is the newest generation of glass-fibre which is also resistant to heat and stays elastic in any temperature. This hasty development of the new lime stick industry betrays an intention to trap more birds than ever before at all times of the year: slaughter on an unprecedented scale, even for Cyprus.

The new generation of lime sticks needn't be laid out in the morning and gathered two or three hours later. They can be left on the bushes year round, day and night. There won't be any special time they have to go for bird picking. They can tear the birds from the sticks when they wish, leaving the sticks in place until they fill with feathers. Poachers can choose a time when they are least likely to be caught in the act.

The modern type of bird trapping in Cyprus has already started, and is poised to cost not only 20 million birds their lives, but probably much more. The new generation of lime sticks may even become an export article.

I wonder how the EU Health Commission will view this kind of meat production. The birds may hang outside on the lime sticks dead or alive for many hours or days.

Conclusion: the central issue is pressure on the Cyprus government:

- to finally address the legal issues concerning the amended evidence law;
- to raise penalties imposed, so as to make them effective deterrents. The law permits both heavy fines and imprisonment;
- to introduce the new law on hunting;
- to raise awareness of the amended laws in the police and game warden forces and in the media;
- to prohibit production, trade and possession of the new lime sticks of glucose-baited birdlime and glass-fibre.

Yours sincerely

Edith Loosli

Bird Life Switzerland

Address: Schorenstr 33, CH- 3645 Gwatt, Switzerland

Enclosed:

- 1) Letter of the Attorney General to Mrs A.Yordamli, Conservation Foundation Cyprus/ 2001.
- 2) Letter of the Attorney General concerning the neglect of duty of police officers/ 2003.