



**Report on the „de facto“ derogation
for Ortolan trapping 2012**

After a first survey in August 2011, CABS has decided in 2012 to engage more volunteers to stop ortolan trapping in Les Landes. This bird species is considered extremely endangered in Europe (large decline in 1970-1990, moderate decline 1990-2000. Overall trend: declining. SPEC2), nevertheless it is systematically trapped in Les Landes, according to an old but now unsustainable practice. From 25th/08 to 02nd/09 eight Italian and German CABS volunteers have tried to locate and dismantle as many trapping location as possible. Contacts with LPO and the Gendarmerie Nationale have been taken in advance and during the operations.

In 2011 we were contacted on the spot by the Gendarmerie of Tartas, summoned on the spot by some trappers who had noted our presence. The officer told us to avoid confrontations, damages and to report to them the trapping sites. Since our operations were almost finished, we did not have the chance to report anything. In 2012 we were contacted before the operations by the Office for Relations and Informations to the Public of Mont-de-Marsan. We gave them our data, the time frame of the operations and our contact. We met with two representatives of the Gendarmerie first in Dax on Tuesday the 28th. The requests from the Gendarmerie were to avoid problems of public order, confrontations and violence. To achieve that, we were required not to intervene personally on the trapping sites, but to report them. The legal frame was discussed and re-arranged more and more times in the course of the week with the different representatives of the Gendarmerie. The tightest scenario was:

- a) we are not allowed to leave roads, paths and woodlands, because any cultivated field (even a meadow or a harvested field) are private properties and the owners do not want us there in principle.
- b) we are not allowed to dismantle, destroy or even to move traps and cages since this is a hunting site and they are private belongings.

The loosest scenario was on the contrary:

- a) we are allowed to enter non-fenced properties (fields, meadows)
- b) we can dismantle traps, since nobody can claim illegally used traps belong to him

Of course the first condition could never be fulfilled, since traps cannot be located from paths and roads. This would mean to block completely any investigative action. We progressively decided to renounce to the disruption of the trapping activity and reported 3 sites to the Gendarmerie of Tartas and 5 to the Gendarmerie of Aire-sur-l'Adour. The Gendarmerie, who said they were not able to come out to join us when we had trapping activity in flagranti, affirmed they would act within 2 days. Two days is unfortunately an unacceptable response time considering that the trapper has the time to catch further and remove all trapping paraphernalia before prosecution. After the complaints we abandoned partially the area and re-checked the 4 trapping sites 3 days later. One was abandoned (we first thought it was the Gendarmerie who acted, but the officer did not confirm later), two were still active (the officer stated he visited the location, but since there were 5 decoys and 25 traps, he could not prosecute the trapper), the fourth was active and we were welcome back by a shooting trapper!

The Gendarmerie actually revealed to us personally that they could not intervene against trapping, if the poacher “respected the tolerated limit”. We decided to continue the disruptive action on our own, but without destroying traps or cages to avoid an escalation of the tension and the claims hunters were setting against us for stealth. To explain the paradoxical situation, hunters stalked us by car 10 minutes after we left the police station (from 4 to 12 cars), tried to block our vehicle on a crossroad and eventually followed us back to the police station, where they sprayed pig urine on us in front of the Gendarmes, shouting abuses.

Even if we had decided to stop crashing traps and just deactivated them, the situation did not turn better in the following days: hunters gathered everywhere when they knew we were around and eventually blocked our parked car and slashed the tyres (even if they had summoned there the Gendarmerie). The same patrol which was

summoned there had to ask our team to leave its hide far away from the parked car to avoid any confrontation with the hunters.

This situation shows the following evidence:

- 1) The Gendarmerie is not able at the moment to act against illegal trapping at all for lack of political will and orders
- 2) Hunters/Trappers are completely justified by politicians and act openly against the volunteers and the law (set claims for stealth and destruction of hunting site, stalk cars, engage confrontations and spray urine in front of the police station, slashed car tyres after summoning the police to the spot)
- 3) The Gendarmerie in one case was not able to keep the hunters' aggressivity under control, but could help the volunteers in two other difficult situations.

The prefect's written instruction to CABS' volunteers to leave the Département is the final proof of the inadequacy of the local authorities to deal with this poaching matter. The former prefects have legitimated ortolan trapping by giving an oral permission to trap under certain circumstances (5 decoys, 30 traps, 20 birds to catch). M. Morel has promised in a formal meeting with the Minister of the Environment to interrupt this policy of tolerance, but as far as we have observed neither he nor the Gendarmerie have done anything in this way. Moreover they have officially stated in front of witnesses that "the Prefect is entitled to make small and non-written changes in the law to preserve an old tradition". The aggressivity of the hunters is the normal consequence of this illegal attitude and wrong promises made in the last 13 years.