



**Committe Against
Bird Slaughter - CABS**

Komitee gegen den Vogelmord e.V.

Field Report:
Ortolan Bunting Protection Camp
29 August – 7 September 2013



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Ortolan Bunting Protection Camp

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CONTENTS

1	Introduction.....	4
2	AUTUMN 2013 BIRD PROTECTION CAMP DATA AND RESULTS	5
2.1	Participants	5
2.2	Working schedule and strategy.....	5
2.3	Sites checked	5
2.4	Results	5
3	ORTOLAN TRAPPING IN LES LANDES: PATTERN AND NUMBERS	6
4	COOPERATION AND CONTACTS WITH AUTHORITIES.....	6
5	REPORTED TRAPPING SITES AND FIRST FEEDBACK	8
6	THE SOCIAL CONTEXT: THREE LIES	10
7	THE “ARRETÉ” OF THE PREFECT	11
8	AGGRESSION FROM HUNTERS	12
9	CONCLUSIONS AND RECOMMENDATIONS FOR THE FUTURE.....	13
10.	ANNEX 1.....	14
11.	ANNEX 2.....	16
12.	ANNEX 3.....	18
13.	NOTES AND REFERENCES.....	19

1 INTRODUCTION

CABS started collecting information on alleged ortolan bunting trapping in Les Landes in autumn 2010 when an article¹ was found on the internet with alarming data in relation to a derogation issued by the prefect of Les Landes which allowed the capture of dozens of thousands of ortolan buntings by the 1,581 authorised trappers. The article described the negotiation made by the MP Carrère in order to agree with local authorities on a maximum number of live decoys, traps and bag limits. CABS was aware that no derogation could be issued for a species like *Emberiza hortulana* who suffered a large decline in Europe and that the Commission did not receive any official data about this alleged derogation: the article portrayed an unusual scenario. During the First Conference on “Illegal killing, trapping and trade of wild birds”, held in Larnaka in 2011, an informal meeting between LPO Aquitaine and CABS resulted in additional information on this complicated issue. According to LPO, local hunting associations asked for, and regularly received, an “oral derogation” for the trapping of this migratory species. Each trapper could employ up to 5 live decoys, 30 traps (the so called *matoles*) and catch up to 20 birds in the 30 days of migration (20th August-20th September). This agreement was not written anywhere, but law enforcement agencies, namely the Gendarmerie and the ONCFS, had clear orders not to undertake any action in cases where a trapping site was detected within this “tolerance” limit. According to LPO, each season 30,000-50,000 birds were caught and killed by trappers when the species had been “forgotten” from the list of protected species in France, which it only joined in 1999. (The current figure is now likely to be lower (an estimated 10,000 birds), mainly as an effect of the sharp population decline observed in the 2000’s.)

CABS sent three volunteers in August 2011 to investigate the matter on the ground and without previous research they were able to locate 11 trapping sites, out of which 4 were pinpointed by LPO. 23 birds were freed and 170 traps located and partially dismantled. During the last day of the “Survey Camp” the CABS group was contacted by the Gendarmerie in the field, who asked for non-violent actions and demanded that each trapping site was reported to them for further prosecution. In 2012 contacts with the Gendarmerie were taken in advance and we agreed on a common strategy: instead of freeing the illegally caged birds and destroying the *matoles*, we should avoid any contact with trappers and report sites to the *brigades*. We followed the procedure for the first 5 days, reporting 8 active trapping sites. When we rechecked them, it was clear that no action has been undertaken by authorities and the trapping sites were still active threats to the endangered ortolan population. The Gendarmerie of Tartas later revealed to us that they could not intervene against trapping if the poacher “respected the tolerated limit”. None of our cases was investigated.

CABS teams decided to go back to the disruptive action on their own, but without destroying traps or cages to avoid an escalation of the tension and the claims hunters were setting against us for stealth. The situation did not improve in the following days: 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 threw pig urine on us in front of the Gendarmes, shouting abuse; they gathered everywhere when they knew we were around and eventually blocked our parked car and slashed the tyres (even though they had summoned the Gendarmerie there). 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. Eventually the prefect, who had promised in a formal meeting with the Minister of the Environment to interrupt this policy of tolerance and apparently did not (the *Gendarmes* justified this situation in the brigade saying in front of numerous witnesses that “the Prefect is entitled to make small and non-written changes in the law to preserve an old tradition”), unable to master the aggressiveness of hunters, expelled the 8 CABS volunteers from the Department with the accusation of “*pénétration sur propriétés d’autrui et dégradation de bien appartenant à autrui*”, meaning the open fields and the traps.

After the camp LPO and CABS shared the information they had collected to that point. Among them the NGOs had located 50 active ortolan trapping sites and another 140 sites still had to be checked. Some mail exchanges between LPO/CABS and ONCFS/Gendarmerie, where law enforcement agents admitted the existence of the “tolerance” or “*de facto* oral derogation” were collected as written proof of this infringement of the Bird Directive. All available

documents were sent to the European Commission. In January 2013 the Commission opened an infringement procedure against France for the trapping of ortolan buntings. As far as we know France has not denied the charge, but has promised to restore for the forthcoming season (year 2013) a zero tolerance policy against trapping of this protected species. CABS and LPO have sent three teams of volunteers to monitor the developments of law enforcement in the field in August and September 2013. In this report we summarize the results of our observations.

2 AUTUMN 2013 BIRD PROTECTION CAMP DATA AND RESULTS

2.1 PARTICIPANTS

Seven CABS volunteers – five from Italy and two from Germany - participated to the 3rd Bird Protection Camp in Les Landes from 29th August to 7th of September. Six of them had previously been in the area and knew how to find trapping sites and to deal with potentially dangerous situations. The operations were planned and agreed in advance with LPO and two volunteers from LPO Aquitaine participated in the Camp. On Saturday 31st August a group from LPO, including the national president of the organisation, joined the Camp with a TV crew and conducted a special action, raiding trapping sites and reporting trappers on the spot with the presence of the Gendarmerie.

2.2 WORKING SCHEDULE AND STRATEGY

The agreed strategy was to only locate and report trapping sites to the Gendarmerie and ONCFS without undertaking any direct action (no dismantling of trapping sites, nor liberation of caged birds). This strategy was planned to avoid escalating the already violent reaction of trappers, to give the local authorities the opportunity to prove their good will to tackle illegal trapping and finally to provide the EU with reliable documents in relation to the alleged change of attitude in the policy of the Department. Two to three teams were sent out on daily base from late morning to the evening with the task to locate already known and suspicious trapping sites and to report those active to the responsible *brigade* of the Gendarmerie/ONCFS.

2.3 SITES CHECKED

On the basis of information gained in the previous years by LPO and CABS, the associations had to check 50 known active ortolan trapping sites plus 40 potential ones (“prepared but not in use”, “abandoned but not definitely”, “to be checked again”). In addition there were about 100 more favourable locations to check. The area checked by the teams was mainly the territory delimited by the municipalities of Dax, Mont-de-Marsan, Aire-sur-l’Adour and Momuy. Outside these broad areas, sites were checked in Capbreton, Castets, Luglon, Villeneuve-de-Marsan and Morcenx.

2.4 RESULTS

In 7 days of field work our two teams were able to check 84 trapping sites, among which some were found to be active in previous seasons, some were reported to us from the public and some were suspected to be trapping sites. Twenty-eight (33%) sites were found with signs of activity: 22 had traps and live decoys and 6 were prepared for trapping but had no traps. All trapping sites but two were within the “tolerance” limit: not more than 30 traps and 5 live decoys. In two cases (Mugron and La Freche) we observed 6 live decoys. Obviously the number of sites checked and those found active could have been higher if our volunteers had not been banned from the Department by the prefect 4 days before the end of the camp, on a fabricated reason, and if they had not spent much of the time reporting trapping sites to the *brigades* and adjusting to the opening times of each station. Considering that after the first day a large part of the time was spent reporting and following up the detected active trapping site, we can affirm that on average only 3 hours a day were spent on detecting further trapping sites.

Among the 22 active trapping sites, 15 have been reported to the responsible *brigades* of the Gendarmerie, one trapping site has been dismantled by LPO together with the Gendarmerie and 1 trapping site has been reported to ONCFS. Four trapping sites could not be reported due to lack of time and 1 was dismantled by the trapper himself in front of the LPO team and a TV crew.

3 ORTOLAN TRAPPING IN LES LANDES: PATTERN AND NUMBERS

To the best of our knowledge there is no serious estimate of the number of trapping sites in Les Landes. According to the information gathered by journalists during the meetings of the association for traditional hunting, there should be a maximum of 1,600 trappers, which means a maximum of around 1,000 trapping sites (considering that often more than one trapper shares the same trapping site, but that on the other hand some trappers have several sites, especially when they are involved in trading). Despite the fact that locating trapping sites in the North of the Department is almost impossible, since trappers set their installations in clearings made in pine woodlands, which cannot be detected, and despite the fact that many installations in the agricultural landscape of the South are well hidden behind or between crop fields (ripe and high in August), we do not believe that the number of trapping sites is still so high. According to the density that we have recorded in well monitored areas, we believe that 300-600 trapping sites are active in the Department. Further field work in the next few years could shed more light on these figures.

Ortolan trapping takes place “officially” from the 20th of August to the 20th of September with the peak migration in the last days of August and the first week of September. In absence of any disturbance traps (usually between 20 and 30) and decoys (1 to 6) are left 24h on the trapping sites, whereas the decoys are often stored during midday and in the afternoon. The best time to trap ortolan buntings is in the early morning. In some cases the trapper sits in a hunting hut by the trapping site and observes the birds lured and captured.

4 COOPERATION AND CONTACTS WITH AUTHORITIES

The main aspect of CABS’ work in trapping hotspots in Europe is to seek and establish a form of cooperation with law enforcement agencies, which the association assists by scouting and reporting illegal trapping activities, in order to optimize the efficiency of the anti-poaching units. In Les Landes this process was started by CABS in 2012 and was pushed forward in 2013. The LPO had already tried the same strategy in 2008 without any success. Before the start of the camp, CABS was contacted by the *Gendarmerie* in relation to the time frame of the forthcoming operations. CABS replied by e-mail on the 27th of August saying that the Camp was about to start, but the mail was not read in time due to logistical problems (as we were later informed).

The authorities were thus made aware of the presence of volunteers two days later, when a group of trappers blocked the rental car of two volunteers with their tractor on a public road and “kidnapped” them for one hour. *Gendarmes* were called to the spot by both trappers and CABS volunteers, but instead of immediately releasing them they kept the volunteers waiting for another hour, even though no illegal action had been committed, nor was there any suspicion of that. Volunteers were invited to follow the patrol to the *brigade* of Hagetmau where their IDs were noted.

On the evening of the 29th CABS received a telephone call from the *Gendarmerie* who asked for a meeting the following morning. The meeting took place on the 30th at 10 a.m. between two representatives of CABS, the officer in charge of the *Gendarmerie* and the officer in charge of the *Police Nationale*. The first welcoming words were: “You are not welcome here and you should leave immediately” and the following discussion - which was expressed by the *Police Nationale* much more as a threat than a proposal of cooperation - can be summarized as follows:

There are orders from the prefect, according to which volunteers will be followed by one or two police patrols wherever they go, that volunteers are not allowed to engage in any action and the law enforcement agencies will bring them in front of the Court for any infringement or offence they commit (meaning dismantling of illegal traps, freeing of protected birds). Volunteers will not have the protection of the Gendarmerie this year and the patrol escorting volunteers – in civil clothes - will not act either against trapping installations nor against trappers, but will

instead report any offence committed by volunteers. If they wish, they will have to report trapping sites only to the brigades. The authorities will only act in the case of big trapping installations. The tolerance is still effective and a lot of people (powerful people, it was stressed) have federated against volunteers. Any intervention is therefore “suicidal” for volunteers, since trappers wait for them with weapons. Ortolan buntings come from a healthy population in Russia and trappers are old people who only practice an old tradition.

Later on the afternoon of the 30th, the officer in charge of the *Gendarmerie* also called the President of LPO Aquitaine to find out where the second joint LPO/CABS team was and during the telephone call also confirmed that the “tolerance policy” was still effective and that the *Gendarmerie* and the *Police* were only responsible for our safety. The President of LPO Aquitaine remarked that LPO and CABS were very confident this year because of the promises made by France to the EC, that therefore our strategy was to make simple visits, with no destruction but only as citizen witnesses of how things evolve in the field. The President of LPO Aquitaine stated on the telephone that it was amazing that the poaching was still going on and that the authorities were watching it just as before the promises. But it was shocking to realize that instead of stopping trappers, the authorities were asking volunteers to stop their citizen vigilance and/or limit their action.

In the same afternoon both LPO/CABS team were caught up by the escorting patrols and started reporting the first located active trapping sites. The team leaders also confirmed from the first day that the *Gendarmerie* was saying it was not in its attributions to intervene when he would report a trapping site. The team leader also engaged the ONCFS (calling the Departmental chief of the Service) who said that although he could not move his teams' agenda they would come and see "later".

From the afternoon of the 30th until the 4th around midday both LPO/CABS teams were therefore escorted by a car of the *Gendarmerie* and/or the *Police*. Even when we parked the car 200 meters from the active trapping sites, *gendarmes* refused to take any action: their orders were to ensure only our safety. They stayed by the cars protecting them and volunteers walked to the trapping sites alone to assess whether they were active or not.

On the 2nd of September – after several reports of active trapping sites and one encounter with angry trappers - the officer in charge of the *Police Nationale* called the President of LPO Aquitaine and kindly suggested to stop any action to avoid troubles. On the 3rd the officer called CABS at 6.30 p.m., again expressing his concern for our safety. He told us that hunters were angry because of our presence and the fact that we reported illegal trapping sites (even if we did not take any direct action) and that they were organizing a violent action. He said it would be wise to immediately stop our monitoring.

On the following morning, before we started our monitoring trip, the *Gendarmerie* stressed again that it would be advisable to stop the operation immediately and to make further searches in the neighboring Department Gers. If we did not leave the Department on our own initiative, the prefect might decide to issue an *arrêté de mise en demeure de quitter Les Landes* .

On the same day at midday, after an incident took place in Campagne where two CABS volunteers (a man and a woman) were kidnapped, sprayed with pig urine and several goods robbed from their car by a large group of hunters, and the officer of the *Police Nationale* was punched and suffered some bruises, the Prefect issued the *arrêté* and all CABS participants of the camp were forced to pack their luggage and leave the Department immediately. Two cars of the *Gendarmerie* escorted them to the limit of the Department.

On the 11/11/2013 MEP Andrea Zanoni tabled a parliamentary question to the European Commission (E-012752-13): “Continuing poaching of ortolan bunting in the Landes region of France, in breach of the Birds Directive 2009/147/EC, and violence against members of CABS”, where he informed the Commission about the results of the Bird Protection Camp, denounced the benevolence of French local authorities towards trappers/poachers and the aggression against NGO volunteers².

5 REPORTED TRAPPING SITES AND FIRST FEEDBACK

In the operational plan drafted by LPO and CABS, the two volunteer teams were expected to detect active trapping sites, call the Gendarmerie or the ONCFS – the two responsible law enforcement units – on the spot and achieve a straight prosecution of the trapper, being the owner of the field responsible for an illegal trapping installation which is set on his field. If the gendarmes or the ONCFS guards were not ready to attend the call (which is unacceptable in itself), volunteers would go to the brigades to file a complaint and recheck the trapping sites 2-3 days later to see if any police action had taken place.

The two NGOs very soon realized that this plan was by far too optimistic. The ONCFS was contacted three times by telephone (the departmental Chief of the Service), on the 30th August in the late morning, on the 31st August at 5.40 p.m. and on the 2nd of September on late morning for the same case reported in the 30th. He answered the first call saying he could not change the agenda of his patrols. He wrote down the coordinates of the active trapping site in Herm and said they would check “later”. When he was called the following day for another trapping site in Saint-Sever, he did not answer the phone. A message was left on the mobile phone with the information on the location of a new active trapping site but he never called back. On the 2nd he was called again for the trapping site in Herm which was still active (3 days after the first report) and he did not answer the phone, nor did he call back.

The major efforts to engage the policemen were made though with the Gendarmerie. In 2012, when our teams located trapping sites, the *gendarmes* did not leave the office, but asked us to make a written complaint in the responsible *brigade*. Since we had the *Brigade Recherche* all the time with us, we hoped at the beginning that in front of the blatant offence of trapping, they would have to intervene to stop it. Already on the afternoon of the 30th we realized that they had clear orders not only to avoid engagement (which is not written in the French law, since a policeman must stop an offence and prosecute the offender), but even to stop other *brigades* from doing so.

This procedure forced our teams to waste an incredible amount of time to fit our daily schedule with the opening times of the different brigades (according to what we were told, only the brigade responsible for the municipality where the trapping site was located could receive the complaint, which other gendarmes later denied). The impression we had was that the brigades were trying to avoid receiving the complaints.

Site n° 117	The B.R. does not intervene and in addition prevents the patrol of Hagetmau from coming, but at 5.20 p.m. it is too late to make a written complaint. Complaints can be made 8-12 a.m. 3-6 p.m. We are told to be in Mont-de-Marsan in the afternoon of the following day. On the following day at 5.10 p.m. the team is in the brigade of Mont-de-Marsan for the complaint, but the brigade is closed because it is Saturday. Nobody answers at the given telephone. Eventually a gendarme tells us to go to the brigade of Saint Sever on the following morning.
Sites n° 128-129-12	The escorting gendarme, with a trapping site 200 meters away, cannot intervene but calls the brigade of Hagetmau to come. The brigade refuses to go out. After 2.00 p.m. we are invited to the brigade to report 3 trapping sites, but the brigade only accepts two of them, because the third one is located under Aire-sur-l'Adour. At 5.00 p.m. we manage to report the third case.
Site n° 3	At 12.50 we locate the trapping site and call the Gendarmerie of Tartas. They refuse to go out, but write down the coordinates. They say at 2.00 p.m. they will go out to check and call CABS at 3.00 p.m. for the written complaint. From 3.00 to 5.00 p.m. the team is kept in the station for the complaint.
Site n° 47	In the morning we go to the brigade of Saint-Sever to lodge a complaint, but after one hour of waiting we are asked to come back in the afternoon.
Site n° 110	In the brigade of Tartas the team is expected to report trapping sites. In the morning it is not possible. In the afternoon more than 1.35 hour is necessary for the complaint.

Two of the cases already mentioned should be described more in detail, because they show the paradoxical situation in which volunteers were caught:

CASE 117

On the 30th at 4.00 p.m. site 117 (Hagetmau) is located by foot 300 meters further away than it was in 2006. The team goes back to the parking lot and tells the *Brigade Recherche* (B.R.) that a trapping site is active with traps and birds not far away and can be seen from a gravel road. The B.R. confirms they cannot drive to the point, but we have to call the responsible *Brigade* of Hagetmau. CABS team calls Hagetmau and we agree to meet up at the parking lot to show them the place. When we tell the B.R. that we have to wait there for the patrol to come, the B.R. makes a private telephone call and then tells us to leave the place. We claim we cannot leave because of the meeting. They tell us the brigade of Hagetmau is not coming anymore and we should go there for a written complaint. But, since it is now around 6.00 p.m. and the *brigade* is closing and we should leave it for another day.

CASE 129

On the 1st of September at around 11 a.m. we locate an active trapping site in Horsarrieu. The two cars with the escorting gendarme are spotted by hunters who surround the site and behave aggressively towards volunteers. The trapping site is only 200 meters away. CABS stresses that, since we have been detected, trappers are likely to remove traps and birds and spoil the case. The gendarme agrees, and calls the brigade of Hagetmau, but the brigade refuses to go out. We can go and report the site only after 2.00 p.m. when the brigade is open again.

Out of the 16 cases reported to the authorities, to the best of our knowledge, only one was solved successfully, namely when the presence of a TV crew and of the President of LPO Nationale, Mr. Bougrain-Dubourg, forced the Gendarmerie to act on the spot. In this case traps were removed, birds were freed by the gendarmes and a complaint was filed against the owner of the field where the trapping site was set.

In 7 reported cases neither the Gendarmerie nor the ONCFS had undertaken any action after 4-5-6 days, according to monitoring made by a LPO team after the camp had been forced to stop. In 6 cases it was impossible to re-check the trapping site, because CABS was banned from the Department and the LPO team could not locate the trapping sites due to lack of time. In 2 cases LPO managed to find the trapping site, but it had been dismantled. Only an official feedback from the authorities could explain if the Gendarmerie eventually took action.

An unofficial feedback given to CABS from the Gendarmerie on the 4th – when volunteers were asked to sign the *arrêté* of the prefect – was: “do not worry about the trapping sites, because the gendarmes have followed all complaints and have seized the traps. Unfortunately they found no live decoys there.” The survey from LPO two and three days later shows that this statement was at least partially wrong.

In the following table we summarize all information available for detected and reported trapping sites:

Site n° 17 – La Freche	Found active on the 03/09	Reported to Gendarmerie of Villeneuve de Marsan on the 03/09	Gendarmerie calls us on the 07/09, telling us the trapper found his site raided on the same morning by unknown people and made a complaint to the Gendarmerie
Site n° 8 – La Freche	Found active on the 03/09	Reported to Gendarmerie of Villeneuve de Marsan on the 03/09	Gendarmerie calls us on the 07/09, telling us the trapper found his site raided on the same morning by unknown people and made a complaint to the Gendarmerie
Site n° 103 - Luglon	Found active on the 01/09	Reported to Gendarmerie of Sore on the 01/09	Survey by LPO on the 06/09: traps and decoy birds were still present
Site n° 129 - Horsarrieu	Found active on the 01/09	Reported to the Gendarme escorting the team. Since hunters are around our cars and our presence is discovered, we suggest calling the brigade immediately to prevent the hunters from dismantling the site. The Gendarme calls, but the Brigade refuses to intervene and insists on a written complaint. Reported to the Gendarmerie of Saint Sever on the 01/09	No survey possible
Site n° 3 – Souprosse	Found active on the 02/09	Reported to the Gendarmerie of Tartas on the	No survey possible

		02/09	
Site n° 11 - Mageste	Found active on the 01/09		Gendarmerie dismantles the site in front of LPO and TV crew
Site n° 12 – Fargues	Found active on the 30/08	Reported to the Gendarmerie of Aire sur L'Adour on the 01/09	No survey possible
Site n° 17 - Bénesse	Found active on the 30/08	Reported to ONCFS on 31/08	Survey by LPO on the 06/09: traps and decoy birds were still present
Site n° 47 – Cauna	Found active on the 01/09	Reported to the Gendarmerie of Saint-Sever on the 03/09	No survey possible
Site n° 93 - Herm	Found active on the 29/08	Reported to the ONCFS on the 29/08	Survey by LPO on the 02/09: traps and decoy birds were still present. The owner of the site is interviewed by TV crew
Site n° 93 - Herm	Found active on the 02/09	Reported again to the ONCFS and later to the Gendarmerie of Dax on the 02/09	Survey by LPO on the 07/09: site no longer active (maybe poacher could have dismantled traps after TV crew was there)
Site n° 48 - Mugron	Found active on the 02/09	Reported to the Gendarmerie of Mugron on the 03/09	No survey possible
Site n° 51 - Hagetmau	Found active on the 03/09	Reported to the Gendarmerie of Saint-Sever on the 03/09	Survey by LPO on the 07/09: site no longer active
Site n° 131 - Sabres	Found active on the 01/09	Reported to Gendarmerie of Sore on the 01/09	Survey on the 07/09 traps and decoy birds were still present
Site n° 128 – Hagetmau	Found active on the 01/09	Reported to Gendarmerie of Saint Sever on the 01/09. They say they will proceed on the following day	Survey on the 07/09: traps and decoy birds were still present
Site n° 110 – Saint Yaguen	Found active on the 02/09	Reported to the Gendarmerie of Tartas on the 03/09	Survey by LPO on the 07/09: site no longer active
Site n° 117 - Hagetmau	Found active on the 30/08	Reported to the Brigade Recherche on the spot, who refuse to intervene. We call the Brigade of Hagetmau, who say they are coming. The Brigade Recherche calls them back and tells them not to come. We report the site to the Gendarmerie of Saint-Sever on the 01/09	No survey possible

6 THE SOCIAL CONTEXT: THREE LIES

LPO and CABS engaged the media in the campaign to raise awareness in the public on the issue of ortolan trapping. The national channel (France2) framed the LPO/CABS bird protection camp very positively, with a long report on the special operation conducted by LPO chairman Allain Bougrain Dubourg at the beginning of the camp³. The Gendarmerie also reacted positively, giving room for hope, when they not only followed the LPO team and the TV crew, but also engaged directly in dismantling a trapping site in Mageste and allegedly prosecuted a trapper (“la loi reste la loi”)⁴. But after this special case – when this regional issue was submitted to a national audience – things turned worse. The local press, particularly the local newspaper Sud Ouest, took a rather neutral stance in the beginning, reporting on the developments of the operation almost on a daily basis, but swiftly switched into an aggressive attitude, backing up the, at least, contradictory politics of the Prefect. Remarkably, the regional newspaper never called CABS to cross check the information published and even refused, when contacted, to publish any amendments as requested by CABS.

The Sud Ouest, like other regional media, accepted the official version that CABS had to be expelled from the Department because they started destroying traps and freeing birds. The version in the media is: *“until now the activists only detected trapping sites [...] they never entered private properties nor destroyed anything. But in the last two days things took a swift turn: on Tuesday afternoon a commando entered into a trapping site in Souprosse. They destroyed 20 matoles and freed 5 decoys. Yesterday they tried to repeat their action in Campagne [...] but they are seen moving in the corn. [...] They are circled by hunters and urine is poured on them. [...] Now everybody is waiting for the decision of the Prefect”*⁵.



What the media do not say is that our teams were escorted by the Gendarmerie/Police during each and every day (especially stunning was when a team had to leave on an early morning without giving notice, and was tracked and followed within five minutes, suggesting that some alarm and positioning system had been put in place by the Gendarmes). Therefore, the Gendarmerie could attest that Souprosse was not visited on Tuesday, nor that any raid was planned or done in Campagne, but it was only about monitoring (as the same press reported in all previous days). All media, except France3 who crossed the departmental to interview CABS members and tell their part of the story, tried to shed a bad light on volunteers (called “anti” or “anti-chasse”), portraying them as radical and blaming the responsibility for the prefect’s decision on them. The media forgot to say that trappers stole expensive digital equipment from CABS’ car, that they twice “kidnapped” the volunteers for hours and that they even punched a policeman in the face when he tried to protect the two elderly CABS volunteers. But mostly they failed to explain why the association “suddenly” changed strategy and started destroying traps, after having reported them for a week.

Obviously, the local press tended to follow the communications and directives given by hunting associations and local authorities. This was the case also in relation to two other wrong pieces of information given by the press and broadly circulating as rumors in Les Landes:

1) Ortolan buntings are trapped legally by means of a derogation in the Euskadi, in Spain. To the best of our knowledge there is no such derogation anywhere in Europe, including Spain.

2) Ortolan buntings trapped in France come mainly from Russia and therefore can legitimately be killed. This statement is allegedly based on the study on isotopes conducted by a Canadian scientist Dr. Hobson, according to the hunting federation and even from the ONCFS⁶. It is remarkable though that Dr. Hobson never gave any statement in this direction; rather he says:

“I have NEVER claimed the birds taken in France were primarily from Russia. This was a complete misinterpretation of the isotope data. I have also never given my permission for any of these incorrect statements to have been disseminated” (see annex 1).

A last proof of the negative frame and the lack of partiality of the press was given by the Sud Ouest again in November, when one day before the trial CABS/Prefet to discuss the legitimacy of the “arrêté de mise en demeure de quitter les Landes”, the Prefect withdrew his arrêté to avoid any judgment from the Court. Presumably because he knew it would not be in his favour. The press only mentioned that “volunteers could not be banned forever” since they did not commit “any serious offence” and that “illegal trappers of finches will not be happy about this decision”⁷ (this article was written during the similarly infamous finch trapping season).

7 THE “ARRETÉ” OF THE PREFECT

From the very beginning CABS was officially told we were not welcome and that “you now have very powerful people allied against you” (representative of the Police Nationale during the meeting of the 30th). The authorities – the Gendarmerie and the Police Nationale, whom we were in contact with all day – made no mystery out of the extreme pressure made on them and on the prefect by politicians and hunters’ associations (various officers admitted privately that they were not comfortable with the contrast between the reality we were reporting – oral derogations to destroy an endangered and protected species - and any legal frame). Even if CABS and LPO expressly renounced to undertake any action of disruption of the illegal trapping sites, the bare presence of volunteers, the attention of the media and the work of reporting illegalities to the gendarmerie obviously caused stress to trappers, who said they were “exasperated” by this pressure. Twice the police, and once the Gendarmerie, kindly asked CABS to suspend the operations and move to another department, saying: “hunters are organizing a violent action against you”. Both proposals were rejected by CABS to oblige the Prefect to take a clear stance.

In our opinion – unless a third NGO or individual volunteers not aware of the CABS/LPO strategy intervened only once on one single trapping site – trappers made the fake claim of the disruption of traps in Souprosse to give the Prefect the opportunity to ban CABS and get rid of the volunteers. Indeed, the following day the Gendarmerie told us that, if

we did not leave the Department on our initiative, the Prefect might decide to expel us. The aggression in Campagne – where our volunteers were victim of aggression and robbery - gave the final input for the arrêt .

Eventually the Prefect was forced to allege an illegal activity from CABS' side to back up his decision to expel the volunteers. When, on the afternoon of the 4th of September, both CABS teams were called to the brigade of Hagetmau to be officially informed of the expulsion stated by the prefect, volunteers – after reading the arrêt  – refused to sign the papers: the document (annex 2) was charging CABS teams with “numerous” violations of private properties and even dwelling houses, the disruption of traps. It even blamed CABS for the public order troubles in Campagne, where volunteers were non-violent victims of what seemed to be an organised attack: a mock trapping site at the “traditional” location to attract volunteers, surrounded by a violent crowd, while a few days later an LPO team confirmed that the actual trapping site, the active one, was a short distance away. The prefect seemed to forget that volunteers were escorted at all the time by Gendarmes and policemen and that nothing which he accused CABS of could have possibly happened. No investigation was made of whether allegedly “raided” trapping sites were the same ones visited by the escorted CABS teams or not, nor if the time of the visit matched with the time of the disruption. In addition, the Gendarmerie itself allegedly checked all the sites we reported and seized the traps (which we know to be impossible, since LPO found them to still be active some days later). The way the prefect handled this issue and forced the Gendarmerie to deal with it looked to CABS like a shameful “masquerade”, disrespectful of the professionalism of the volunteers and their willingness to support authorities in their duties, only aimed at pleasing the illegitimate and – it has to be said – violent requests of hunting associations.

The doubtful legitimacy of the prefect's decision was made even clearer when CABS took the arr ts to the Court of Pau. To avoid a judgment, which he probably feared, the Prefect withdrew his arr ts two days before the decision of the Court. CABS has nevertheless asked the Court to express a judgment on this matter, even if the arr ts have been withdrawn.

8 AGGRESSION FROM HUNTERS

During the Camp there were three major episodes of aggression from hunters' gangs and groups.

1) On the 29th of August two volunteers were driving on a public gravel road south of Hagetmau to check a trapping site in the area. The road unexpectedly ended up in the fields and the car had to make a U-turn to go back to the main road. The CABS team noticed that people from the farmhouses around have noticed their presence, and find that the road is now blocked with a tractor. When the two volunteers ask why the road is blocked, the farmers show an aggressive and inquisitive attitude, refusing to open the road until more people come. CABS called the Gendarmerie and after one hour – while 5-6 farmers have gathered – the Gendarmerie intervenes. Instead of asking the farmers to remove the tractor, they ask CABS volunteers for ID, inquire what they were doing there (on a public road!) and make numerous phone calls. At the same time farmers continue to loudly make death threats to the volunteers. Only after one hour do the Gendarmes ask the farmers to move the tractor and escort volunteers to the brigade.

2) On the 1st of September CABS parks the car in a parking lot in Horsarrieu, with the Gendarmerie escorting them. A man immediately comes to the spot and tells CABS to not dare to tread the non-cultivated fields which lie between the village and the trapping site. Volunteers leave, making a longer turn to reach the site from a different direction, while the Gendarmerie waits by the cars. Coming back, CABS observes that 4-5 people have gathered to the spot and are talking with the Gendarme. Two of them are young and behave very aggressively, addressing death threats to the volunteers and trying to make body contact. Volunteers avoid the provocations and leave. Twenty minutes later and in a different municipality, after a second check, CABS and the Gendarmerie are caught again by the same trappers plus a more aggressive one, who on the main road aims a huge hay fork at them, yelling: “come to my trapping site if you dare to. We have killed kings with these tools!” The volunteers leave.

3) On the 4th of September a two person CABS team, escorted by an agent of the Police Nationale, reach an area outside Campagne, where 3 trapping sites are recorded. They leave the car on the roadside with the policeman

watching over it. They take a path between two maize fields to get in sight of the trapping site, but when they come back to the road, after just 5 minutes, they find that hunters are gathering there. The whole account is reported in Annex 3, as stated in front of the Gendarmerie. It is worth noting here, that the two volunteers (50 and 70 years old) were pushed to the ground, had pig urine poured over them, insulted and threatened with death (“we hang you on poles”) by 10 people, and the policeman was beaten in face by a hunter. A tablet and various other goods were stolen from CABS’ car. To our knowledge, no-one has been prosecuted for these offences.

9 CONCLUSIONS AND RECOMMENDATIONS FOR THE FUTURE

To use the same words we exchanged in our mails in the early days, both LPO and CABS were “astonished” about the way the Government in Les Landes was handling the ortolan bunting trapping issue after the infringement procedure opened by the European Commission. As the representative of the Gendarmerie repeatedly confirmed by phone, “the “tolerance” was still implemented in the field”, and the requests of the hunters/trappers’ community were fully satisfied by the authorities. The lack of direct action from the Gendarmerie and ONCFS, even when the trapping site was only few hundred meters away from the parking point, the lack of a reliable feedback on the reported trapping sites, the fact that most of them were found active 3-5 days after the complaint, show that the zero tolerance policy was never meant to be implemented. Furthermore, the authorities clearly boycotted the scouting and monitoring work of LPO and CABS. Under different conditions our teams could have detected more active trapping sites, increasing the research sample, but this did not seem to be the interest of the authorities, who slowed down our work by all matters and means.

We could not convince ourselves that the Gendarmerie or the ONCFS brigades were more numerous, more active or more committed than the previous years: actually we did not see any difference, except our volunteers were actively followed at all times by Gendarmes who had a policy not to intervene in any case we reported to them, but apparently were only committed to making sure our volunteers would not trespass on any private property, which of course further constrained our witnessing.

Clamping down on illegal ortolan bunting trapping in Les Landes is a very easy task: trapping sites are easily visible from the air and if the authorities arranged short flight surveys by the end of August, they could detect all active trapping sites in the Department in 2-3 days. Dismantling them and/or prosecuting the responsible persons, would be easier, since they are all located in cultivated fields (if not in fenced grounds) and, to our knowledge, the owner can be charged with the responsibility of having illegal trapping devices and destruction of protected species on his property.

The fact that nothing has been done so far and that those who denounce this lack of political will are attacked in the field, politically and in the media – where the problem is also understated and the public opinion is misled with wrong information - only shows the continuous attempt to illegally legalize this hunting method.

It should be noticed that a very similar situation holds for finches (officially, Chaffinch *Fringilla coelebs* and Brambling *Fringilla montifringilla*, but also concerning numerous other protected species such as goldfinches, linnets, greenfinches, robins, etc.), which are trapped illegally in November in the same areas, with the same techniques and with a very similar coverage by an “oral derogation” from the Prefect of the Landes.

10. ANNEX 1



M. Claude Morel, Préfet des Landes
M. le Professeur Frédéric Jiguet, MNHN Paris
M. Paul Delduc, cabinet du MEDDE

Bègles, le 18 août 2013

Ref : OIG 130818
Objet : Interaction Dr Hobson

Monsieur le Préfet,
Monsieur le Professeur,
Monsieur le Conseiller,

Dans le cadre du dossier "ortolan", je crois bon de vous transmettre cet échange (cf. annexe) que j'ai eu récemment avec le Dr Keith Hobson, le chercheur canadien dont la collaboration est souvent invoquée par la fédération des chasseurs des Landes (FDC40) pour appuyer l'idée que les ortolans capturés sur la route occidentale de migration (dite « landaise ») seraient d'origine russe.

Le Dr Hobson est on ne peut plus clair sur :

- la grande déception que lui cause l'utilisation à son insu de sa réputation dans ce dossier ;
- d'autant que cette utilisation est associée à ce qu'il considère comme une "mésinterprétation complète" de ses travaux.

Il joint à sa réponse un court rapport qu'il a adressé au directeur de la FDC40 (en anglais, ce qui explique peut-être sa mauvaise appréciation par la FDC40 ?) qui explique que les données isotopiques de l'hydrogène stable, comme celles qu'il a produites et analysées, ne peuvent pas être utilisées pour désigner l'origine longitudinale des individus dans le cas où l'espèce se répartirait sur plusieurs voies migratoires, ce qui est le cas de l'ortolan dont une partie migre par les Landes mais d'autres par l'Italie, la Grèce et le Moyen-Orient notamment. En conséquence, dit-il, il ne peut être conclu de ces données que les ortolans migrant par les Landes proviennent de Russie.

Nous estimons qu'il est dommageable au débat, et donc à l'espèce, que la FDC40 s'appuie sciemment sur une interprétation erronée des résultats de ces analyses.

Bien cordialement,

Olivier Le Gall
Président de la LPO Aquitaine

06 08 64 48 48



Ligue pour la Protection des Oiseaux en Aquitaine
LPO Aquitaine • 433 Chemin de Leysotte • 33140 Villenave d'Ornon
Tel 05.56.913.361 • aquitaine@lpo.fr



Echange OIG-KH :

Le 4 août 2013 à 04:19, "Keith Hobson" <Keith.Hobson@EC.GC.CA> a écrit :

Olivier:

Thank you very much for this email. I have been in the field and so am just getting back to you now. I am very disappointed by these events. I have NEVER claimed the birds taken in France were primarily from Russia. This was a complete misinterpretation of the isotope data. I have tried to clarify this in the attached report to Régis Hargues. I have also never given my permission for my picture or any of these incorrect statements to have been disseminated.

Please feel free to distribute this report widely.

Keith Hobson

—Original Message—

From: Olivier Le Gall
Sent: Fri 02 Aug 2013 12:12 PM
To: Keith Hobson
Subject: Ortolan bunting

Dear Dr Hobson,

As you may know, we [the national and the local representatives of BirdLife International] in SW-France are engaged in a bitter discussion with poachers, backed by the local hunter's association (FDC40) on whether it is wise or not to keep on capturing ca. 10.000 ortolans yearly, against the national and the European laws, knowing that this species is one of the most endangered ones in the European Union (and indeed, the number of captures is decreasing sharply not because there are less poachers but because the populations drops dramatically).

In this context you may, or may not, be aware that the work you have done for FDC40 (isotope tracking) is beginning to get into the media over here. See attached article (in French, sorry), and there are other newspaper articles mentioning it although usually not with your name and photograph: I can forward them to you as well.

Specifically, FDC40 argues, based on your isotopic work, that the source of the ortolans migrating through the SW-French route is mostly Russia. This has become some sort of a bitter part in our bitter discussion, because this is not confirmed by ringing recoveries (OK, it could be that the Russians do not ring ortolans, but they do ring many species so this would be surprising), and because our impression (based for instance on http://www.oncfs.gouv.fr/IMG/file/oiseaux/articles-generaux/Lormee_rs04.pdf) is that the information one can obtain from such studies enables to draw a broad iso-latitudinal band but not really to establish the longitude where the feathers have been built within this latitudinal band. So for instance, a bird from Poland would not be distinguished from one coming from Moscow.

In addition, the uncertain origin of the material you received for testing could be a problem, as stated by the governmental hunting office (ONCFS) in the attached article. Indeed, as far as I know, FDC40 does not have access to any ortolan except poached birds: this may be the reason why their origin (date and place) remains obscure, if you confirm this observation made by ONCFS.

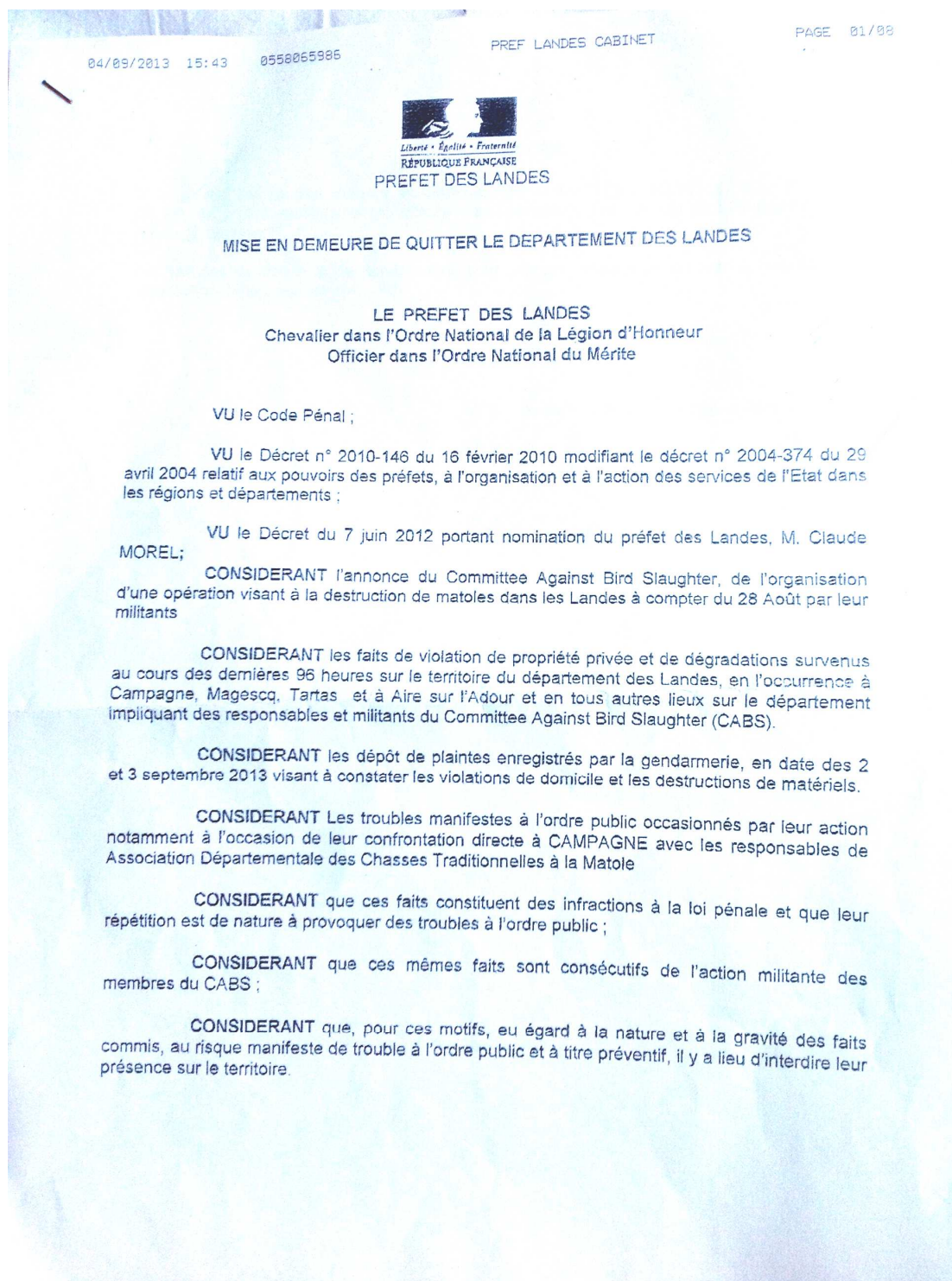
Although I would understand that you would not be at ease answering someone so dramatically opposed to your collaborators, I would nevertheless be happy to have your comments on this situation, on the interpretations that can or cannot be made from your work, and also if you were aware that your name was being used in this context (I won't go too much into the details, but FDC40 has sometimes done anti-deontological things so I would not be completely surprised to see one more...).

Thank you very much,

Sincerely,

Olivier Le Gall, LPO-Aquitaine, President

11. ANNEX 2



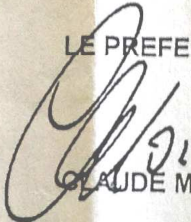
DECIDE

Nous, Préfet des Landes, mettons en demeure COEN TANUGI, Sergio né le 8 janvier 1974 à BUSTO ARSIZIO, de quitter sans délais le territoire du département des Landes, dès notification de la présente décision.

Les services de police et de gendarmerie, sont chargés, chacun en ce qui les concerne, de l'application de la présente décision.

MONT-de-MARSAN, le 4 septembre 2013

LE PREFET,



CLAUDE MOREL

12. ANNEX 3

GENDARMERIE NATIONALE
Département des LANDES
Compagnie de Mont de Marsan
BTPCL de ST SEVER

ENQUÊTE PRÉLIMINAIRE
PROCÈS-VERBAL D'AUDITION

Code unité	Nom P. V.	Année	Nom dossier justice
14482	02264	2013	

TÉMOIN	Nom pièce	N° feuille
		1 / 2

Le mercredi 04 septembre 2013 à 10 heures 25 minutes.
Nous soussigné Maréchal des logis-chef Thibaut PATRU, Officier de Police Judiciaire en résidence à HAGETMAU 40700

Vu les articles 16 à 19 et 75 à 78 du Code de Procédure Pénale.
Nous trouvant au bureau de notre unité à SAINT SEVER 40500, rapportons les opérations suivantes :

IDENTITÉ DE LA PERSONNE TÉMOIN

Sexe	Nom	Prénoms
F	VOLPE	Bettina
Situation de famille		validité état-civil
Célibataire		identité déclarée
Date naissance	Commune naissance et Code Postal	Pays
13/10/1980	MEXICO	(Mexique)
Adresse	Forster Strett 18 Weiher	
Commune résidence et Code Postal		Pays
UBSATADT WEIHER		(Allemagne)
N° de titulaire	N° de fax	Profession
03.49.17.39.67		Vétérinaire
		Nationalité
		Allemande
		NSEE
		67528

Entendons la personne dénommée ci-dessus qui nous déclare, par le truchement de Monsieur RUTIGLIANO Andrea, représentant du CABS et interprète en langue italienne :

Question : Pouvez vous m'expliquer ce que vous faisiez aujourd'hui sur la commune de CAMPAGNE?--

Réponse : Je me suis rendu avec Monsieur SCHUPPERT sur la commune de CAMPAGNE. Il s'agit d'un endroit que nous avons détecté l'année passée où se trouvaient des pièges à Ortolan. Nous y sommes retourné aujourd'hui pour vérifier si les sites étaient actifs ou pas. Nous sommes allés dans ce champ mais le site n'était plus actif. Il y avait seulement des baliveaux qui servent à attirer les oiseaux sur le site. --

Question : De quelle association dépendez vous ?--

Réponse : Du CABS (Comité against birds slaughter). --

Question : Que s'est-il passé ensuite cet après midi ?--

Réponse : Après avoir constaté l'absence des pièges sur les sites, nous avons voulu regagner notre véhicule à travers le champ de maïs. En arrivant à quelques mètres de notre véhicule, nous avons entendu des voix, nous sommes restés cachés dans le champ de maïs mais les chasseurs qui discutaient autour de notre véhicule nous ont détecté dans le champ. Ils sont venus vers nous en étant menaçant, en nous insultant et en nous poussant physiquement. Un des chasseurs a pris du maïs dans sa main et me l'a mis à côté de la bouche. Ils ne nous ont pas donné de coup. Les chasseurs au nombre de 08-10 sont venus vers nous avec un jerrycan, nous pensions qu'ils voulaient nous brûler mais en fait ils ont déversé sur nous du purin. Il y avait un fonctionnaire de police présent sur place qui nous a défendu pour éviter que la situation dégénère. Les chasseurs ont fait en sorte que nous ne puissions pas repartir du champ avant l'arrivée des gendarmes. Un vieux chasseur nous a dit qu'il pourrait nous pendre à un poteau électrique. Il s'agissait d'une menace de mort. Puis les gendarmes sont arrivés, pendant plus d'une heure vous avez discuté avec les chasseurs pour essayer de trouver une solution et puis nous avons été emmenés par vous à la gendarmerie de SAINT SEVER. --

Question : Voulez vous déposer plainte contre les chasseurs pour ce qu'il s'est passé?--

Réponse : Oui. Je dépose plainte pour les violences et pour le purin déversé sur nous et ainsi que pour les menaces de mort. Je n'ai pas été blessé au cours de cette altercation. --

Question : Avez vous commis des dégradations dans le champ de maïs?--

Réponse : Non. Nous avons slalomé dans le champ sans abîmer le maïs.

La personne entendue

L'Officier de Police Judiciaire

B. Volpe

S. L. Patru

[Signature]

13. NOTES AND REFERENCES

¹ Published on the 14th September 2010 by Jean-François Renaut in the newspaper “Sud-Ouest”

² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2013-012752+0+DOC+XML+V0//EN>

³ <http://www.youtube.com/watch?v=o7LArCyoFv8>

⁴ 1:52 in the video: <http://www.youtube.com/watch?v=o7LArCyoFv8>

⁵ <http://www.sudouest.fr/2013/09/05/les-anti-expulses-1159279-3452.php>

⁶ http://www.lemonde.fr/sciences/article/2013/11/11/chasse-croise-scientifique-autour-de-l-ortolan_3511862_1650684.html

⁷ <http://www.sudouest.fr/2013/11/06/ortolan-les-anti-chasse-peuvent-revenir-dans-les-landes-1221867-3452.php>