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Report

drawn up on behalf of the Committee on Public Health and the Environment

on Petition No. 8/74 / 'Save the migratory birds'

Rapporteur: Mr H.E. JAHN

At its sitting of 16 September 1974, the European Parliament referred Petition No. 8/74 to the Committee on Public Health and the Environment as the committee responsible and, by letter of 2 December 1974, to the Committee on Cultural Affairs and Youth for its opinion.

The Committee on Public Health and the Environment appointed Mr Jahn rapporteur on 21 October 1974.

It considered the petition at its meeting of 18 November 1974.

On 8 January 1975 the committee unanimously adopted the motion for a resolution and explanatory statement.

Present: Mr Della Briotta, chairman; Mr Jahn, vice-chairman and rapporteur; Lord Bessborough, Mr Brégégère, Mr Concas (deputizing for Mr Walkhoff), Mrs Fenner, Mr Martens, Mr Meintz, Mr Emile Muller, Mr Noè, Mrs Orth and Mr Rosati.

The opinion of the Committee on Cultural Affairs and Youth is attached.

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The Committee on Public Health and the Environment hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on Petition No. 8/74 - 'Save the migratory birds'

The European Parliament,

- having regard to Petition No. 8/74 - 'Save the migratory birds';
 - deeply concerned at the sharp decline in the numbers of migratory birds particularly since 1968;
 - having regard to the need to preserve the ecological balance in Europe and Africa;
 - considering the urgent need for Community action to protect birds from mass extermination;
 - having regard to the report of the Committee on Public Health and the Environment and the opinion of the Committee on Cultural Affairs and Youth (Doc. 449/74);
1. Having examined Petition No. 8/74 pursuant to Rule 48 (3) of the Rules of Procedure, notes that it falls within the sphere of activities of the Communities and is therefore admissible;
 2. Points out that the European Parliament has on a number of occasions raised the question of the protection of migratory birds from mass destruction;
 3. Regrets, however, that it has not yet proved possible to solve this problem;
 4. Is deeply concerned at the threat of extinction to our migratory birds;
 5. Observes that the decimation of these birds is partly attributable to the wider use of chemical insecticides, as this has drastically reduced the birds natural food sources;
 6. Emphasizes, however that as a result of the decimation of these birds, which are known to provide natural control of the insect population, the application of chemical insecticides will have to be intensified to prevent man, animals and plants from being exposed to these pests without protection;
 7. Emphatically warns, however, for this reason, against the dangers to human health and the natural environment from blanket chemical pest control;

8. Considers that the problem of the mass slaughter of migratory birds during their passage through a State's territory must be examined as soon as possible in international law, since migratory birds should be regarded not as 'res nullius' but as 'res communis';
9. Accordingly declares Petition No. 8/74 well founded;
10. Invites the Commission and the Council to make strong representations to those States which have still taken no action in this sector, urging them to issue without delay specific regulations on the protection of wild animals and the environment;
11. Further urges the Commission and the Council to give the protection of birds in the Community due priority over less pressing environmental protection measures and - possibly in cooperation with the steering committee of the United Nations Environment Programme (UNEP)¹ - to propose and adopt in the near future practical measures for the protection of migratory birds, to include particularly:
 - (a) a general prohibition on the trapping of birds with nets;
 - (b) a shorter season for hunting migratory birds by other means;
 - (c) a general prohibition on cruelty to captured birds;
 - (d) a strict prohibition on the importation into the Community of dead song birds and migratory birds and import controls in the case of live birds.
12. Is, moreover, convinced that the study which the Commission instructed the 'Zoologische Gesellschaft von 1858' to make on the whole question of the protection of migratory birds provides a sound basis for immediate concrete measures by the Commission and the Council at Community level;
13. Does not consider it possible, therefore, to call at an early date an international conference on the protection of migratory birds, since time is too short and immediate action imperative;
14. Stresses that once introduced the Community regulations must be enforced as completely as possible by comprehensive controls and suitable penalties and follow-up action against offenders;
15. Further recommends all positive measures to protect birdlife such as:
 - the creation of bird reserves in which hunting is generally banned,
 - the preservation of certain species of birds and the creation of suitable breeding grounds and
 - the safeguarding of a healthy environment;

¹United Nations Environment Programme

16. Urges the Commission to promote international action by appropriate initiatives and negotiations so that conventions can be signed on the protection of migratory birds and song birds;
17. Asks the Commission to inform world opinion about the problem of migratory birds and the measures taken to protect them in order to make the general public aware of the environmental implications and urges the Council immediately to release the relatively modest funds required for this publicity campaign;
18. Asks its responsible committee to follow closely the actions taken by the Commission and the Council in the field of bird protection and to keep it duly informed thereof;
19. Instructs its President to forward this resolution and the report of its committee to the Council and the Commission of the European Communities and also to the authors of the petition.

EXPLANATORY STATEMENTI. Content of the Petition

1. At the European Parliament's plenary sitting of 16 September 1974, the President announced that he had received a petition on saving migratory birds from Mr Seppen, Mr Bartels, Mr Pot, Mr Rosenzweig, Mr Hoefer-Kuytman and other signatories. This petition was entered in the register provided for in Rule 48 of the Rules of Procedure and referred to the Committee on Public Health and the Environment for consideration.

The petitioners are mostly the Presidents, Directors, Secretaries and other members of national or international animal protection organizations.

2. The petitioners invite the European Parliament, the Council and the Commission,

- (a) to give the problem of saving migratory birds due priority over less pressing matters,
- (b) to convene an international conference on the problem of migratory birds with a view to investigating the whole affair on a bi-continental (Europe/Africa) level,
- (c) to recommend any country allowing the hunting of birds on its territory to call an immediate halt to these practices or at least drastically to shorten the hunting season, until the results of the conference are known,
- (d) to disseminate these facts over the regular international news media.

3. The arguments advanced by the petitioners may be summarized as follows:

- The impending extinction of many species of birds will irreparably destroy the 30,000 kilometre closed biological control network spanning Europe, Africa and Central Russia.
- For the first time in 20 centuries 1968 saw a rapid decline in the numbers of a dozen Central European migratory bird species. Many species are in a critical situation and threatened with extinction which will seriously disturb the ecological balance.

- If present legislation, especially in Italy, is not changed, it is estimated that some 80,000,000 migratory birds will be trapped and killed in hundreds of thousands of nets in Northern Italy. In the following seven months some 200,000,000 more migratory birds will probably be killed by hunters, poachers and trappers in the country as a whole. As there is no known way of inducing these birds to deviate from their flight path, they will continue to be destroyed unless strict legislative measures are taken immediately.

- According to a recent FAO report, some 240 species of insect have developed a resistance to strong insecticides. Birds are of course insectivorous and have until now kept down the numbers of insects in woodlands, in cultivated and uncultivated areas, and in water. The sharp decline in the numbers of birds will almost certainly place man, animals and plants at the mercy of the insects, which will then become rampant. Furthermore, intensified use of chemical insecticides - which would, in any case, prove useless because of the resistance developed by many species of insects - would poison our countryside (particularly woodlands, pastures and lakes) and thus present a serious threat to man, animals and plants. Even today the chemical control of much less than 10% of the land already requires investments which could, in the petitioners' view, cripple the world economy. Blanket chemical control on a continental scale would lead to financial, as well as ecological and social ruin.

- In view of the highly useful role of migratory birds, countries have no right to trap and kill them as they pass through their territory. The toleration of mass slaughter of these birds is tantamount to interference in the internal affairs of all other countries. The idea that migratory birds can be treated as 'res nullius' therefore poses a political problem.

- The Spagnolli bill on the protection of wild animals was submitted to the Bureau of the Italian Senate on 22 November 1972. If it had become law and been promptly implemented, it would have solved the problem in Italy. Unfortunately, it was shelved again in June 1974 for an indefinite period.

- In Italy birds are not protected by either national or regional legislation. Therefore, the number of birds systematically slaughtered in Italy is several times greater than in all other European countries put together. Every new hunting season may push an irreplaceable species over the brink of extinction. Because of this serious risk it is absolutely essential to act quickly, before it is too late.

II. Previous initiatives by the European Parliament for bird protection

4. The European Community and, in particular, the European Parliament have already taken up the problem of preserving our migratory birds.

Mr GLESENER raised the matter in his Written Question No. 285/71 on the scandalous extermination of migratory birds in Belgium and Italy¹, in which he asked the Commission whether it intended,

- to take action to combat this practice,
- to propose common legislation for the preservation of migratory birds.

The Commission was also asked what practical measures it intended to propose to mitigate the appalling effects of the extermination of migratory birds.

In its answer of 12 November 1971 the Commission pointed out that it had not proposed any definite measures for bird protection in its first communication on the Community environmental protection policy. It did not, however, rule out the possibility of Community measures at some future date to check the extermination of migratory birds.

5. Your rapporteur referred to this answer in his Written Question No. 620/72². He asked the Commission whether, in view of the situation in Italy which was becoming increasingly critical, the Commission did not consider it urgently necessary to propose appropriate immediate measures, in line with the common environmental protection policy decided upon at the Paris Summit Conference of October 1972, to restore the biological balance in Europe which had been affected by bird extermination.

In its answer to the question on 10 April 1970 the Commission states that for a number of weeks it had been receiving letters of protest and petitions from individuals, animal protection societies and action committees and was contemplating an approach to the Italian Government with the request that a law be introduced as soon as possible in Italy to control bird-trapping. In a wider context it said that in view of the general concern about environmental protection it was considering the advisability of incorporating proposals on the matter in the action programme on the environment.

6. Partly as a result of these written questions a section on the protection of birds and certain other animal species was incorporated in the

¹O.J. No. C 119, 26.11.1971, p.3

²O.J. No. C 39, 7.6.1973, p.12

European Communities' Environmental Action Programme of 22 November 1973¹.

This Programme assigns to the Commission the task of promoting joint action by the Member States for the protection of migratory birds within the Council of Europe and of studying national regulations on the protection of animal species and, in particular, migratory birds with a view to possible harmonization. This action was to be carried out by 31 December 1974 at the latest, and earlier if possible.

Where appropriate, the Commission was to make proposals before that date.

7. The Commission referred to this Environmental Action Programme in its answer of 26 November 1973 to the Written Question No. 321/73 by Lord O'HAGAN², who had asked whether the Commission

- thought that the Community's acquiescence in the netting and trapping of migratory birds in Member States was in keeping with the Community's new concern for the environment,
- intended to bring pressure to bear on France and Italy to outlaw these barbaric practices,
- intended to help to bring about a ban on the import of pickled birds from Cyprus, Turkey and other countries where trapping and netting remained legal.

In its answer the Commission stated that it intended to request an eminent expert to carry out a study on the different aspects of the problem and that, on the basis of the findings, it would examine with representatives from the Member States possible courses of Community action and, if necessary, submit appropriate proposals to the Council.

8. Lord O'HAGAN reminded the Commission of this promise in his Written Question No. 666/73 of 31 January 1974³, in which he enquired which expert had been asked to carry out the study and when his report could be expected. He also asked what progress the Commission had made with the study of national legislation on the protection of animals and, in particular, of migratory birds and what plans for harmonization in this field it was currently considering.

In its answer of 18 March 1974 the Commission announced that the study had been entrusted to the 'Zoologische Gesellschaft von 1858' in

¹O.J. No. C 112 of 20.12.1973, p.40

²O.J. No. C 116, 29.12.1973, p.10

³ OJ No. C 49 of 27.4.74. p.19

Frankfurt/Main, whose Director was Professor Bernhard Grzimek. The study should be completed by July 1974.

The European Parliament and public opinion would be informed of the results of the study. The Commission believed that the drafting of regulations could be considered only when the study was completed and had been examined by a group of national experts as scheduled in the programme.

9. At the beginning of October 1974 Lord O'HAGAN, in his Written Question No. 401/74¹, asked the Commission what progress it had made with the practical implementation of measures for the protection of migratory birds since its answer to his question No. 666/73.

Unaware of this latest question, your rapporteur also put a question No. 412/74¹, to the Commission at the beginning of October, asking why the study had not yet been completed. The Commission was also asked when it intended submitting the proposals which, according to the Environmental Action Programme, should be ready by 31 December 1974. Finally, the Commission was asked if it really intended to make its work on environmental protection dependent on action by the Council of Europe and other international organizations or whether, in view of the acute threat to birdlife, it did not rather consider it its duty to submit appropriate proposals immediately on its own initiative.

The Commission's answers to Written Questions No. 401/74 and No. 412/74 can be summed up as follows: On 24 July 1974 the Commission received the draft final report of the study carried out by the 'Zoologische Gesellschaft von 1858.' The translation of this lengthy report into French and English was completed on 18 October 1974. The Commission immediately forwarded it to a group of independent experts and the competent international organizations for their opinions. The Commission expected these opinions to be available by the end of November 1974. In the meantime, the Commission had already considered what measures could be taken at international level. In compliance with the timetable laid down in the environmental protection programme, the Commission will put forward practical proposals on the protection of birds and certain other animals by 31 December 1974. It does not intend to make its action in the field of bird protection dependent on the activities of other international organizations. Instead, it intends to act on its own responsibility and submit relevant proposals in this field before the end of 1974.

Your committee welcomes this intention of the Commission and awaits with interest the promised proposals which the Commission is reported to have agreed on 20 December 1974. It will deliver an opinion on them as soon as possible, leaving the way open for a binding Council decision, as speed is essential.

¹OJ No. C156, 10 December 1974, p19

²Ibidem, p.22

10. An Oral Question without debate by Lord CHELWOOD (Doc. 12/74) also referred to the protection of migratory birds and Commission measures in implementation of the Communities' Action Programme. In the plenary sitting of 15 May 1974¹ Mr HAFERKAMP, Vice-President of the Commission, reiterated the Commission's answer to Written Question No. 666/73 by Lord O'HAGAN².

11. We might mention, finally, the Oral Question tabled by your Committee on Public Health and the Environment in April 1974 on the threat to the Dollart nature reserve (Doc. 62/74). In the debate on this question, which took place at the plenary sitting of 10 June 1974, the main concern was the threat of extermination to millions of breeding and migratory birds which would have been caused by the building of a waste water canal beyond the dike, with serious consequences for the ecological balance of the Dollart area. Happily enough, although almost all the speakers were highly sceptical about the purpose of the Oral Question and the Commission could give no binding promises, the Netherlands Government subsequently decided to adopt the environmentalist solution, i.e. to have the waste water canal run inland of the dike.

12. To sum up, the European Parliament has raised the issue presented in Petition No. 8/74 on a number of occasions. Your committee regrets that despite the numerous steps taken by the European Parliament it has not yet proved possible to find a satisfactory solution to the problem of protecting migratory birds.

¹ OJ No. C156, 10 December 1974, p.22

² OJ of the Eur. Comm., Annex No. 176, p. 108

III. Examination of the petition

13. Pursuant to Rule 48(3) of the Rules of Procedure your committee first had to ascertain whether the petition fell within the sphere of activities of the Communities. If not, it would be filed without further action.

As indicated in point 6 of this explanatory statement, the European Communities' Environmental Action Programme, which was adopted by the Council in principle on 19 July 1973 and finally on 22 November 1973, included a section 'Protection of birds and certain other animal species' (Part II, Title II, Chapter 1, B(f))¹.

In it the Commission was assigned certain tasks. Moreover, where appropriate it was to make proposals by 31 December 1974.

It is therefore obvious that Petition No. 8/74 - 'Save the migratory birds' - falls within the sphere of activities of the Communities.

As a result of the examination pursuant to Rule 48(3) of the Rules of Procedure the petition was accordingly found admissible.

14. Your committee then considered whether the petition was also well-founded, i.e. whether the European Parliament could endorse its objective. This requires closer consideration of the various arguments advanced by the petitioners.

15. Your committee can confirm that the apparently imminent extermination of numerous bird species will irreparably destroy the bi-continental biological control network.

The petitioners compare the effects of this disturbance with the severe consequences of a breakdown at any point in an electricity distribution network. But there is a crucial difference, for - as the petitioners themselves point out - an artificial distribution network can be repaired whereas a natural biological control network cannot be restored or only with great difficulty after considerable time.

16. It is also an indisputable fact that there has been a particularly rapid decline in the numbers of migratory birds since 1968. The position of many species is therefore already critical. If the destruction is not stopped, their days may be numbered. The petitioners believe 'this may be enough in itself to reduce the Old World's ecology to apocalyptic chaos and may even seal the fate of its peoples'. Even if this view is not fully shared, it is

¹O.J. No. C 112 of 20.12.1973, p.40.

still clear that the extermination of migratory birds on our continent will seriously disrupt the ecological balance.

This is confirmed by the Commission in its environmental action programme where, in justification of the proposed measures for bird protection, it states that the large-scale destruction of birds presents a serious threat to the ecological balance in Europe.

17. Experts have estimated that 80,000,000 migratory birds were trapped and killed in the autumn of 1974 in hundreds of thousands of nets in Northern Italy, because the Italian bill to change the law had been shelved. The petitioners themselves cite the figure of 200,000,000 migratory birds which will most probably be killed in the following seven months by hunters, poachers and trappers.

In support of these arguments, your committee wishes to draw attention to a report received by the Stichting Mondiaal Alternatief, one of the signatory organizations of the petition, from Mr Uberti, Secretary of the National Society for the Protection of Animals, Verona Branch. This report has been printed separately (see PE 38.736). In your committee's view, it warrants careful study.

Even assuming that some of these figures and parts of Mr Uberti's report may be exaggerated, and that his statements are not all verifiable, he provides ample corroboration of the petitioners' warnings regarding the impending extermination of our migratory birds.

18. The petitioners also point out that 240 species of insects are known to have developed resistance to strong insecticides. The decimation of birds, which are natural insect destroyers is putting man, animals and plants at the mercy of the insects. Moreover, our countryside is being poisoned by the more intensive use of chemical insecticides.

In this connection, your committee notes that the decimation of these birds is partly attributable to the wider use of chemical insecticides. This is causing a drastic reduction in the birds' natural sources of food. Moreover, your committee points out that our migratory birds are a prey not only to unscrupulous bird dealers but also in large numbers to the insecticides sprayed on crops. This is a further reason why the use of chemical insecticides must be restricted and replaced as far as possible by natural, biological cropping.

Even if the petitioners' view that the investments required after the extinction of many bird species could cripple the world economy may be exaggerated, it is clear that the health of men, animals, and plants will be seriously threatened by blanket chemical control. This is confirmed, too, by the Commission in its aforementioned Environmental Action Programme in which it points out (page 40) that the large-scale destruction of birds 'causes plant parasites to proliferate'. It goes on: 'As a result, the campaign against such parasites requires use on a bigger scale of insecticides which are sometimes harmful to man and to the natural environment.'

19. The petitioners go on to observe that adherence to the principle that migratory birds are 'res nullius' poses a political problem. Since the migratory birds are of great value to all the 50-odd countries of Europe and Africa, the petitioners deny that any nation has the right to trap and kill these birds while they are within their territory. Any national tolerating the mass slaughter of migratory birds is interfering with the internal affairs of all the others.

Your committee finds that these are cogent arguments. It considers that migratory birds are not 'res nullius' but 'res communis.' It therefore calls for this problem to be investigated as soon as possible in international law.

20. The Italian legislature comes in for justified criticism from the petitioners for its failure to deal promptly with the SPAGNOLLI Bill on the protection of wild animals which was submitted on 22 November 1972 and shelved in June 1974 for an indefinite period.

Other Member States have also failed to find a satisfactory solution to the problem of protecting migratory birds.

Your committee calls on the Commission and the Council to make strong representations to the Member States in question with a view to the speedy issuing of suitable legislation to protect songbirds and migratory birds.

21. Finally, the petition speaks of the imminent threat of extinction of the migratory birds. Since in Italy neither national nor regional legislation gives the birds any protection, the number of migratory birds slaughtered there is several times greater than in all other European countries put together.

With every hunting season some irreplaceable species may become extinct.

Your committee entirely agrees with the petitioners that, in view of this serious risk, prompt action is urgently required.

22. Finally, your committee would like to take this opportunity to point out that the mass extermination of our song birds and migratory birds often goes hand in hand with extreme cruelty to these creatures. This is brought out in a report forwarded to the European Parliament by the 'Komitee gegen

den Vogelmord' of the 'Arbeitsgemeinschaft Deutscher Tierschutz e.V.' along with the present petition. Extracts from this report, headed 'Slaughter of birds' were given in the Notice to Members of 6 December 1974 (PE 39.197/Ann.)

23. For example, male birds are used as decoys, particularly in Italy. This is done by capturing them and keeping them from May until August, i.e. until shortly before the beginning of the hunting season, in almost total darkness in a generally damp room, in order to make them think that it is winter and start singing again once out of the dark. Another popular way of achieving the same end is the extremely painful plucking of these birds. But the cruellest way is to blind them. The birds are kept in total darkness then suddenly exposed to bright sunlight. The result is that the bird's pupils expand to an unusually large size, whereupon a red-hot blade is inserted into the eye, drying out the eyeball immediately.

24. Your committee is resolutely opposed to all kinds of cruelty in the catching of migratory and song birds. It therefore calls upon the Commission to propose Community legislation including a general prohibition of cruelty to captured birds (see paragraph 11(c) of the motion for a resolution).

IV. Consideration of the Opinion of the Committee on Cultural Affairs and Youth

25. Your committee has studied in detail the opinion drawn up by Mr Broeksz on behalf of the Committee on Cultural Affairs and Youth. The full text of the opinion is attached to this report in the form of an annex.

26. The Committee on Cultural Affairs and Youth fully supports the arguments put forward in the petition for the introduction of measures to save migratory and song birds. The committee outlines the cultural aspects of the problem, which fall within its sphere of competence.

27. In addition to the measures suggested by the petitioners, which meet with its approval, the Committee on Cultural Affairs and Youth proposes an active protection of birds. This can be done **mainly** by the creation of suitable bird reserves, new national regulations and the conservation of the environment. The committee rightly points out that all measures to ensure clean water and air, healthy soil, a natural flora and sufficient quiet are of vital importance for birdlife.

28. The Committee on Public Health and the Environment agrees to these proposals, which are a valuable addition to the measures proposed by the petitioners. It has therefore included this request in paragraph 15 of the motion for a resolution.

V. Conclusions

29. Since your committee can agree with all the arguments put forward in the petition - with the possible exception of one or two exaggerations which do not affect its assessment - the European Parliament should give the fullest possible support to the petitioners' four requests to the Parliament, Council and Commission.

30. Thus your committee endorses the first request that bird protection in the Community should be given due priority over less pressing environmental protection matters. As can be seen from Part II above 'Previous initiatives by the European Parliament for bird protection', Parliament has for some years attached great importance to this problem. Consequently, your committee urges the Commission and the Council to propose and approve measures for the protection of migratory birds. This should as far as possible be undertaken in cooperation with the steering committee of the United Nations Environment Programme, in order to avoid duplication of effort.

We should point out that we are not asking for a general prohibition on the hunting of birds. What the committee condemns is the mass extermination of birds with nets. It is this method that is leading to the extinction of certain bird species which are essential for the maintenance of the ecological balance. Furthermore, the birds trapped in nets suffer a painful death by suffocation, which is another imperative reason for outlawing this method.

The Commission's bird protection measures must also further restrict the periods during which the shooting of song birds and migratory birds is permitted in order to prevent large-scale decimation, particularly of the younger generation of birds.

Measures concerning the creation of special reserves where bird hunting ~~is~~ prohibited must also be taken.

Finally, your committee considers it imperative to prohibit the importation of dead song or migratory birds into the Community. There must also be an effective import control of live song and migratory birds. This will contribute to the protection of the migratory birds in third countries since large-scale slaughtering of birds would lose its attraction for bird-trappers and traders.

31. The petitioners' second request is for an international conference on the problem of migratory birds with a view to investigating the whole matter on a bi-continental level.

Your committee very much doubts whether there is still time for this! It has already pointed out repeatedly that the time for studies, investigations, conferences and colloquies has come and gone and it is now time to act. A thoroughly practical approach is called for. We do not

need scientific conferences, symposia, etc. to tell us that laws prohibiting the trapping and netting of migratory birds must be enacted without delay where they do not already exist. It is also essential to ensure that existing legal provisions in this sphere are, as far as possible, enforced by comprehensive controls and severe penalties for offenders

In their preamble, moreover, the petitioners themselves observe that 'the time needed to make exhaustive studies and work out international Community measures to save migratory birds is in inverse proportion to the urgency of saving the birds while it is still possible ! They also refer to the study on all aspects of the problems of migratory birds entrusted by the Commission to the 'Zoologische Gesellschaft von 1858'.

Your committee believes that the results of this study which has been carried out by eminent experts, can and must provide a solid basis for positive immediate Community measures by the Commission and the Council. Furthermore, the Commission must be instructed to open negotiations immediately with the third countries involved, with a view to enlisting their support - not least, in their own interests - for the envisaged comprehensive Community rules. In addition, the Commission is asked to take action - possibly in conjunction with the Council of Europe - to promote world-wide conventions to ensure the protection of birds in Africa and South America.

32. The petitioners' third request is, in your committee's view, relatively modest. They invite the Community Institutions (Parliament, Council and Commission) to 'recommend' any country tolerating the large-scale extermination of migratory birds to call an immediate halt to the hunting and trapping of such birds, or, 'at the very least, drastically to shorten the hunting season'.

It must be observed, in the first place, that it is not enough to 'recommend' the countries concerned to call a halt to the massacre of these birds. This would not be binding. Instead, the appeal to those countries must have compelling force.

Moreover, your committee will not be content with half measures. It is difficult to see why the petitioners suggest as an alternative to their main demand a drastic shortening of the hunting season, until the results and the recommendations of the conference are known. Apart from the fact that, as we have said, there is no point in holding such a conference, it would be inadvisable to wait for the results. Your committee believes it essential, instead, to impose an immediate general ban on the mass extermination of birds with nets.

33. Finally, your committee approves the petitioners' last request that the facts regarding the problem of migratory birds and the measures taken to protect them be disseminated over the regular international news media. It goes without saying that the general public can be made aware of the environmental implications by a comprehensive publicity campaign.

Your committee therefore urges the Commission to give its Directorate-General for Information this task. It urges the Council immediately to make available the relatively modest funds required.

There is obviously work here, too, for the Directorate-General for Information and Public Relations of the European Parliament. It will have to keep the public informed, particularly of the activities of the Parliament and its responsible committee in this sphere.

Opinion of the Committee on Cultural Affairs and Youth

Draftsman: Mr J.B. BROEKSZ

By letter of 2 December 1974 the President of the European Parliament authorized the Committee on Cultural Affairs and Youth to draw up an opinion for the Committee on Public Health and the Environment on Petition No 8/74 on the 'Save the Migratory Birds' campaign.

On 21 November 1974 the Committee on Cultural Affairs and Youth appointed Mr J. Broeks draftsmen.

It considered the petition at its meeting of 5 December 1974 and adopted the following opinion unanimously.

Present: Mr Broeks, chairman and draftsman; Mr Nolan, vice-chairman; Mr Deschamps, Lady Elles, Mr Hougardy, Mr Laban, Lord Lothian, Mr Meintz, Mr Seefeld and Mr Walkhoff.

I. INTRODUCTION

1. At its meeting of 4 October 1974, the Committee on Cultural Affairs and Youth discussed the possibility of Community action to save migratory and song birds. It came to the conclusion that this matter should be brought up for consideration in consultation with the Committee on Public Health and the Environment. It was further pointed out that the Committee on Cultural Affairs and Youth would gladly support any initiative taken by the Committee on Public Health and the Environment as the committee responsible in order to stop the current extermination of migratory and song birds.
2. Basing themselves mainly on the objectives and principles of a Community environment policy formulated by the Commission in 1973 and 1974 with regard to the protection of migratory and song birds, and on the important biological function of this fauna in a bi-continental network which will be seriously damaged if this organized mass slaughter is not halted, the organizations concerned have petitioned Parliament, the Commission and the Council, requesting that a 'Save the Migratory Birds' campaign be launched.
3. These institutions are asked to give the matter due priority over less pressing affairs, to call an international conference, to draw up recommendations and to rouse public opinion through news media channels.
4. The Committee on Cultural Affairs and Youth fully endorses the arguments rightly put forward in the petition for launching a campaign to save migratory and song birds. Although the points raised by the petition fall mainly within the terms of reference of the Committee on Public Health and the Environment, the Committee on Cultural Affairs and Youth regrets that the cultural aspects of this problem have not been sufficiently emphasized.
5. The following paragraphs draw attention to this and suggest a number of measures for protecting migratory and song birds.

II. CULTURAL ASPECTS

6. It is an undeniable fact that birds contribute greatly to the beauty of nature and are an important source of aesthetic pleasure. They are the most colourful of all animals and man has always found them a more rewarding subject in a wide variety of artistic fields.
7. The observation of a bird in its natural surroundings leaves the watcher with a twofold impression: the sensation of visual and auditory pleasure stemming from the endless wealth of colour and sound, and the feeling of equilibrium with the environment.

Many artists and bird-lovers have tried, by descriptions, tape-recordings, sketches, drawings, photographs or films of birds, to capture typical aspects of this very rich fauna.

8. Even if the artist or bird-lover has succeeded in giving his work on birds a strong visual or auditory impact, it remains the record of a single moment only. The full aesthetic effect can only be achieved if the stimulation of eye and ear is complemented by the peaceful sensation generated by the bird at one with its environment.
9. The situation in which birds developed, that is, in natural surroundings, is alone capable of bringing about this interplay of tension and relaxation. In the opinion of the Committee on Cultural Affairs and Youth, this puts the necessity for this aspect of environment protection in a special light, since if a particular landscape is encroached upon by industrialization, city growth or highway construction, the harmony between bird and environment is broken. In this way, the environment loses its original character, becomes more or less urbanized and is no longer aesthetically or biologically adequate as a natural setting for the birds living in it: if it is culture rather than nature that is to shape the birds' like environment, many birds become strangers and sooner or later disappear from this environment transformed by man.
10. One of the basic ideas of environment protection is to protect and preserve the beauty of nature as well as possible. As well as typical natural areas, this included those cultivated landscapes which, were it not for human protective intervention, would soon lose their specific character and their bird population.
11. Birds have more freedom of movement than any other living animals, since their wings enable them to cross geographical frontiers and so their position is less secure, in some cases not secure at all.

The excesses denounced in the petition amount to over-cropping, with serious disruption of the ecological balance, the consequences of which cannot be foreseen.

12. In the restricted framework of this opinion, the question of the trapping or hunting of birds must certainly not be neglected. This practice, long recognized and legally regulated in all countries, should urgently be brought into line with the circumstances obtaining today.

13. With a view to maintaining the necessary objective, we would quote here a statement by a non-hunting philosopher, Sr José Ortega y Gasset, from his remarkable little study on the nature of hunting:

'The object of hunting is the innate urge to possess, and the most natural way of possessing an animal in natural conditions is to kill it. The hunter does not kill in order to kill, but in order to possess. The uncertain and exciting element in hunting is that the hunter's superiority to the game must not be absolute; the game must have a chance of escaping the hunter. A man on a hunt voluntarily takes a few steps backward, tries to reidentify with nature and to forget his mental superiority, to measure himself like many other animal predators against the game which has since birth learned to escape pursuit in many ways. Even without shooting the hunter has hunted, and it is the uncertainty of the result that gives hunting its fascination.'

14. It is generally held that, especially where the natural balance in densely populated countries has long been disturbed anyway, man should intervene in prudent fashion for the very purpose of maintaining the level of wild species which are no longer threatened by natural enemies.
15. There are many more examples of actions taken by public and semi-public bodies, in the name of efficiency or economic management, which are disastrous for the bird world. Mention need only be made of the burning off or spraying of road verges, water courses or railways during the breeding season, the cutting down of trees in the summer, when it could just as well have been done in winter if really necessary, and the unrestricted opening up of those natural areas where the bird population, hitherto protected against pesticides and insecticides, is needlessly disturbed and threatened.
16. It will be immediately clear from the above that the problems raised by the petition cover many different ways in which man poses a threat to the bird population. These threats take various forms and need to be approached in different ways if they are to be combated.

III. PROTECTIVE MEASURES TO BE CONSIDERED

17. There are various ways in which the maintenance of a valuable bird population might be ensured. First of all, steps should be taken to stop the present large-scale mass slaughter of migratory birds and thus to protect the already sparse population against complete extermination. Hunting and trapping practices need to be re-examined and harmonized on the basis of a thorough analysis of bird species still in existence.
18. If, however, it can be proved that the time needed for exhaustive studies and for preparing an international joint campaign would be in inverse proportion to the urgency of saving the migratory birds while they can still be saved, directives to stop the mass trapping of birds must be drawn up urgently, or at least, as the petition proposes, the hunting season must be drastically shortened until the results of the study are known.
19. It goes without saying that a well-run Community publicity campaign, conducted in cooperation with the appropriate national bodies in Member States, with other European countries in the Council of Europe, and with the private bird protection organizations, must form part of this campaign to further mankind's enjoyment.
20. Finally, the Committee on Cultural Affairs and Youth also considers it desirable for these 'defensive measures' to be combined with active protection of birds, for instance, by the maintenance of good bird territory, by new government regulations and by environment protection. All measures to conserve clean water, pure air, healthy soil, natural vegetation and sufficiently peaceful surroundings are of vital importance to the bird world.

IV. CONCLUSION

21. The Committee on Cultural Affairs and Youth is fully aware that the area of operation of the campaign to protect the bird world is huge and not easy to see in focus. There are openings for the development of private initiatives, for the activation of government intervention and for arousing the interest of the business world. On the basis of the cultural considerations in favour of protecting the bird world, the Committee on Cultural Affairs and Youth therefore recommends the Committee on Public Health and the Environment to give a favourable opinion on the wishes expressed in the petition.

