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Gwatt, June 10, 2002

Enlargement and EU-Accession Negotiations with the Republic of Cyprus

Concerning

1. The disregard of the bird- and wildlife directives of the EU and the Bern Convention.
2. The illegal import and export of killed migratory birds.
3. Legislation: contradicting and counteracting laws prevent efficient jurisprudence.
4. The treatment and caretaking of livestock.
5. The slaughter houses and their hygienic and slaughter conditions.
6. Toxins. The trade, the conservation and the protection of humans and animals from uncontrolled trade of dangerous toxins. Cyprus has a tendency of bad animal care and appalling incidence of wildlife and domestic animals poisoned with baits (annex 3).
7. Government animal welfare policies.
8. Impact of Cyprus precedents on deliberations for future candidates.

Dear Mrs Wallström

Dear Mr Hanley

Dear Sir, dear Madam

Cyprus, the candidate for full EU membership, is applauded for its financial state by the EU and it is acknowledged that the island has accomplished almost all the prerequisites for accession.

The EU negotiators may not have given adequate consideration to a large, invisible and untaxed sum of unlawful profit not listed in budgets and financial accounts.

A great number of Cypriot bird poachers slaughter 20 million migratory birds each year, mostly birds protected by the EU bird-directives and the Bern Convention, of which Cyprus is a member.

The taking of migratory bird life as a food source has a long family tradition. But recent years have seen a great surge in high tech bird hunting activity far exceeding any precedent, and the rise of an unlawful, untaxed and hugely lucrative business in bird meat, mostly of protected migratory species. The response of the Cypriot government thus far has been legislation that nominally adheres to EU norms and restrictions, but that tolerates and even indirectly

supports flagrant violators through excessive requirements for evidence of violations and soft punishment for convictions. Under such circumstances, the illegal bird trade continues to prosper with many thousands of participants and many million € in profits. It is said there are poachers who earn 2 million € a year (**annex 1a+b**).

The monstrous monetary value of the plundered bird life can doubtlessly be assessed. This black market (dirty money) is an important consideration and should not be overlooked in the focus on financials. How could the EU turn a blind eye on this illegal exploitation of its own protected European bird species? Cyprus has full employment, and its good financial state is praiseworthy, but the annual slaughter of 20 million birds is a crime.

The illegal marketing of bird meat from North to South Cyprus needs to be stopped as well (**annex 2**).

Legislation and implementation of laws. Cyprus government quite often introduces new laws, then fails to give them proper enforcement. Instances of this are laws concerning the hunting and protection of wildlife and animal welfare, road traffic laws etc. Certain laws, specifically obstructionist evidentiary law and soft low-penalty penal law, counteract the effectiveness of other legislation and disempower judges to effectively discourage violators (e.g., 50 000 bird poachers, perpetrators of animal poisoning, culprits of road accidents etc). The jurisprudence seems to work as arbitrarily selected actions. Not "de jure", but a random patchwork.

What is the situation of Cyprus agriculture like? Cypriot agricultural soil is saturated with fertilizers and pesticides. A consequence of the full membership of Cyprus will be that the European Union will have to permit increased import of agricultural and animal products charged with unhealthy compounds. Will consumers be warned?

Livestock The cattle are kept in pens without adequate water supply, exposed to the hot Mediterranean sun with little shade in summer. In winter, they stay up to their knees in deep mud of excrements and dirt, conditions that doubtlessly degrade health. Antibiotics are employed without restriction, and there is enough indication to believe that great amounts of antibiotics dispensed to livestock portends poorly for their general hygiene, physical fitness and healthful caretaking.

The slaughter houses conditions beggar description. No modern considerate animal treatment and slaughters are found. All that matters is optimal productivity. There isn't the minimum of hygienic facilities and practices. The meat of these tormented animals – often slaughtered after long and stressful transports in overloaded lorries - will soon end in the pans of many EU citizens.

Are the conditions for accession properly limited to questions of favourable economics and strategic position? An intact nature and ecologically, healthily exploited natural resources are eminent capital and stock for any country and should be taken to account in the overall, balanced evaluation of a candidate.

Where the natural resources are exploited in a devastating, irresponsible way, as has happened in Cyprus for years, through :

- the killing of 20 million mostly protected European migratory birds each year,
- the devastation of the woodlands in the course of illegal bird trapping,
- unsustainable fishing which has resulted in the empty fishery.

These factors must indeed carry weight in the evaluation of the dossiers and assessment of bottom-line economic condition.

Precedents for future proceedings There is a more forward-looking aspect to the deliberations for Cyprus, which is not the only country with severe difficulties in relation to animal treatment and health. East European countries eagerly anticipate full membership in the EU. Are the EU Commissioners informed of animal conditions in Cyprus, Rumania, Bulgaria, Croatia and Yugoslavia? How conscious are the EU Ministers, Commissioners and member states of animal welfare issues in these countries, and of what a concentration of barbarism toward animals is found there? Animals are hated, neglected, tortured. They are abandoned and poisoned in the thousands..... a tragedy. (annex 3)

The Cyprus candidacy presents the EU with an opportunity to create a pre-emptive force for change by clearly establishing that a requirement for accession to full membership is that candidate governments are adequately engaged in animal welfare issues. This prerequisite would influence aspirant governments now, and thus could render the Union's negotiations and final acceptance of new confederates more decisive and cheaper later on, by avoiding long "bulldozing on granite" actions to change irresponsible habits of newcomer governments.

West Europeans are very sensible and sensitive about animals today and demand the prevention of cruelties. An extended EU with an open scene of animal misery and tortures will cause problems in the future (annex 4). The EU cannot be a successfully growing confederacy if it considers finances only in its deliberations, as EU members have been accused. Such startling criticism may hopefully lead the way to a more enlightened agenda.

We implore the EU member states to relentlessly require government attention to animal welfare and observation of bird and wildlife directives of the EU and EC, and to demand well-implemented legislation and effective jurisprudence as prerequisite to the accession of the aspiring candidate, the Republic of Cyprus.

Yours sincerely

Edith Loosli

Annex:

1. Report by the NGO's Cyprus to the EC - Bern Convention
2. Study Report Int. Council for Bird Preservation, No 42 page 29
3. Toxin
4. Exempla of future animal issues

Enlargement and EU–Accession Negotiations with the Republic of Cyprus

Annex to the letter of 10 June 2002 Friends of the Animals in Cyprus/ Edith Loosli

Elucidation of Cyprus Law

We notice that members of the EU commission in Brussels receive the misleading statement that Cyprus Legislation has to be transposed into EU law before the mass killing of migratory birds can be tackled. *< As was confirmed to me, Cyprus is currently transposing EU-Environmental Law into its national legislation and will then be required to apply it (Commissioner Margot Wallström) 4 July 02 >..... <And as regards the hunting of wild birds, the transposition of community legislation will be complete by the end of the year and this will add to the existing laws that protect against wild bird hunting.>*(General Directory C- Enlargement) 25 June02.

Right: In 1999, the Cyprus government undertook revision of hunting legislation to curb the extremely high number of shooting accidents and (environmentalists) to save protected birds from being shot. The draft form of the new law still remains under discussion in 2002 and will eventually fit the EU laws.

But this new hunting legislation (for hunters with guns) has nothing to do with the illegal bird trapping of approximately 15 million protected birds of passage killed in mist nets and on lime sticks by poachers during spring and autumn migration each year.

Misstatement: The Cyprus government induces the impression that the full fight against the **illegal** bird trapping and the lucrative business with wild birds depends on the transposition and implementation of the new hunting law still in draft form.

Right: The Cyprus law for the Protection and Development of Game and Wild Birds (Law 1974-1991 and 1974-1993) contains comprehensive provisions for protection of migratory birds: catching, killing and trading in migratory birds is prohibited (articles 14 and 15) as is the consumption of illegally obtained birds; possession of, and capture of wild birds using lime sticks, nets and sound producing gadgets is prohibited (article 15).

Cyprus ratified the Bern Convention in 1988, introducing it as Cyprus law 24 of 1988.

The European Council Directive 79/409/ EEC on the Conservation of Wild Birds applies to Cyprus as part of the country's accession process and it, too, prohibits illegal killing and trapping.

The problem thus lies not in lack of legislation, for it is all there, but in its enforcement.

(annex 1 p.3 Report by Cyprus NGO's / of my first letter of 10 June 02)

The obstructionist evidentiary law and the low penalties counteracting the effectiveness of the other Legislation are a question of interpretation (of law) and as it seems of agreements between the judiciary and the Cyprus government.

- Violators risk no punishment or fine as a police officer needs to be the eyewitness of the criminal act.

- The penal law permits penalties of € 2900 or imprisonment. But the actual highest penalty inflicted by the Court is € 350.

Hunters and poachers are a political power coddled by the government and local politicians. Police officers are often relatives of poachers or bird- trappers themselves.

Misleading statements:

The statistics published by the Cyprus Ministry of Interior are to be treated with great reserve: *The Cyprus game Fund Service assures that illegal trapping of birds is a major concern. In the last five years (1996-2000) the Game Fund Service has reported 1.070 cases of poaching including illegal trapping operations. Only in the year 2000, 241 cases of poaching were reported and prosecuted to the Court. Nets have been confiscated and destroyed by the Authorities. The people involved will be prosecuted to the Court. Seventy-six (76) of these involved illegal trapping, liming, and netting. Until now (August 2001) 152 cases of poaching have been reported, and 55 of these involved illegal taking with nets, lime sticks and tape recorders.*

The government has been forced into the fight against the illegal bird-killing under pressure by the English Society for Bird Protection and the Cyprus NGO in 2000 only, and under the fear of EU- sanctions.

Considering the ca 50 000 bird poachers, the number of stated arrestees is modest. Most of bird trapping violators prosecuted to the court were acquit or got a ridiculously low penalty. The excessive requirements for evidence of violations made poaching convictions impossible in the passed.

The bird massacres are a main problem in Cyprus, and it needs to be tackled **instantly** without delay.

Sources: - Illegal Killing and Trading of Birds in Cyprus
Report by the NGO (Annex 1)
- Governmental statistics

Gwatt, 17 July 2002