

Hunting passerines with non-selective trapping methods was a source of conflict in Spain as far back as 1933

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Abstract

Hunting passerines with non-selective trapping methods was a source of conflict in Spain as far back as 1933.— We here show unpublished documentation regarding a complaint presented to the Spanish Government by the Iberian Federation of Societies for the Protection of Animals and Plants in 1933. This complaint concerned apparent non-compliance with the International Convention for the Protection of Birds (1902). The reason was hunting with non-selective trapping methods (nets and birdlime) that were prohibited by the convention but authorized in certain cases by the Spanish Government in 1929. Such hunting could have contributed to the elimination of large numbers of passerines, some protected by law. According to the documentation studied, the complaint from this Iberian Federation was triggered by a letter sent by Léon Pittet, president of the *Comité National Suisse pour la Protection des Oiseaux*. This event emphasizes the relationships between European organizations whose purpose was the conservation of birds, and certain Spanish associations whose objectives included the defense of passerines in the years before the Spanish Ornithological Society was created. In addition, it indicates that the 1902 Convention had some positive practical consequences, although these later decreased due to pressure from important hunting sectors in Spain. The case presented here shows that the current conflict in Spain between the use of certain hunting methods and legislation for the conservation of birds dates back at least to the first half of the twentieth century.

Key words: History of conservation, International agreements, Hunting passerines, *Parany*, Protected species

Resumen

La caza de paseriformes con métodos de captura no selectivos ha sido una fuente de conflictos en España desde 1933.— En este estudio se muestra documentación inédita referente a una queja presentada al Gobierno de España en 1933 por la Federación Ibérica de Sociedades Protectoras de Animales y Plantas, por el aparente incumplimiento de la Convención Internacional para la Protección de las Aves (1902). El motivo era la caza con métodos de captura no selectivos (redes y liga), que estaban prohibidos por dicho tratado, pero que el Gobierno de España, en 1929, había autorizado en determinados casos. Este tipo de caza pudo contribuir a la eliminación de grandes cantidades de paseriformes, algunos protegidos por ley. Según la documentación estudiada, la queja de esta federación fue impulsada por una carta remitida por Léon Pittet, presidente del *Comité National Suisse pour la Protection des Oiseaux*. Estos hechos ponen de relieve las relaciones existentes entre las organizaciones europeas, cuya finalidad era la conservación de las aves, y ciertas asociaciones españolas, entre cuyos objetivos figuraban también la defensa de los paseriformes, en una época en la que aún no se había constituido la Sociedad Española de Ornitología. Además, indican que la Convención de 1902 tuvo algunas consecuencias prácticas positivas, que finalmente disminuyeron por la presión ejercida desde importantes sectores cinegéticos de España. El caso que se presenta aquí pone de manifiesto que el conflicto que existe actualmente en el país entre determinados métodos de caza y las leyes para la conservación de las aves se remonta al menos a la primera mitad del siglo XX.

Palabras clave: Historia de la conservación, Acuerdos internacionales, Caza de paseriformes, *Parany*, Especies protegidas

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Introduction

In 1902, twelve European States signed the International Convention for the Protection of Birds Useful to Agriculture (henceforth the Paris Convention) that remained fully valid until 1950 when it was replaced by the International Convention for the Protection of Birds (Van Heijnsbergen, 1997; Boardman, 2006; Bowman et al., 2010). The 1902 Paris Convention can be considered the first legally binding international regulation for the defence of wildlife (Van Heijnsbergen, 1997; Kiss & Shelton, 2007). Over the years, it has been criticized for its anthropocentric vision based on the division of animals into useful and harmful (Ferrero–García, 2013, 2014), though it has also been praised, among other things, for prohibiting massive and non-selective trapping methods (Gillespie, 2011; Sands & Peel, 2012).

Currently in the European Union, such methods can only be used for bird hunting in exceptional cases (EPC, 2010). But despite such legislation, one region in Spain (the *Comunidad Valenciana*) has attempted to legalize the use of some these methods (specifically the *parany*, a method of capture based on the use of birdlime, which catches the birds when they alight on trees pruned especially for this purpose). Nevertheless, such attempts have all failed in the courts of justice and have been opposed by the Spanish Government because of the lack of selectivity with such strategies. It has been shown in this region that the *parany* method has been responsible for the elimination of many bird species, including 1.5–2 million thrushes *Turdus* spp. per year (Bort, 2005, 2006; González & Vega, 2009; Giménez, 2010, 2013; Murgui, 2014). The recent ruling of the Constitutional Tribunal of Spain (TC, 2013) is of particular interest, but despite such legislation, *parany* remains a source of conflict in Spain (CC SEO/BirdLife, 2013; Díaz et al., 2016).

Some authors consider that the Paris Convention had few positive practical consequences (Boardman, 2006; Bowman, 2014). However, recent studies suggest that these pioneer regulations—or the current of thought that promoted them in the 19th century—could have benefited some birds, particularly passerines (Torres–Vila et al., 2015; Ferrero–García et al., in press). Spain signed the 1902 Paris Convention thanks to the work of Mariano de la Paz Graells (Ferrero–García, 2012b), who in 1896 drafted the first Spanish catalogue of protected birds (Royal Order of 25 November 1896). The birds in this catalogue were included on the basis of their status as insectivorous birds (Ferrero–García, 2011, 2012a; Casado, 2013). Seventy percent of the birds were passerines (Ferrero–García, 2011). Graells, a prestigious 19th century Spanish zoologist (Cervantes, 2009), was thus the precursor of the first legal steps towards conservation of birds in Spain. Several protective measures were approved at local levels around the same period (Ferrero–García et al., 2014), and they sometimes included a ban on hunting birds with nets (Torres–Vila et al., 2009). A few years later, the content of the 1896 catalogue was incorporated into the Regulation of the 1902 Hunting Law. For more

than half a century, these were the main hunting and fauna protection regulations in Spain (Martínez, 1998; Ferrero–García, 2010).

This study presents previously unpublished documentation that testifies how, in 1933, certain associations filed a complaint to the Spanish Government concerning the use of massive and non-selective methods of capture (nets and birdlime) that contributed to the possible elimination of large numbers of passerines, some of which were protected. By examining these archival sources, this paper aims to assess the effective application in practical terms of the 1902 Paris Convention in Spain. Early efforts to promote the protection of birds in Spain, prior to the foundation of the Spanish Ornithological Society (*Sociedad Española de Ornitología*, SEO; now SEO/BirdLife), are also documented. SEO was founded in 1954 (De Juana, 2004; Fernández, 2004). Furthermore, the paper links these events to the current conflict between certain types of hunting and bird conservation.

Material and methods

This research is based on documents from the General Archive of the Ministry of Foreign Affairs and Cooperation in Madrid (Spain). We reviewed documents from the archive concerning the Paris Convention (catalogue number: AGMAE, R65558, exp. 5; henceforth the AGMAE). More specifically, we reviewed a three-page letter signed on 25 February 1933 by Joaquín Juliá, on behalf of the Madrid section of the Iberian Federation of Societies for the Protection of Animals and Plants (*Federación Ibérica de Sociedades Protectoras de Animales y Plantas*; henceforth the FSPAP) and addressed to the Ministry of State (former name of the Ministry of Foreign Affairs in Spain), where it was received on 3 March. We also studied the reply from the Ministry of State and the reply from the Ministry of Agriculture (the Ministry of State requests a report to the Ministry of Agriculture). This report was signed on 6 January 1934 by Miguel Pastor, General Director of the Forests, Fishing and Hunting sector of the Ministry of Agriculture and received at the Ministry of State on 10 January. To support the discussion, we reviewed publications of the time such as texts about the international agreements for the protection of birds and the conservationist law, the Spanish official bulletin of the time (*Gaceta de Madrid*), the daily press (Spanish newspapers as *La Vanguardia* and the Swiss *Le Confédéré*) and some ornithological journals (*Der Ornithologischer Beobachter*).

Results

In the writing of 25 February 1933, Juliá began by alluding to another letter received in the FSPAP, in December 1932, in which Dr. Léon Pittet, president of the *Comité National Suisse pour la Protection des Oiseaux* (henceforth the CNSPO), requested information from the conservationist legislation in Spain to

substantiate a complaint to the Secretariat of the Paris Convention and the League of Nations against the Spanish Government for the breach of its international commitments (Pittet's letter does not appear in the file consulted and therefore it is not possible to know when it was written). Juliá claimed that, according to Pittet, the number of migrant birds in Switzerland had decreased in the two previous years, attributing this to their massive elimination in Spain where they were hunted with nets and birdlime, both prohibited by Article 3 of the Paris Convention. Next, it stated what, in the FSPAP's opinion, was the source of the problem: the Royal Order of 6 September 1929 (henceforth the Royal Order of 1929), which declared it legal in Spain to hunt non-insectivorous birds with nets or birdlime from 1 September to 31 January. Juliá argued that any type of bird, including Hirundinidae (he mentioned 'swallows' [*golondrinas*]), were hunted throughout the year under that excuse. He also detailed a case that occurred in October 1931 in Valencia, when the FSPAP complained to the authorities about the use of nets for catching large quantities of swallows. He also complained about the daily use of nets and birdlime in Madrid for the indiscriminate hunting of birds for their sale and consumption in catering establishments. (See this letter in Supplementary Material).

The Ministry of State forwarded the letter to the Ministry of Agriculture in March 1933, warning about possible international consequences of the complaint and asking whether to repeal the Royal Order of 1929 (AGMAE). Almost a year later, on 6 January 1934, the Ministry of Agriculture presented a report to the Ministry of State (AGMAE). This report stated that no evidence had been provided to link the decline of birds in Switzerland with the alleged massacres carried out in Spain. It then focused on the possible infraction of the Paris Convention, affirming that there was no breach at all. To substantiate this, the Ministry of Agriculture analyzed both the referred treaty and Spanish regulations. According to its conclusions, Article 3 of the Paris Convention (banning the use of nets and birdlime) was invalidated by Article 9 (exceptions), due to the fact that Spain had a list of legally protected species (insectivorous birds) since 1896—Royal Order of 25 November 1896 and Regulation of the 1902 Hunting Law—, making the use of these methods of capture possible for the remaining birds.

The Ministry of State wrote to the FSPAP in January 1934, sending them a copy of the report and closing the matter (AGMAE). We have been unable to locate any documentation in the AGMAE that would allow us to know the opinion of the FSPAP in relation to this response, or whether this entity had communicated the reply to the CNSPO. Neither have we found any information about complaints—if there were any—from the CNSPO against the Spanish Government.

Discussion

The first efforts to prevent animal cruelty emerged in the early 19th century (Nash, 1989; Baker, 2015). In the second half of the 19th century, various animal

protection associations at a local level were constituted in Spain (Ferrero–García, 2010). In 1925 the Madrid FSPAP section was created, as had occurred earlier in Barcelona and other places in Spain (see *La Vanguardia*, 1925a; 1925b). Also in 1925, the Spanish Government declared these associations to be of public utility, and in 1928 its members were granted the status of agents of authority (Pérez, 2015). Its statutes were approved in 1933 (MG, 1933). These protection associations applied humanitarian principles and moral concerns to a variety of topics related to animal wellbeing, prevention of cruelty, proper care of pets and domestic animals and the like. But in some cases—as is shown in this paper—they also participated in conservation debates and proposals. In this sense, agronomist engineers such as Zacarías Salazar, doctors such as Eduardo Alfonso, and also scientists such as Ángel Cabrera and Cándido Bolívar were members of the FSPAP (see *La Asociación*, 1925); Cabrera and Bolívar were prestigious Spanish zoologists (Gomis, 1998; Merino, 2002b).

The FSPAP sometimes had, among its objectives, the protection of at least some groups of wild birds—most probably above all passerines—as we can see in Juliá's writing (where a vernacular name 'pájaro' was used instead of the word 'ave', bird). 'Pájaro' has several meanings (Bernis, 1995), but it seems most probable that Juliá referred primarily to passerines, because the use of nets and birdlime had aimed at hunting passerines such as starlings *Sturnus* spp. and thrushes *Turdus* spp. (Parsons, 1960; Giménez, 2010; Murgui, 2014). Another example appeared a few years earlier when Joaquina Casablanca, representing the FSPAP, denounced bird hunting with *paranys* in Arenys del Mar (Barcelona), so the authorities took part confiscating and destroying them (see *La Vanguardia*, 1924a). The FSPAP also took a stand against the illegal sale of passerines for consumption (see *La Vanguardia*, 1924b).

Overall, although massive and non-selective methods were used in Spain during the first third of the 20th century (Parsons, 1960), opposition began to increase. There are examples, although they are not related to the FSPAP, where the massive losses provoked in insectivorous species—which were also protected by the Paris Convention (Herman, 1907; ME, 1907)—were denounced (AO, 1909). Some public institutions requested the complete disappearance of hunting with nets due to the damage caused to useful avifauna and agriculture (CPFT, 1911). Even in the hunting field, some voices were raised in criticism of the use of methods such as the *paranys* (Bernat, 1924). Nevertheless, even today, the illegal use of some methods of catching birds remains a major problem today in several Mediterranean countries—including Spain—and affects many passerines (Brochet et al., 2016).

L. Pittet (1866–1939) was a physician and ornithologist who presided Ala, the Swiss Society for the Study and Conservation of Birds, between 1928 and 1932 (Bruderer & Marti, 2009). As president of the CNSPO and also as Swiss delegate at the International Committee for Bird Protection (ICBP), Pittet sometimes complained about the ineffectiveness of the Paris

Convention regarding the abuse committed by some countries during the migration of birds (see Pittet, 1929; *Le Confédéré*, 1932). Pittet had already drawn attention to the indiscriminate killings of birds in Italy, France, Spain and Belgium, and had welcomed the constitution of the ICBP (Anonymous, 1925). In 1922, the ICBP was designed to co-ordinate the activities of national NGOs concerned with avian conservation, not only within Europe but also across the Atlantic (Bowman, 2014). The ICBP, which later became BirdLife (Bowman, 2014), was the first international organization concerned with the preservation of wildlife (Campbell & Lack, 1985).

Regarding Juliá, his link to the FSPAP is known since the association was first created (see *La Asociación*, 1925). He was the General Secretary of the Third International Congress of the Societies for Protection of Animals (ABC, 1927; Juliá, 1927), and also President of the International Office in Paris of the Societies for the Protection of Animals (Wöbse, 2012). Ultimately, evidence suggests that important members of the FSPAP (Juliá) maintained contacts with prominent members of the ICBP, the CNSPO and the Ala (Pittet), with the aim of improving the protection of birds in Spain throughout its over twenty years before the creation of the SEO. Thanks to the SEO, in 1963 the Spanish section of the ICBP was established (Anónimo, 1963; Fernández, 2004).

But why did the Spanish Government approve the Royal Order of 1929? The answer is found in the text of this norm adopted by the Minister Rafael Benjumea (MF, 1929), which states that its purpose was to satisfy the demands presented by the Royal Association of Hunters and Fishers of Spain (*Real Asociación de Cazadores y Pescadores de España*), through their president, Fernando Luca de Tena. Hunters complained about the pressure put on them by some authorities that understood that the use of nets, birdlime and claims was an illegality (Article 3 of the Paris Convention and Regulation of the 1902 Hunting Law). As previously explained, such pressure was partly the result of the actions of the FSPAP. It is of note, on the other hand, that large scale hunting of some passerines was increasing at that time because of the high economic benefits obtained through the commercializing the captured birds (González, 1993). Also of note was the contribution of Benjumea, an engineer who developed intense activity as Minister of the Spanish Government (Merino, 2002a).

It therefore seems reasonable to consider that, for nearly three decades, some Spanish authorities tried to strictly comply with Article 3 of the Paris Convention. At the same time some measures were promoted to protect natural spaces, including the declaration of the first Spanish National Parks (Casado, 2002, 2010). It seems that no fully satisfactory results were obtained, however, despite the Spanish Government passing various provisions over these years recalling the need to respect the laws protecting birds (Ferrero–García, 2010). In fact, at the beginning of the 20th century, it was said that the main problem facing bird conservation in Spain was the insufficient compliance with laws (Macpherson, 1909). Nevertheless, in the 1920s, the

Spanish Government tried in several ways to appease the existing discontent among hunters, who considered that the executive had not acted adequately to resolve their problems (González, 1993). In 1929, the Spanish Government wanted to close the mass and non-selective methods issue, explaining, between September 1 and January 31, that the use of nets and birdlime for hunting non-insectivorous birds was completely legal. The attempt of the FSPAP to reverse this situation, in 1933, was fruitless. Finally, we can deduce some issues in relation to the report of the Ministry of Agriculture: 1) as is well known, legal conservationist actions should be based, both today and a century ago, on scientific rationale (Bertouille, 2012; Casado, 2013); and 2) as suggested in other studies (Bowman et al., 2010; Bowman, 2014), the regime of exceptions in the Paris Convention has hindered the achievement of the objectives of the treaty.

In conclusion, in Spain, and partly thanks to the involvement of animal protection associations, for nearly 30 years the Paris Convention seems to have had some positive practical consequences for the conservation of birds, at least for passerines. However, these advances decreased after 1929 due to pressure from important sectors linked to the hunting activities. A similar situation reoccurred, but with more dramatic consequences, when in 1950, Spain signed the new Convention of Paris, while simultaneously adopting a standard—supported by the hunting sectors—for the extermination of, among other animals, most diurnal birds of prey (Ferrero–García, 2015). Moreover, even today, some hunting practices are causing major conservation problems in Spain and other countries of the Mediterranean region.

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Supplementary material

Letter signed on 25 February 1933 by Joaquín Juliá, on behalf of the Madrid section of the Iberian Federation of Societies for the Protection of Animals and Plants, and addressed to the Ministry of State.

Carta firmada el 25 de febrero de 1933 por Joaquín Juliá, en representación de la sección madrileña de la Federación Ibérica de Sociedades Protectoras de Animales y Plantas, y dirigida al Ministerio de Estado.

C. E.



Federación Ibérica de Sociedades Protectoras de Animales y Plantas

(Sección de Madrid)


Declarada de utilidad pública en 26 de diciembre de 1925

Génova, 16, 1.º Teléfono 33979

Madrid, 25 de Febrero de 1933

Excmo. Sr. D. Luis Zulueta.

Ministro de Estado.



Excmo. Sr:

Tengo el honor de comunicar a V.E. que en el mes de Diciembre me escribió el Dr. D. Leon Pittet, Presidente del Comité National Suisse pour la protection des Oiseaux, solicitando le enviase copia de la legislación española protectora de los pájaros, con el objeto de fundamentar una denuncia -por via diplomática- contra el Gobierno español, por incumplimiento de su compromiso internacional a este respecto.

Según afirma el Dr. Pittet, se ha podido observar en Suiza que, en los dos últimos años, ha disminuido considerablemente la cantidad acostumbrada de pájaros emigrantes y atribuye dicha disminución, al exterminio que se hace en España cazándolos en grandes cantidades, con redes y con liga, cosa expresamente prohibida en el artículo 3º. del Convenio de París de 19 de Marzo de 1902, del que España es una de las Altas partes signatarias.

Añade dicho señor que en el citado Convenio, publicado en La Gaceta de 4 de Julio de 1907, se concede un plazo indeterminado a las Naciones convenidas, para ponerle en vigor, pero no existe nada que autorice volver atrás, ni para conculcar sus preceptos, una vez se adoptaron disposiciones encaminadas a cumplimentar las limitaciones establecidas en el citado Convenio.

Además, consideran los protectores de pájaros de Suiza, y en esto coinciden con la poderosa Asociación alemana "WELTBUND DER NATUR-UND-VOGELFREUNDLICHE" que cuenta con millón y medio de afiliados, en que los pájaros emigrantes son de propiedad internacional y las naciones donde anidan temporalmente, solo tienen el derecho de usufructo, pero de ningún modo el de exterminarlos por procedimientos prohibidos en convenios internacionales. Tales procedimientos, no solo vulneran los principios éticos en que se basan los modernos sentimientos protectores adoptados por los pueblos cultos -desde la imperialista Inglaterra a la República obrera de los soviets- sino que afectan a la riqueza agrícola de otros pueblos y representan la negación de todo espíritu deportivo que se sacrifica a los egoísmos del mercantilismo mas grosero.

CUENTA CORRIENTE EN EL BANCO DE ESPAÑA

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Por tales motivos, el Dr. Pittet quiere denunciar al Gobierno español ante la Sociedad de Naciones, por incumplimiento de lo dispuesto en el caso 25 del Artº. 282 del Tratado de Versalles y a la Secretaría permanente del Convenio de París de 1902, por infracción del artº. 3º.

Como entiendo que si se formulan dichas denuncias contra España, pueden redundar en una disminución de la alta autoridad moral conquistada tan merecidamente por la representación de nuestro País en Ginebra, escribí al Sr. Pittet solicitando un plazo prudencial, para hacer gestiones cerca del Gobierno español, para interesarle en que ponga límite a las ilícitas actividades de algunos cazadores en España.

. . . .

Me permito indicar a V.E. que la causa principal de estos abusos, es la R.O. de 6 de Septiembre de 1929, que declara lícita la caza de pájaros no insectívoros con redes o liga, desde el 1º. de Septiembre hasta el 31 de Enero.

Con la excusa de dicha disposición, se cazan durante todo el año toda clase de pájaros, incluso golondrinas, que en todos los países del mundo se respetan como animales sagrados y aún suprimiendo la parte sentimental, merecen ser protegidas en recompensa del bien que producen a la agricultura y a la salubridad pública.

Y no se trate de decir que si alguna vez se caza alguna golondrina con red, es por una casualidad, no, se cazan golondrinas con redes deliberadamente y puedo citar un caso concreto como muestra. El 11 de Octubre de 1931, bajo el puente de Montolivet en el río Turia, fueron sorprendidos por los inspectores de la Sociedad protectora valenciana, varios individuos con las redes tendidas y jaulas llenas de golondrinas solamente, y como muestra-reclamo tenían en las redes, atadas por una patita, a varias golondrinas.

Yo mismo fui acompañando a una comisión, con las redes y las jaulas decomisadas, a protestar de la salvajada ante el Sr. Gobernador civil de la provincia, que dió órdenes enérgicas para que no se repitiese el hecho y facilitó una nota a la prensa valenciana recordando al público que eso no podía hacerse.

Pero sin ir tan lejos, en los alrededores de Madrid se cazan con redes y con liga a diario infinidad de pájaros y se consumen fritos millares de docenas semanalmente en bares y tabernas, no obstante estar prohibida oficialmente dichas ventas.

Tengo a la disposición de V.E. algunas relaciones de casos denunciados de infracciones a la ley de caza y a las disposiciones protectoras de los pájaros, sin que se hayan aplicado las sanciones que correspondían.

Por cuanto queda expuesto, suplico muy atentamente a V.E. se digne estudiar este asunto, en la inteligencia de que, estoy siempre a sus órdenes, para ampliar esta información y de que estimo de sumo interés poder contestar, lo antes posible, a los protectores suizos y alemanes, antes

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de que ellos formulen las reclamaciones diplomáticas que me han anunciado.

Si me dirijo a V.E. en vez de al Excmo. Sr. Ministro de Agricultura, es por haber tomado el asunto un caracter internacional.

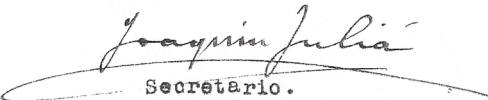
. . .

Por tratarse indirectamente del mismo asunto, deseo aprovechar esta oportunidad para llamar respetuosamente la atención de V.E. sobre la nota publicada en la Gaceta de Madrid de 8 del actual, comunicando los países que han ratificado el Convenio de París de 1902 sobre la protección a los pájaros útiles a la agricultura.

En dicha nota, no figura Grecia que fue uno de los Países que tomaron parte y ratificaron el Convenio de París.

Acaso se ha retirado Grecia de dicho Convenio?

Con este motivo me es muy grato reiterar a V.E. las seguridades de mi alta consideración y aprecio.


Secretario.