

Irish Hawking Club
Submission to the
COMMITTEE FOR THE ENVIRONMENT
WILDLIFE AND NATURAL ENVIRONMENT BILL
PUBLIC CONSULTATION

To: The Committee Clerk, Room 247, Parliament Buildings, Belfast, BT4 3XX
doecommittee@niassembly.gov.uk

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Introduction

The Irish Hawking Club, *is* a falconry body representing falconers in Northern Ireland and in the Republic of Ireland.

Falconry is the art and practice of training a bird of prey to hunt quarry in a natural environment – we do not encourage the keeping of birds of prey for the sake of it. Birds of prey are not pets and should be flown and hunted for their physical and mental well being.

Falconry is the ‘greenest of hunting sports’ and we wish to retain this recognition. Falconry (in Belgium) has recently received recognition from UNESCO as an intangible cultural heritage and as such should be protected. There are many other positive benefits deriving from falconry – most of the rehabilitation of lost species relies on falconry techniques (such as hacking) and most falconers regularly support local vets in providing a service in the rehabilitation of injured and sick birds of prey, using particular skill that would even be limited among avian vets.

The IHC broadly supports the aims of the Wildlife and Natural Environment Bill, particularly in its objective to protect native flora and fauna, and to conserve the rich biodiversity on the Island of Ireland. The future success of falconry will only depend on a healthy natural environment that supports good habitat and the protection of vulnerable species.

However, there are a number of measures which could potentially impact on falconry and the ability of falconers to pursue this ancient and distinctive pastime, with *its* rich associations in our history and heritage.

Key Areas

We have identified key areas which potentially impact on falconry, they are as follows:

1. The definition of ‘wild bird’ – we request a change to the definition
Currently the Wildlife (Northern Ireland) Order defines wild bird as follows:

“wild bird” means, subject to paragraph (4), any bird of a [F2 species] which is ordinarily resident in or is a visitor to [F2 the European territory of any Member State] in a wild state but

does not include poultry, or any bird which has been captive bred and close ringed provided its parents were lawfully in captivity when the egg was laid.

We ask that this captive bred resource be classified outside the wildlife order/ bill and their welfare be cared for under animal welfare legislation.

Case Law has been established in relation to this practise by a ruling of the European Court on the bird's directive. The parent document to the wildlife order, The Birds directive by case law does not apply to captive bred birds. An extract of the ruling is as follows:--

The first part of the question

12 As regards specimens born and reared in captivity, the Commission, the French Government and Mr Vergy essentially argue that the aim of the Directive is to protect bird populations present in their natural environment and that the extension of the protective regime to specimens of wild birds born and reared in captivity is not consonant with that environmental objective.

13 Those arguments must be upheld. As the Advocate General has pointed out in paragraph 31 of his Opinion, to extend the protective regime in that way would serve neither the need for the conservation of the natural environment, as described in the second recital in the preamble to the Directive, nor the objective of long-term protection and management of natural resources as an integral part of the heritage of the peoples of Europe, referred to in the eighth recital.

THE COURT (Third Chamber)

in answer to the questions referred to it by the Tribunal de Grande Instance, Caen, by decision of 22 March 1994, hereby rules:

2. Directive 79/409/EEC is not applicable to specimens of birds born and reared in captivity.

Article 4 of the Wildlife (Northern Ireland) Order seeks the protection of wild birds, their nests and eggs. Unless the definition of 'wild bird' is changed, to exclude closed ringed captive bred birds of prey, then Article 4(2)(a) could have a very serious impact on falconers and birds in their possession; and Article 4(2)(b) could impact on breeders of birds of prey. Inadvertently, the well intentioned falconer could be deemed guilty of an offence, where a bird has been acquired through legal means and from a breeder of birds of prey. We would respectfully ask that provision is made for the trade in captive bred falconry birds, with legitimate traceability.

2. Retrieval of Lost Birds belonging to Falconers and other Incidents

Some years ago, I recall an incident where a wildlife ranger called on the assistance of some falconers in the Dublin area, to try to capture a young wild peregrine, whose talons had become ensnared accidentally in a six foot length of nylon rope. This falcon's ability to fly was laboured by the weight of the rope and it was unable to hunt. The incident had occurred in a quarry where the parents of the young bird had nested. The ranger wanted assistance in trapping the peregrine so as to release it from the rope, otherwise the peregrine would inevitably die. Such rare incidents should be provided for in legislation, with approval from an authorised person/ranger.

Similarly, any falconer who loses his bird should be allowed to retrieve his bird through reasonable methods, including the use of a net if necessary. This would be particularly important for the retrieval of non-native birds of prey.

Article 6 (4)(b) states that *'nothing in paragraph (1) shall make unlawful - (b) the use of a cage-trap or net for the purpose of taking any game-bird, if it is shown that the taking of the bird is solely for the purpose of breeding;*

but nothing in this paragraph shall make lawful the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand.'

We would suggest the insertion at the end of this paragraph as follows:

Article 6 (4)(b) states that nothing in paragraph (1) shall make unlawful -

(b) the use of a cage-trap or net for the purpose of taking any game-bird, or closed ringed captive bred bird, if it is shown that the taking of the bird is solely for the purpose of breeding; or retrieving a lost bird; but nothing in this paragraph shall make lawful the use of any net for taking birds in flight or the use for taking birds on the ground of any net which is projected or propelled otherwise than by hand, and
Nothing in this paragraph shall make unlawful, the use of any net or other device for taking birds under special license through the Department or approved by the Department.

3. The Sale of Captive Bred Birds of Prey for the purposes of Falconry

Article 7 of the Wildlife (Northern Ireland) Order (relates to the sale of birds, eggs, etc.) and makes it an offense for anyone to sell 'any live wild bird' or 'any live bird one of whose parents was such a wild bird'. Because of the current definition of wild bird, any closed ringed captive bred bird cannot legally transfer hands. However, this has never been enforced in Northern Ireland. Throughout the UK and Europe, birds of prey can be sold and passed between falconers and this should be the case in Northern Ireland. **It is therefore imperative that the definition of wild bird – as outlined above – exclude closed ringed captive bred birds, specifically closed ringed captive bred birds of prey.**

4. Introduction/Escapes of New Species and Hybrid Species

Article 15 (Introduction of new species), of the Wildlife (Northern Ireland) Orders states that —(1) *Subject to the provisions of this Part, if any person releases or allows to escape into the wild any animal which—*

- (a) is of a kind which is not ordinarily resident in and is not a regular visitor to Northern Ireland in a wild state;*
- or*
- (b) is included in Part I of Schedule 9, he shall be guilty of an offence.*

The Bill proposes to insert into paragraph (a) after 'wild state' 'or is a hybrid of any animal of that kind' and it is proposed to insert into paragraph (b) after "Schedule 9" insert "or is a hybrid of any animal included in that Part".

Schedule 9 (3) – (Animals and plants to which Article 15 applies) - The Introduction of New Species – we welcome the removal of the Goshawk from the list of 'new species' to be controlled. This gives due recognition of the Goshawk as a native species. Indeed there are many historical literary references to the Goshawk as a native bird in Ireland down through the centuries (Ref. D'Arcy's Lost Birds of Ireland).

The Irish Hawking Club welcomes this provision of Article 15. As we understand it, in the wild natural hybridisation between native/natural species can occur but is generally not common. However, hybrid falcons have become fairly popular in recent years among some falconry communities and we understand that there have been rare examples of them breeding in the wild – though not in Ireland. This can be avoided if the young bird (i.e. a peregrine X saker falcon) is not reared by a native bird of prey species (i.e., in the example above, the young bird should not be reared by a peregrine falcon, as it becomes imprinted on the peregrine and is therefore more likely to try and mate with a peregrine on reaching sexual maturity). Furthermore, the Irish Hawking Club has requested its members not to fly any hybrid without telemetry and a transmitter (attached neatly to the bird), so that if the bird is lost, it can be tracked down. Ultimately, however, it has taken thousands of years for nature to evolve and for each and every bird of prey to adapt to its unique environment and prey species – Goshawks and Sparrowhawks

with large tails and short wings to manoeuvre through thick woodland, Buzzards with broad wings to enable them to soar in the skies; Merlins to tail chase birds in open landscapes; etc. Each species has their niche in the overall ecosystem, hunting a unique set of prey and to date, no distinct advantage has been demonstrated by a hybrid over a native/natural species.

There are a number of falconers who are also bee keepers in the IHC. As a beekeeper, it would appear that hybridisation has not necessarily strengthened the native bee stock but if anything, made it more susceptible to foreign, introduced parasites, mites and fungal infections.

The Irish Hawking Club notes (in Article 12 (7) of the bill, and relating to Article 15 of the Wildlife Order) that Department may issue guidance (or approved guidance issued by others) for the purpose of providing persons with recommendations, advice and information regarding any animal mentioned in paragraph (1), i.e., hybrids or new species. We would welcome the opportunity to meet with the Department to discuss this issue further in the future and to provide practical advice to address this issue to the satisfaction of the Department.

Article 13 of the Bill (relating to Article 15 of the Wildlife Order), relates to the prohibition on sale, etc. of invasive, non-native species and anyone who sells, offers, advertises, or exposes for sale or has in his possession any animal or plant to which this article applies, is guilty of an offense.

It is unclear as to whether this section of the bill might directly or indirectly affect falconers, particularly where a falconer may possess or hope to possess a non-native species (for example a beginner falconer acquiring a Harris Hawk, or a Bird of Prey Centre possessing a Vulture or Tawny Eagle, for example). Non-native birds of prey, flown at a falconry centre will be flown to a lure and will become 'lure-bound' (habitually flying to the lure to get their food) – and therefore there is a minimal risk of loss or release into the wild. Non-native birds of prey which are hunted should be flown with a transmitter and telemetry and this is something that the Irish Hawking Club encourages, so as to minimise any loss of bird. Some provision should be included in the Wildlife Order to exempt non-native birds of prey from the prohibition on sale – as proposed in (13)(2)(a) - subject to certain conditions, such as being closed ringed captive bred birds, with CITES (Article 10) Certificates, where appropriate.

5. Schedule 1

Schedule 1 (birds which are protected by special penalties) is amended to include a variety of additional birds of prey including the Gyrfalcon, Hobby, Red Kite, and Snowy Owl. This is to be generally welcomed.

6. Conclusions

The Irish Hawking Club hopes that these matters will be given serious attention and looks forward to the opportunity of working through these issues with you. Should you require any further assistance, please do not hesitate to contact me (above details) or our Director, Paul Lamb (details below).

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