

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
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Introduction

Personal submission from Northern Ireland falconer.

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.

The aim of this presentation is:-

1. To persuade you that falconry is not a threat to wildlife
2. To bring to your attention that European case law has ruled that the Birds directive is not applicable to specimens of birds born and reared in captivity and have stated
“To extend the protective regime beyond bird populations present in their natural environment would not serve the environmental objective underlying the Directive”
3. To ask you to change the definition of a wild bird as defined in the wildlife order to “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.

4. Provide equality of opportunity to falconers in Northern Ireland as in the remainder of the UK.

The emotion that takes a person into falconry is combined with a love of raptors and the natural world. Falconry is a privileged window that allows you to witness the spectacle of birds of prey in countryside. Every falconer that I am aware of has at some time rehabilitated a sick or injured wild bird and returned it to the wild often with large vet's bills and a huge commitment of time. It is very important to us that we can witness a healthy wild population of the birds that bring so much pleasure into our lives. With Falconry anyone can experience these majestic birds and come to understand and respect their place in the environment, without interfering with the natural wild population.

Conservation and respect for nature is part and parcel of falconry.

As a club we have supported both financially and with expertise the golden eagle reintroduction project. The breeding success of these birds has been enhanced by the skills of a falconers handling and assisting in this programme, Lately in taking the weaker chick away from the nest and rearing it under a pair of harris hawks while it would have been vulnerable to sibling rivalry, when strong enough to survive it was returned to the parents nest.

Falconry has been part of our heritage since the 12th century when many Anglo Normans and Welsh arrived bringing with them their knowledge and skills of hunting with birds of prey.

Today through falconry people can get an experience with birds of prey without disturbing or causing any harm to the wild natural population of hawks and falcons.

Falconry is a hunting sport but it depends on a large population of quarry so that the bird may fly at its eight or ten items in a day's hunting only to be successful with one or two. There are no injured casualties, it either escapes uninjured or is

taken and dispatched. It is the greenest of all hunting sports. Falconry will never be a threat to any of its quarry species. Although a falconer may fly his birds 3, 4 or 5 days a week at the end of the season he will have taken less than what some other methods of hunting would take in one weekend.

Falconry (in Belgium) has recently received recognition from UNESCO as an intangible cultural heritage .

I ask that through this wildlife legislation you give support and respect for the practise of falconry.

Since the wildlife order was enacted in 1985 there have been huge steps in the captive breeding capability of birds of prey. This came about by the need to regenerate the peregrine falcon which was almost completely wiped out in the USA by the chemical DDT. The peregrine fund was founded by falconers who pioneered the modern captive breeding successes. In the UK these skills have been developed so that now almost all raptors are bred in sufficient numbers to be sustainable for falconry. They are also a conservation resource that could be used to establish a population of birds once the environment is corrected to remove any threat to species sustainability.

As falconers we support the protection of and the licensing required for wild birds for prey in the wildlife legislation.

Falconry in Northern Ireland, as in most of Europe, is carried out using captive bred birds that are regulated and documented by Article 10 certificates under CITES (control of international trade of endangered species). This task is carried out by DEFRA and has been designed to control and regulate the commercial use of these birds. These regulations have been effective throughout the European territories.

We ask that the captive bred birds, which are mainly bred for falconry and have no effect on the population in the wild, be considered 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.

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 be sold. Throughout the UK and Europe, birds of prey can be sold and passed between falconers. Falconers in Northern Ireland are denied this opportunity of fair trade. Falconry in the UK sustains large businesses and is a major player in the tourist industry. 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.

I would ask that the following be added to the definition of a wild bird -

“or any bird which has been captive bred and closed ringed and whose parents were in legal captivity when the eggs were laid “

Proposed definition to read:-

“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.

To do this will :-

1. Release wildlife officers from licensing captive bred birds and enable them to focus on wildlife crime.
2. Bring falconry into line with the rest of the UK, giving equal opportunity to falconers in Northern Ireland
3. Bring the legislation into line with the European parent directive.
4. Enable falconry to be practised without any conflict with wildlife legislation.
5. As these birds are already effectively controlled with article 10 licences issued and controlled by DEFRA, this will prevent wasteful duplication.

I would welcome the opportunity to put the case for falconry to the committee and to answer any questions you may have.

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