

## Rewilding Law Group

### News from our Kick-off Call of 29 April 2024

Thank you all for joining the first call of our [Rewilding Law Group](#) on Monday 29 April 2024. It was wonderful to connect with so many rewilding practitioners, lawyers, legal academics and law students from so many different countries and organisations!

We hope that you found the call useful for connecting with other members of the group and brainstorming about how we can make the most of this forum.

Here's a recap of what was discussed, as well as some further thoughts and references that might be of interest:

#### 1. Defining Rewilding:

- **How should “rewilding” be defined?** The group discussed whether a legal definition of rewilding is needed to support rewilding projects. Whether a legal definition is required depends on the context and it may be that projects already fit within other defined terms such as “restoration”<sup>1</sup> without the need for a specific legal definition of the term “rewilding”. We're interested in exploring this more, and gathering examples of where a specific legal definition might be needed.

We do think that on a more general societal level, ensuring a clear definition of the concept of rewilding as a tool for nature recovery is essential to avoid the term being misunderstood, which could undermine its utility. For this reason, the **IUCN CEM Rewilding Thematic Group** sought to develop an internationally recognised definition and establish a set of universal guidelines for rewilding, drawing on the work of a global advisory group of rewilding experts as further outlined in this article: [\(PDF\) Guiding principles for rewilding \(researchgate.net\)](#)

The **guiding principles** state implicitly that rewilding sits upon a continuum of scale, connectivity, and level of human influence, and aims to restore ecosystem structure and functions to achieve a self-sustaining autonomous nature. They can be found here: [principles\\_of\\_rewilding\\_cem\\_rtg.pdf \(iucn.org\)](#)

- **Should we even be using the term "rewilding", given its potential to both inspire and polarise?** Participants pointed out that term “rewilding” can be perceived negatively in certain contexts, and queried whether more “neutral” terminology such as conservation, restoration or recovery would be more effective.

This is a tricky question, and might depend on who the audience is. However, in our view rewilding is a concept distinct from those mentioned above, which as a term has also captured the imagination of many. It can be emotive, but with this comes the potential to inspire people into action and give them hope that nature can recover if we let it. More on this: [The benefits and risks of rewilding - resource | IUCN](#).

**What is the difference between rewilding and ecological restoration, and does it matter?** This recent study on [“Ecological restoration and rewilding: two approaches with complementary](#)

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<sup>1</sup> See for example the definition of “restoration” in the final draft of the [EU Regulation on Nature Restoration](#).

[goals?](#)" may be of interest on that point, the crux being that ecological restoration generally refers to the recovery of a defined **historically determined target ecosystem**, whereas rewilding refers to **the recovery of natural processes with often no target endpoint**.

The 2023 [Routledge Handbook of Rewilding](#) provides a comprehensive overview of the history, theory, and current practices of rewilding (Ch 13 of which provides the legal perspective, contributed to by Adam Eagle, Alex Cooper, Rob Espin, Jack Gould and Elsie Blackshaw-Crosby).

An accessible alternative, which nonetheless examines the science of rewilding is "[Rewilding: The Radical New Science of Ecological Recovery](#)" by Paul Jepson and Cain Blythe.

## 2. How law is holding back rewilding:

- The group discussed how legal frameworks may act as **barriers**, holding back rewilding projects, a good example being the delay in reintroductions of native species such as the beaver in the UK.
- One group suggested that a good starting point for our group could be to identify **the top 5 issues holding rewilding back** and address those first.

In response to that suggestion, Renée Meissner (Herds & Homelands) and Ronald Goderie (Grasslands Rewilding, formerly Taurus Foundation) kindly followed up with the following suggestions, in the context of large herbivores:

1. **Legal status** of "de-domesticated" or kept-wild herbivores which currently do not fit well into either category of domestic or wild animals.
2. **Identification and registration** of kept-wild herbivores which often involves undesirable human intervention, raises ethical questions, can be extremely difficult to undertake and often also dangerous to both animals and humans.
3. **Health regulations** requiring veterinary interventions such as testing and vaccination which are difficult to implement in relation to semi-wild animals.
4. **Border crossings** which can be spontaneous (there are various European examples of animals not respecting jurisdictional borders!), and issues arising due to import/export and conflicting customs rules making reintroductions difficult.
5. **Biosecurity rules** requiring the disposal of carcasses instead of leaving them to benefit the necrobiome and scavenger species, thereby playing an essential role in the ecosystem and circle of life.
6. **Animal welfare** rules being ill-adapted for semi-wild animals, requiring human intervention in all cases, rather than recognising that kept animals need care, whereas human intervention should be avoided in the case of rewilded animals due to the disturbance and stress which it can cause them.

Many of these issues are already under consideration by the Lifescape Project and the Large Herbivore Working Group (chaired by Rina Quinlan and Stan Smith), as well as other organisations.

### 3. Fragmentation of the Law applicable to Rewilding

- The group observed that the law applicable to rewilding is **fragmented** and encompasses a range of topics from property law and liability to tax, reintroductions, public access and invasive species.

It is unfortunate that there is **no comprehensive handbook of rewilding law**, or even environmental law made available by regulators (unlike in sectors like [finance](#)).

However, Lifescape along with our partners Rewilding Britain and Rewilding Europe are going some way to bridge the gap via our [Rewilding Law Hub](#). Although designed for rewilding practitioners rather than lawyers, the Hub's vision is to create a **resource centre** for those wanting to manage land in accordance with rewilding principles, with information covering key legal aspects of rewilding across multiple jurisdictions with more coming soon.

### 4. Other topics discussed in the break-out groups

- **Access to Land**, which remains a significant hurdle to some rewilding projects depending on land ownership in the relevant jurisdiction.
- **Connectivity** and wildlife corridors and the need for green bridges and educating highway authorities about this issue.
- Long term protection of rewilded land through legal mechanisms like **easements and covenants** and the compatibility of rewilding with sites already subject to environmental protection mechanisms.
- Legal mechanisms which support the **reintroduction of apex predators**, and the way that a lack of political or social willingness can hinder this.
- The need to place greater **trust in natural processes** such as the ability of wild or re-wilded animals to choose who they breed with.
- **Ownership and liability** issues when it comes to species that have been de-domesticated but are kept wild, or have to be kept subject to overly stringent rules such as the Dangerous Wild Animals Act in England, where bison can only be kept behind very high and expensive fencing infrastructure, unlike those kept on the continent where fencing is no different to that used for cattle.

### 5. Our vision for the group

Here is our vision of how the group could work based on our discussions on the first call on which we welcome your feedback:

- **Purpose:** a forum where we can discuss topics of interest; organise knowledge sharing; and connect with others interested in supporting rewilding through law.
- **Frequency and format:** online meetings quarterly.
- **Agenda:** an option might be to have 1-2 short presentations from members on recent work, current issues or a particular legal hurdle encountered, followed by an opportunity to discuss in smaller groups. We could also include an additional, optional 30 minutes at the beginning for

networking in small groups, with the more formal agenda to commence after that and last 60 minutes so that people could opt in or out of a longer meeting.

- We would welcome **your thoughts** on how best to make use of this group via this short [survey](#).