



Rewilding Law Group News from our Call on – *Large Herbivores*



Photo: [Andrea Zampatti](#)

Thanks to everyone who joined us on 19 November 2024 to discuss **large herbivores**, especially to our speaker [Roeland Vermeulen](#). Below is a recap of what we discussed with some useful links.

Relationship Building	
<i>Connecting and knowledge-sharing</i>	<p>We use the first half hour of our calls to connect in small groups. The aim is to allow members to get to know each other in the hope that we can build a community of rewilding lawyers, practitioners and others, amongst which to share knowledge and experience of rewilding and law. If you want us to put you in touch with anyone you met, let us know and we can try to connect you.</p> <p>We also share knowledge via the Rewilding Law Hub in partnership with Rewilding Europe and Rewilding Britain.</p>
Background – Large Herbivores	
<i>Setting the scene – the importance of large herbivores as ecosystem engineers</i>	<p>The topic of discussion was large herbivores, and the legal issues they face in a rewilding context, in particular de-domesticated or rewilded large herbivores such as horses and cattle that we use as proxies in place of their extinct ancestors, the aurochs and tarpan. See Amazing Grazing Rewilding Europe.</p> <p>We know that these large herbivores contribute disproportionately to restoring ecosystem functioning, but to be truly effective in this role we need to allow them to</p>

	<p>express their natural social behaviours. See Mutillod et al (2024) Managed as wild, horses influence grassland vegetation differently than domestic herds.</p> <p>Regulations around identification and microchipping, disease testing, welfare and carcasses were all designed for farm animals, usually intended for the human food chain. They are ill-adapted to a rewilding context, both because they are difficult to comply with and interfere with natural behaviour by requiring human intervention. See Pérez-Barbería et al (2023) Legislative hurdles to using traditional domestic livestock in rewilding programmes in Europe and Meissner (2020) Crossborder grazing along the river Meuse - Case study for GrazeLIFE.</p> <p>There is growing interest in this topic from practitioners around Europe and the UK, including in France, following previous EU initiatives such as Project GRAZELIFE and more recently, seminars such as the one that took place in Nîmes, France in October 2024 organised by Marc Michelot of Arthen and co-hosted by the research institute Tour du Valat and the association for Przewalski horses, TAKH, a summary of which is available in French here.</p>
<p>Speaker – Roeland Vermeulen</p>	
<p><i>FREE Nature - Foundation for Restoring European Ecosystems</i></p>	<p>Roeland Vermeulen is the director of FREE Nature, a Dutch NGO which manages around 1800 large herbivores including bison, cattle, water buffalo and horses – all living as wild in the Netherlands. They have been working hard to find a solution to the legal issues there, and have made significant progress, providing a helpful example for other jurisdictions.</p>
<p><i>Ecological role of large herbivores</i></p>	<p>Roeland’s presentation is available on this link. He touched on:</p> <ul style="list-style-type: none"> - What is biodiversity? The Convention on Biodiversity defines "Biological diversity" as <i>the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems</i>. Natural grazing is key to ecosystem functioning and is therefore essential to biodiversity. The extent to which international and European conservation law facilitates the rewilding of large proxy herbivores regarding their legal status was explored by Elza Feijs during her internship at FREE Nature (Elza Feijs, 'Rewilding the legal status of large herbivores: a review of international and European nature conservation law' (Unpublished internship paper, FREE Nature, Beuningen, 2023). - Ecological role of large herbivores: large herbivores play a key role in shaping ecosystems throughout the seasons, eating herbs in summer and maintaining open spaces, and turning to rougher forage in winter when they shape the landscape by debarking trees and taking leaves and twigs. - Jeroen Helmer’s illustration of various herbivores in the European landscape features as a useful illustration in the slides. You can download many of Jeroen’s illustrations on ARK Rewilding’s website here.

	<ul style="list-style-type: none"> - Social interactions: the <i>natural</i> composition of herds of large herbivores is not one male to many females as is often thought, instead it is roughly 50/50 male to female composition. A good definition of a natural social group is contained in Renee Meissner’s report here on page 6. - Self-reliance: large herbivores living wild adapt to their environment. They are able to recover from many injuries without veterinary intervention, and they are capable of self-medicating against parasites, for example grazing on tansy which has natural anti-parasitic properties.
<p><i>Legal challenges for keepers of large herbivores</i></p>	<p>Roeland outlined the legal challenges for rewilding projects with large herbivores:</p> <ul style="list-style-type: none"> - Liability: keepers are responsible for animals living as wild when they come into contact with humans (and their vehicles), or cause injury or property damage. - Identification: The requirement to identify the animals via registration and tagging/microchipping can pose challenges for kept-wild herbivores. The Netherlands offers various exceptions from delayed identification (cattle), to suspended identification (horses) or herds that are considered as wild, or not known to the law as domestic animals because they predate the identification laws (this applies to the herds on Oostvaardersplassen and Veluwezoom). - Animal welfare: horses and cattle on nature reserves in the Netherlands are required to be checked on a weekly basis (this is in contrast with Germany and Denmark where they must be checked daily – with regard to the UK, certain best practice recommendations are for daily checks but this is not a strict requirement of the legislation). It is extremely difficult to apply welfare checks that were designed for individual animals to herds that are spread across large nature reserves where it may not be possible to locate each individual animal each day. <p>Some interesting welfare issues mentioned included:</p> <ul style="list-style-type: none"> - Is an accumulation of great burdock burs in the manes of koniks a welfare issue? In relation to one nature reserve in the Netherlands, a judge has decided that it is not a suitable location for keeping animals due to an overabundance of greater burdock, the flowers of which are thistle-like and give rise to sticky burs with large hooks which attach to the horses’ manes and tails. Roeland’s presentation shows a horse with a mane full of burs in November, with the mane free of them by February. - What body condition score should be acceptable for horses kept wild? In the Netherlands, the authorities recognise that it is natural for the body condition score to vary according to the seasons. The score measures fat covering usually on a scale from 1 (thinnest) to 5 (thickest). At the end of summer, the kept-wild animals generally have a score of 3-4, while at the end of winter they have a score of 2-3. Welfare guidance for large herbivores generally may advise preventing the condition score from falling below 3, but this may not take account of natural processes whereby the animal’s weight fluctuates with the seasons and availability of food. In the Netherlands, if a number of animals scores drop below 1, supplementary feeding is required, though if this is only

	<p>the case for certain individuals and can be explained on an individual basis, this may not be required. Group members may be interested in this study by McDonald, S. et al. comparing the welfare of native Exmoors on common land and rewilding projects which also relies on body condition index for its assessment, and in contrasting that paper with one by Lovasz, L. et al. that argues for welfare rules which are better adapted to rewilding, using horses as a case study here.</p> <ul style="list-style-type: none"> - Animal health programs and disease testing - Carcasses: work on the Circle of Life project in the Netherlands continues and they have achieved some exceptions for the removal of carcasses which is otherwise required by law. These apply in limited cases for feeding scavengers, where they are too remote, or would cause damage to the habitat of other animals through the removal process. The work on this topic also includes demonstrating how the death of herd members is an important part of social interactions – see more here. - Culling of large grazers – hunting rules do not apply to horses and cattle, so managing herd size cannot be managed under the hunting regime as for wild animals such as deer, although as Roeland pointed out, wild animals are also not generally exempt from all legislation, since even wild animals such as boar will be culled in order to comply with health measures. - Are keepers required to protect herds from predators such as wolves? This question was considered from a legal perspective by Arie Trouwborst in his article: A Trouwborst, 'Zorgplichten voor grote grazers in natuurgebieden: een juridische verkenning, met bijzondere aandacht voor het scenario van predatie door wolven' <i>Tijdschrift Natuurbeschermingsrecht</i> (NBR) 2023/247.
Discussion	
<p><i>Guidance note on large herbivores to be published by Lifescape soon</i></p>	<p>A reminder that Lifescape in cooperation with Rewilding Europe and Rewilding Britain has established a Rewilding Law Hub with guidance on various legal topics affecting rewilding. We will soon be publishing a note on large herbivores in the UK too.</p> <p>In addition, Lifescape is also working on case studies to seek exceptions to legal requirements causing difficulties for rewilding projects and the possibility of achieving wild or semi-wild status for horses and cattle. In Europe, this work is being led by Catarina Prata for Spain and Croatia, and in the UK by Katherine Blatchford in relation to cattle, and Edwina Dunn in relation to horses.</p>
<p><i>Whether animals are considered kept or wild is up to the member state</i></p>	<p>We discussed the difficulty that in some legal systems such as the UK, case law places certain animals in the category of “domestic” or “wild” according to their species, without taking account of other ways of defining “wild” which can depend not only on the species, but on its location, behaviour and genetics and the extent to which humans have influenced these (see Elza Feijs’s paper mentioned above, which discusses this in section 2.3.3 on page 10 onwards). However, as Roeland pointed out, the EU Commission has said that whether bovines and equines are considered as “wild animals” or “kept animals” depends on the member state and where the</p>

	<p>member state has chosen to give them wild status, the EU rules on identification and health will not be applicable.</p>
<p><i>Responding to regulators' concerns around status wild</i></p>	<p>Roeland made an interesting point, that by giving large herbivores wild status, we would not be disapplying all legislation to them. Rather, as is the case already for other species such as wild boar, health measures will still apply where necessary, but they would be adapted to the manner in which the animals live, i.e. wild rather than domesticated.</p>
<p><i>What about roving herds?</i></p>	<p>One participant raised an interesting question regarding the status of roving herds, which are groups of animals that are shared between rewilding projects/holdings, each of which is too small to have the entire herd on the area year-round. The registration and identification requirements make this a very burdensome task and it could benefit smaller projects to have a simplified system for registration and movement if they met certain criteria, such as being situated contiguously with the other locations sharing the herds. To be explored!</p>
<p><i>Next steps: Pan-European group call hosted by Large Herbivore Working Group</i></p>	<p>It would be useful to continue this pan-European conversation and knowledge-sharing on large herbivores for the benefit of this group. During the call Rina Quinlan kindly offered to host a follow-up call via the UK Large Herbivore Working Group.</p> <p>We have set a date for this call for 2pm UK / 3pm CET on Wednesday 12 February 2025.</p>
<p><i>Next Rewilding Law Group Call</i></p>	<p>The next Rewilding Law Group call will be our winter 2025 quarterly call at 2pm UK / 3pm CET on Monday 3 February 2025. We will be discussing legal personhood for nature, with a case study of Spain's Mar Menor lagoon. Sara González Merinero has kindly agreed to introduce our discussion with an overview of the recent decision of the Spanish constitutional court decision to affirm the legality of the Spanish parliament's vote to accord Mar Menor legal personhood. This is the first ecosystem in Europe to be enshrined with legal rights under a western system of law, according to Eco Jurisprudence Monitor.</p>