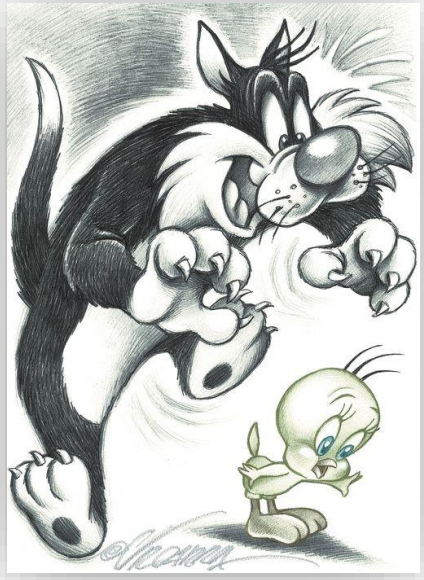
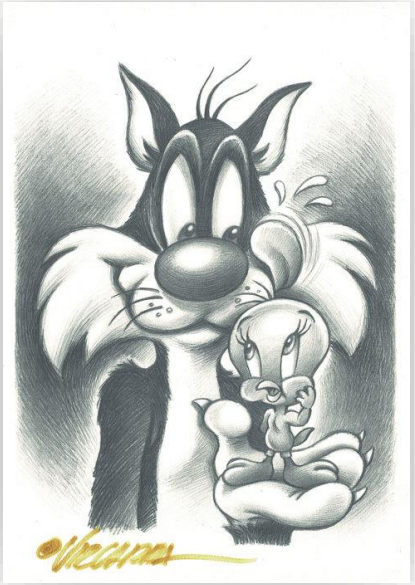
Domestic Cats and International Wildlife Law – Turning a Blind Eye to One of the World's Worst Invasive Alien Species?



Edward and Bonnie Foreman Biodiversity Lecture

1 April 2020



Arie Trouwborst

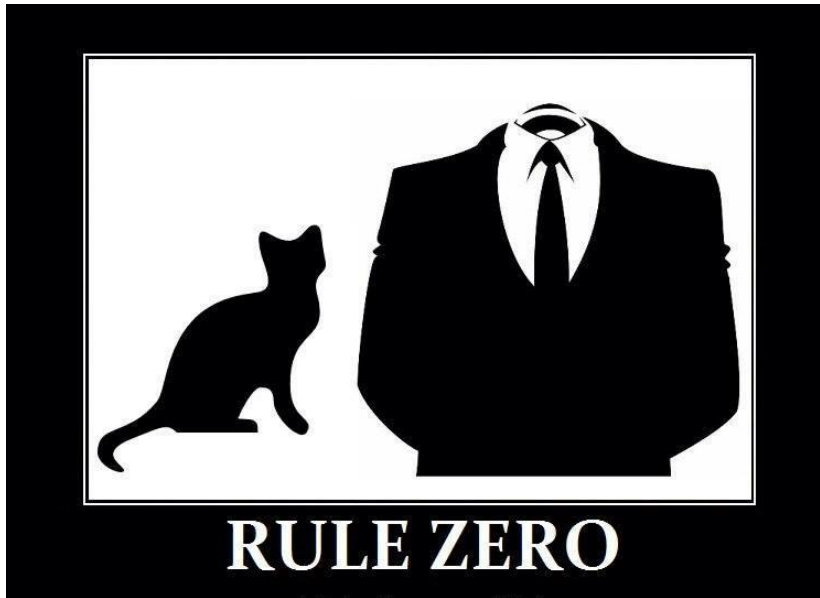
Tilburg University

Understanding Society

DISCLAIMER

I have never kicked, shot, poisoned, strangled, drowned, suffocated, or otherwise harassed or killed a cat, nor do I harbour the ambition to engage in any of these activities in the future.

– *Arie Trouwborst*



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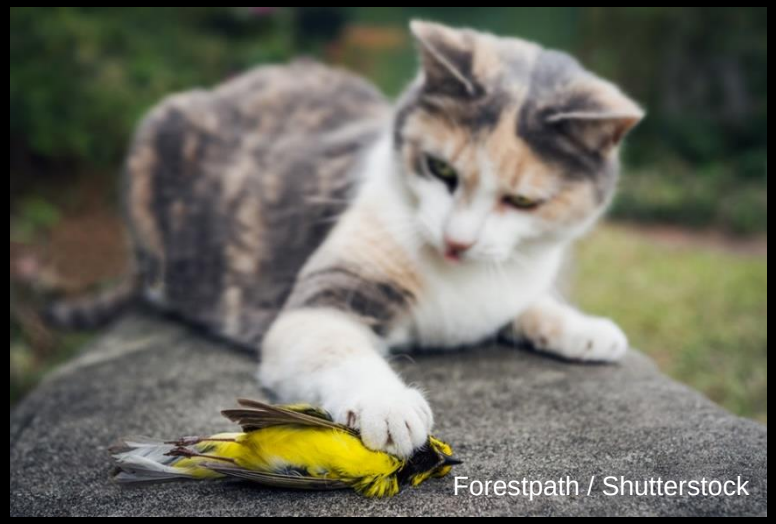
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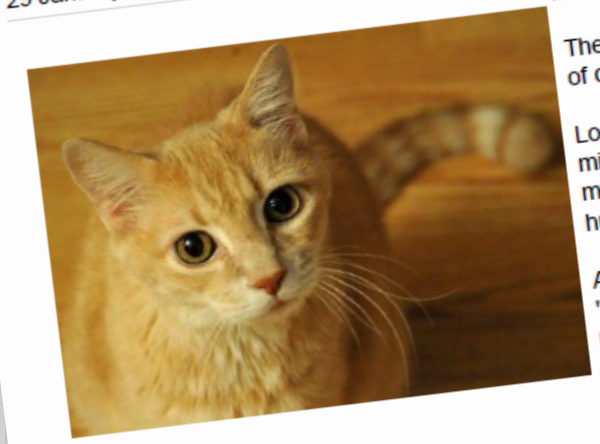
PHYS.ORG

Cats in US kill billions of birds, mammals, study finds

29 January 2013



A domestic cat sits in October 17, 2010 in Manassas, Virginia. Domestic cats in the United States kill up to 3.7 billion birds and as many as 20.7 billion mice, voles and other small mammals each year, biologists estimated on Tuesday.

Domestic cats in the United States kill up to 3.7 billion birds and as many as 20.7 billion mice, voles and other small mammals each year, biologists estimated on Tuesday.

Puss is probably the biggest human-induced killer of these species, outstripping better-known culprits such as habitat loss, agricultural chemicals or hunting, they said in a study published in the

investigations.

The next step was to get an estimate of the number of cats in the United States.

Loss's team calculated there were around 84 million cats with owners, of which a couple of million are unlikely to have outdoor access or go hunting.

Added to that are between 30 and 80 million "unowned" cats—animals that are wild or free-ranging but without an owner and survive on goodwill.

"We estimate that free-ranging domestic cat 1.4 to 3.7 billion birds and 6.9 to 20.7 billion mammals annually," says the study.

"Unowned cats, as opposed to owned pet the majority of this mortality."

The paper says the estimates are much previously thought, and show that cats the single greatest source of anthropo made] mortality for US birds and mam

It adds: "Scientifically sound conserv policy intervention [are] needed to re impact."

The study tried to get a fix on the r reptiles and amphibians that are drew a blank.

PHYS.ORG

Cats kill one million birds a day in Australia

4 October 2017

Handout photo from The Threatened Species Recovery Hub showing a feral cat in Australia with a dead Galah bird in its mouth

Feral and pet cats kill more than one million birds in Australia every day, new research showed Wednesday, with the staggering slaughter driving the decline of many species.

The study, published in the journal *Biological Conversation*, estimated that wild cats wiped out 316 million every year, while pets killed 61 million annually.

"Everyone knows that cats kill birds, but this study shows that, at a national

Woinarski said that while previous research had looked at the impact cats had on Australia's mammals, this was the first nationwide assessment on birds.

It found the highest rates of predation were on Australia's islands and in remote arid areas, where the number of birds killed each year could reach 330 per square kilometre.

Feral cats, which number in their millions across the country, are also considered the main culprit behind Australia's high rate of mammal extinction.

They have wiped out entire populations since being introduced by Europeans who settled in the country two centuries ago, with efforts to cull or sterilise them so far failing to slow their march.

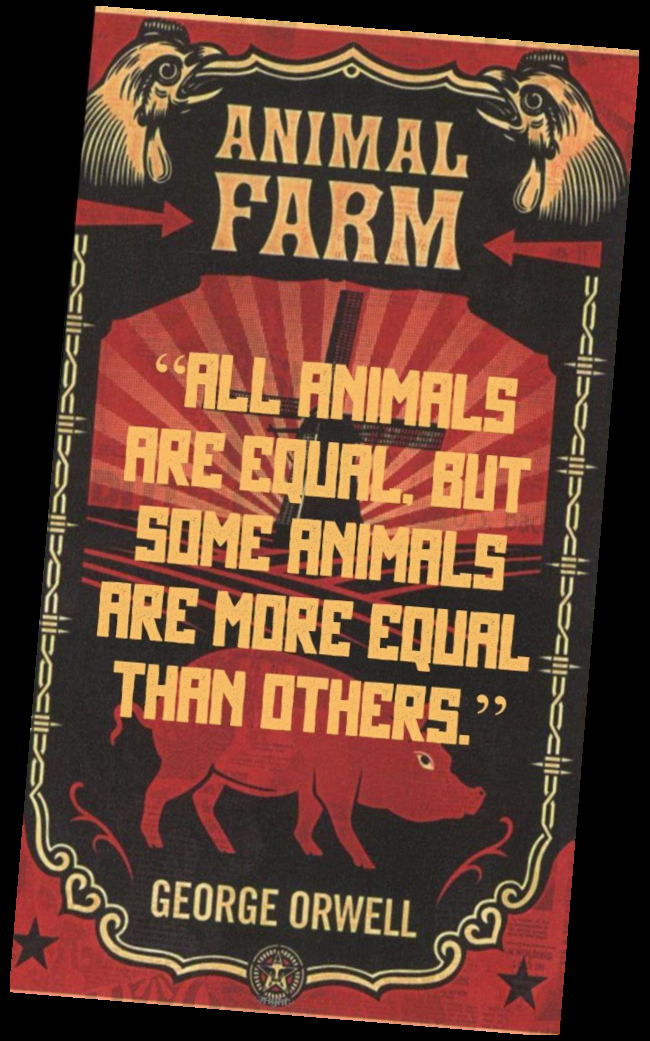
The researchers found evidence of cats killing 338 bird types—almost half of Australia's native species, including 71 threatened species such as the spotted quail thrush, the squatter pigeon, and the night parrot.

"We found that the birds most likely to be killed by cats are medium sized birds, birds that nest and feed on the ground, and birds that occur on islands or in woodlands, grasslands and shrublands," said Woinarski.

"For Australian birds, cats are a


Elvira Martinez Camacho


GUILTY

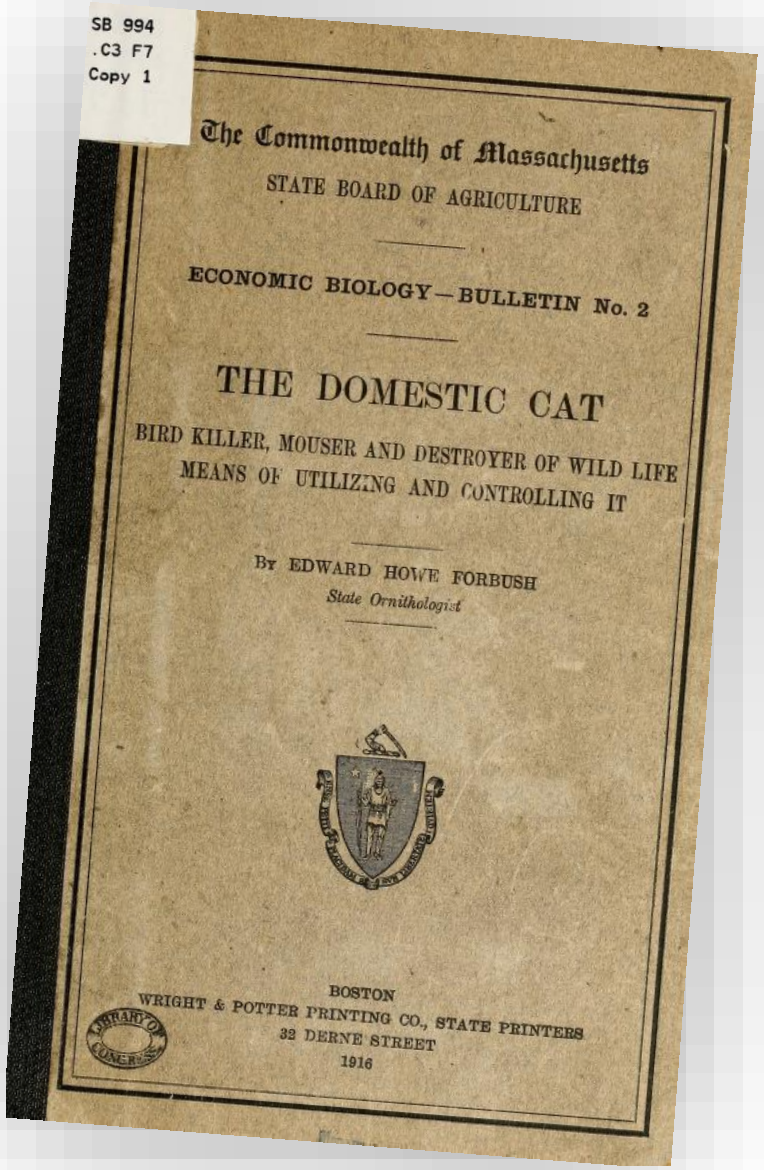

ANIMAL FARM
"ALL ANIMALS ARE EQUAL, BUT SOME ANIMALS ARE MORE EQUAL THAN OTHERS."
GEORGE ORWELL


Partij voor de Dieren
Respect voor Leven
Doodschieten? Wie is nou het beest?!
Niet vogelvrij maar kogelvrij!
De kat vogelvrij? Niet bij de PvdD!
Respect voor Dieren
2018©focusgroningen

“We now legislate to protect birds, but place no limit on the increase and activities of their most destructive … enemy. A man is liable to a fine if he kills a bird, but he may with impunity keep any number of cats to kill birds …”

“The widespread dissemination of cats in the woods and in the open and farming country, and the destruction of birds by them, is a much more important matter than most people suspect, and is not to be lightly put aside.”

– *Edward Howe Forbush, 1916 (!)*



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ECONOMIC BIOLOGY—BULLETIN No. 2

THE DOMESTIC CAT

BIRD KILLER, MOUSER AND DESTROYER OF WILD LIFE
MEANS OF UTILIZING AND CONTROLLING IT

By EDWARD HOWE FORBUSH
State Ornithologist

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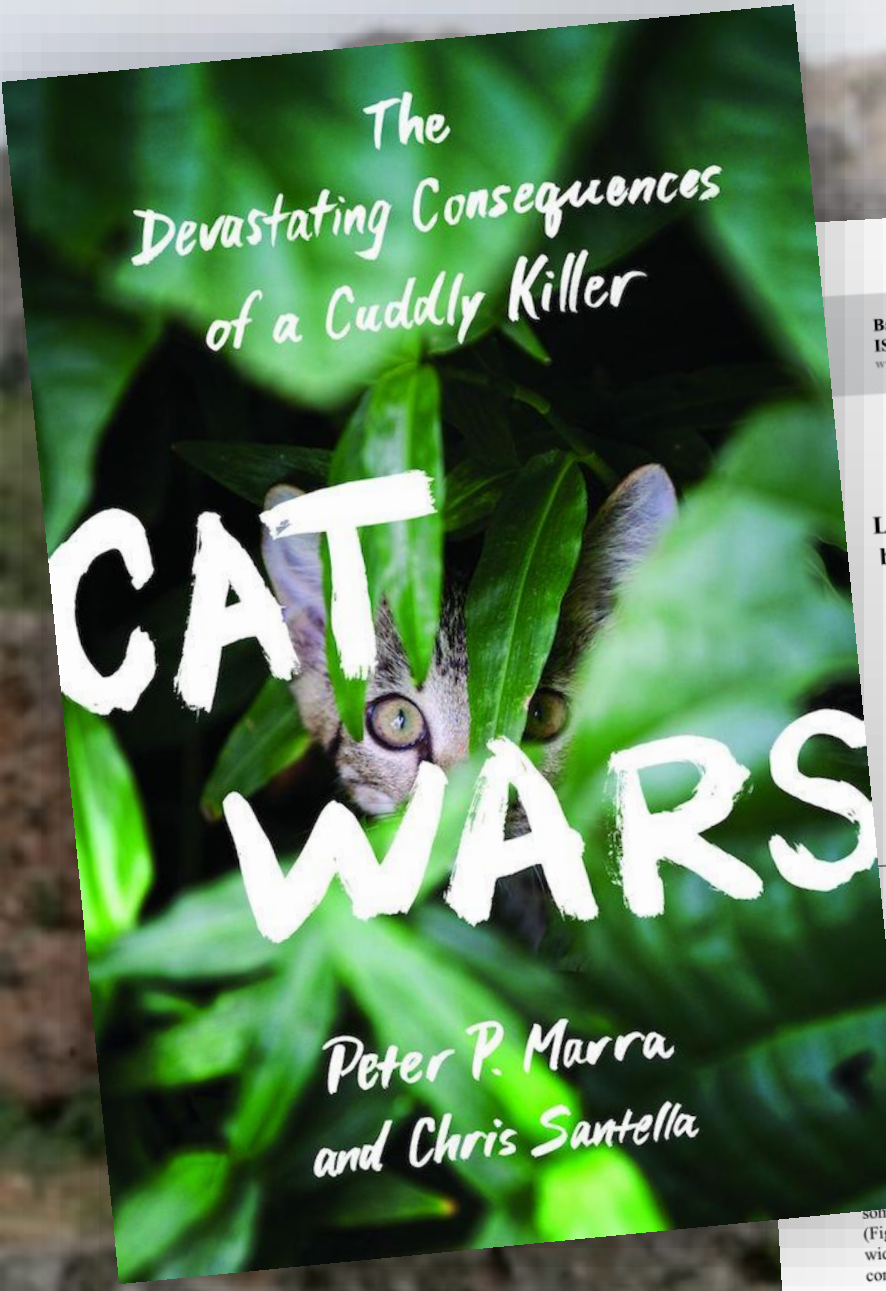

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Felis silvestris catus como predador de murciélagos insulares y cita de depredación sobre el amenazado *Pipistrellus madeirensis*

Look what the cat dragged in: *Felis silvestris catus* as predators of insular bats and instance of predation on the endangered *Pipistrellus maderensis*

Ricardo Rocha[1,2]

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Abstract: This note reports the predation of a threatened Madeira pipistrelle bat by a domestic house cat. This represents the first confirmed record of cat predation upon a Macaronesian bat and adds to an increasing body of evidence suggesting that free-ranging cats pose a strong negative impact to native insular vertebrate populations.

Keywords: bats, domestic cats, non-native species, Madeira pipistrelle, Macaronesia.

received: January 2nd. 2015
accepted: February 7th 2015

e impact of non-native species is one of the most tial forces underpinning the global biodiversity Nogales et al., 2013; Dirzo et al., 2014). Since the fication of the African wildcat *Felis silvestris lybica* some 9500 years ago, the domestic counterpart *F. s. catus* (Fig. 1) has become one of the world's most abundant and widespread pets and has established feral populations in both continental and island ecosystems (Driscoll et al., 2007).

Free-ranging cats are generalist and opportunistic predators that tend to proliferate around human populated

Convention on the Conservation of Migratory Species of Wild Animals

TING PARTIES,

NIZING that wild animals in their innumerable laceable part of the earth's natural system which d for the good of mankind;

hat each generation of man holds the resources re generations and has an obligation to ensure onserved and, where utilized, is used wisely;

S of the ever-growing value of wild animals , ecological, genetic, scientific, aesthetic, , educational, social and economic points of

D particularly with those species of wild across or outside national jurisdictional

G that the States are and must be the ory species of wild animals that live within tional jurisdictional boundaries;

t conservation and effective management ild animals require the concerted action tional jurisdictional boundaries of which part of their life cycle;

mmendation 32 of the Action Plan Nations Conference on the Human 972) and noted with satisfaction at the the General Assembly of the United

follows:

rticle I

retation

nvention:

eans the entire population or any te part of the population of any n of wild animals, a significant embers cyclically and predictably onal jurisdictional boundaries;

a migratory species" means the cting on the migratory species long-term distribution and

l be taken as "favourable

d) "Conservation status" will be taken as "un if any of the conditions set out in sub-parag this paragraph is not met;

e) "Endangered" in relation to a particular species means that the migratory spe danger of extinction throughout all or a portion of its range;

f) "Range" means all the areas of land or wa migratory species inhabits, stays in ten crosses or overflies at any time on its migration route;

g) "Habitat" means any area in the range of a m species which contains suitable living condit that species;

h) "Range State" in relation to a particular mi species means any State (and where appropri other Party referred to under sub-paragraph (k) paragraph) that exercises jurisdiction over any the range of that migratory species, or a Stat vessels of which are engaged outside na jurisdictional limits in taking that migratory spe

i) "Taking" means taking, hunting, fishing, captu harassing, deliberate killing, or attempting to en in any such conduct;

j) "AGREEMENT" means an international agreem relating to the conservation of one or more migra species as provided for in Articles IV and V of Convention; and

k) "Party" means a State or any regional econo integration organization constituted by sovere States which has competence in respect of t negotiation, conclusion and application international agreements in matters covered by th Convention for which this Convention is in force.

2. In matters within their competence, the regional economi integration organizations which are Parties to thi Convention shall in their own name exercise the rights an fulfil the responsibilities which this Convention attributes t their member States. In such cases the member States o these organizations shall not be entitled to exercise such rights individually.

3. Where this Convention provides for a decision to be taken by either a two-thirds majority or a unanimous decision of "the Parties present and voting" this shall

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PLATE III.

FIG. 1. — A CAT THAT HAS BEEN "TAUGHT NOT TO KILL BIRDS."
After which she killed them "on the sly." The warbler just killed by her is tied under her chin to "cure" the bird-killing habit, but the expedient failed. She still kills birds.

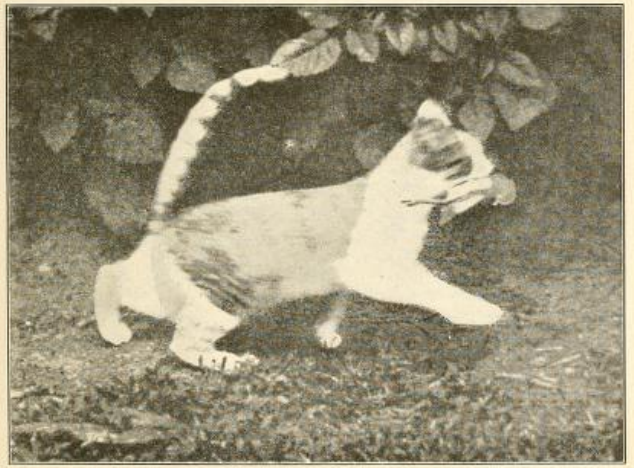

FIG. 2. — FIFTY-EIGHT BIRDS IN ONE SEASON.
This well-fed pet cat was known to kill fifty-eight birds in one year, including the young in five nests. (Photograph by Mr. A. C. Dike, first published in "Useful Birds.")

PLATE IV.

SOME ADULT BIRDS BROUGHT IN BY A CAT OR PICKED UP DEAD.
A collection of bird skins in the possession of Miss Cordelia J. Stanwood. Some of these birds were not killed by the cat, but the young birds killed by her were not preserved. See page 36. (Photograph by courtesy of Miss Stanwood.)

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Free-ranging domestic cats – impacts on wildlife

Pet cats – farm cats – stray cats – feral cats

Impacts:

- Predation
- Disturbance
- Competition
- Disease
- Hybridization

➢ *Combinations*

Predation – some annual estimates

	Mammals	**Birds**	**Reptiles**	**Amphibians**
Canada		100-350 million		
United States	6-22 **b**illion	1.3-4 **b**illion	260-920 million	95-300 million
Australia		170-500 million	270-1000 million	
Poland	500-670 million	100-170 million		
Netherlands		± 35 million		

“large numbers of cats inevitably kill large numbers of wild animals” *(Crowley e.a. 2019)*

Predation – in perspective

Direct anthropogenic mortality of birds in the US (Loss e.a. 2015):

Source	**Annual bird mortality**
Wind turbine collisions	Hundreds of thousands
Power line electrocutions	Millions
Communication tower collisions	Millions
Power line collisions	Tens of millions
Automobile collisions	Hundreds of millions
Building collisions	Hundreds of millions
Predation by domestic cats	Billions

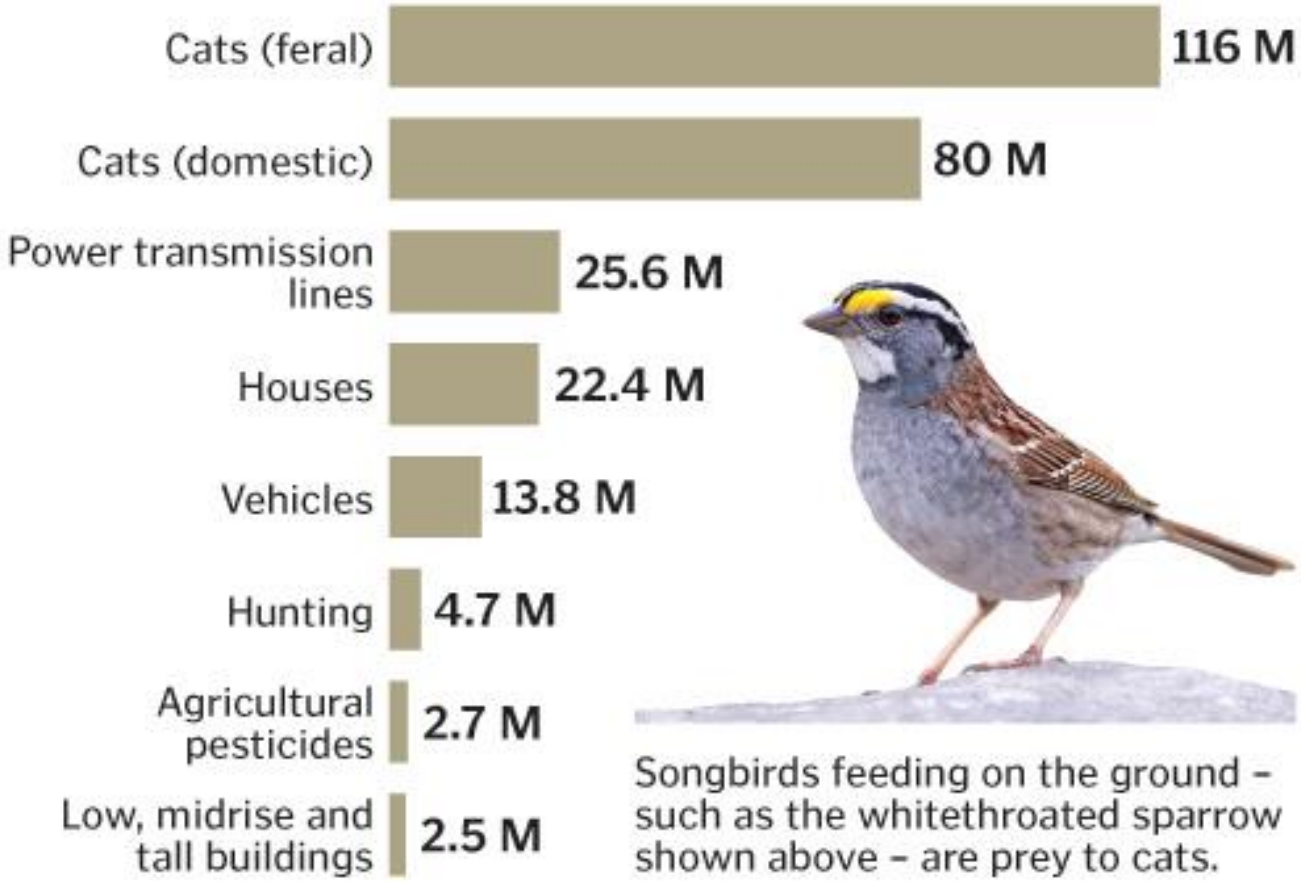
Annual estimated bird mortality from selected anthropogenic causes in the U.S.

 Source: U.S. Fish and Wildlife Service

statista

Bird deaths in Canada

The top causes of bird deaths in Canada each year, with estimated annual death toll, in millions:



Songbirds feeding on the ground – such as the whitethroated sparrow shown above – are prey to cats.

Source: Environment Canada

DENNIS LEUNG/OTTAWA CITIZEN

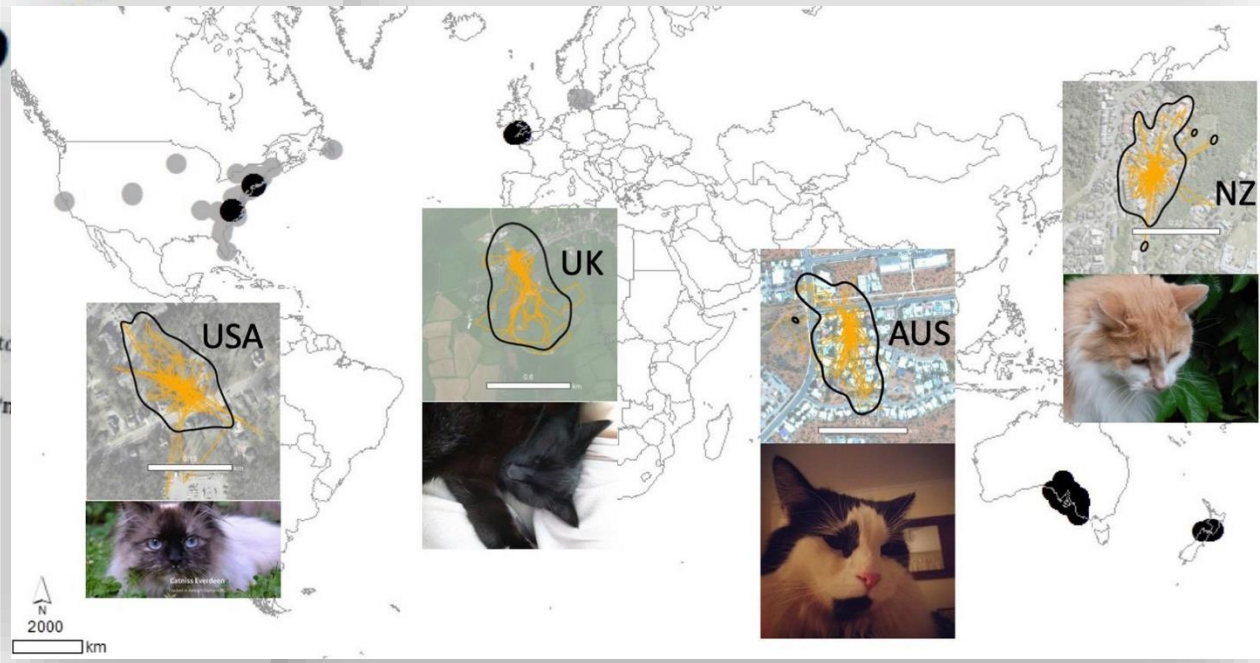
Kays, R. et al. (2020). The small home ranges and large ecological impacts of pet cats. *Animal Conservation,* doi:10.1111/acv.12563

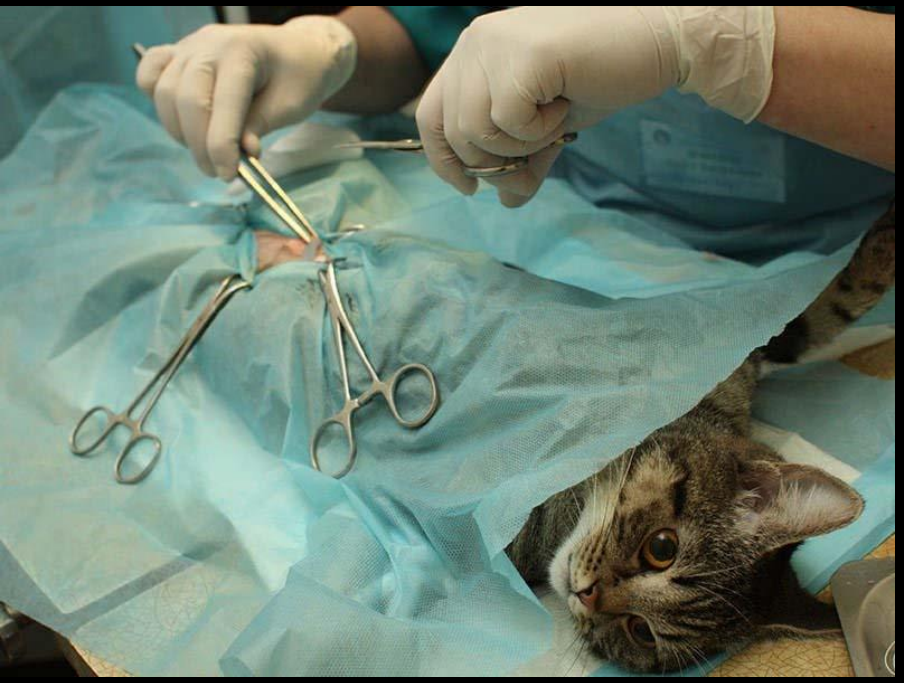
https://www.youtube.com/watch?time_continue=35&v=SYJATBgQlY0&feature=emb_logo

Cats kill up to 10 times more wildlife than natural predators — so keep indoors

Domestic cats kill millions of birds and other mammals every year.

by Tibi Puiu (https://www.zmescience.com/author/tibipuiu/)
— March 13, 2020 (https://www.zmescience.com/ecology/animals-ecology/cats-kill-up-10-times-more-wildlife-than-natural-predato
them-indoors/)
in Animals (https://www.zmescience.com/category/ecology/animals-ecology/), News (https://www.zmescience.com/category/science/






BirdsbeSafe®


AridRecovery


Victor Sainz

Puchan/Shutterstock

What’s (international) law got to do with it?

Facts + Law (interpretation) = Conclusion

- Dozens of international legal instruments of relevance

Rules concerning:

- Invasive alien species
- Site protection
- Species protection

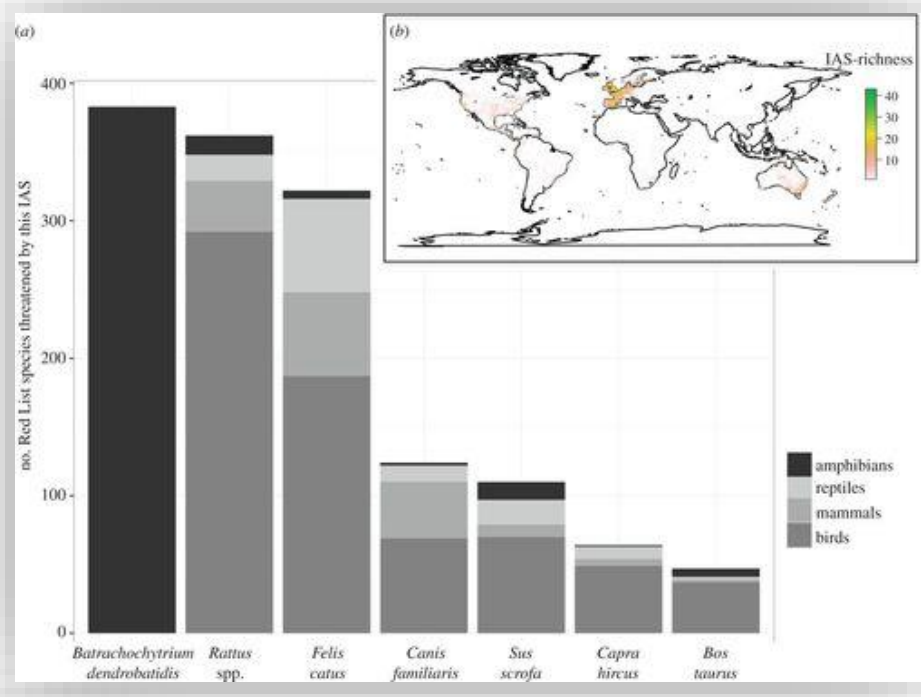
Invasive alien species law

- Convention on Biological Diversity (CBD, 1992), Art. 8(h)
- Bonn Convention on Migratory Species (CMS, 1979), Art. III(4)(c) & V(5)(e)
- African-Eurasian Migratory Waterbirds Agreement (AEWA, 1995), Annex 3, par. 2.5 & 4.3.10
- Agreement on the Conservation of Albatrosses and Petrels (ACAP, 2001), Annex 2, par. 1.4.2
- Central American Biodiversity and Wilderness Convention (1992), Art. 24
- (Revised) African Convention on Nature Conservation (2003), Art. IX(2)(h)
- Protocol on Protected Areas and Wildlife in the Eastern African Region (1985), Art. 7
- Protocol on Protected Areas and Biodiversity in the Mediterranean (1995), Art. 13
- Bern Convention on European Wildlife Conservation (1979), Art. 11(2)(b)
- EU Habitats Directive (1992), Art. 22(b)
- ...

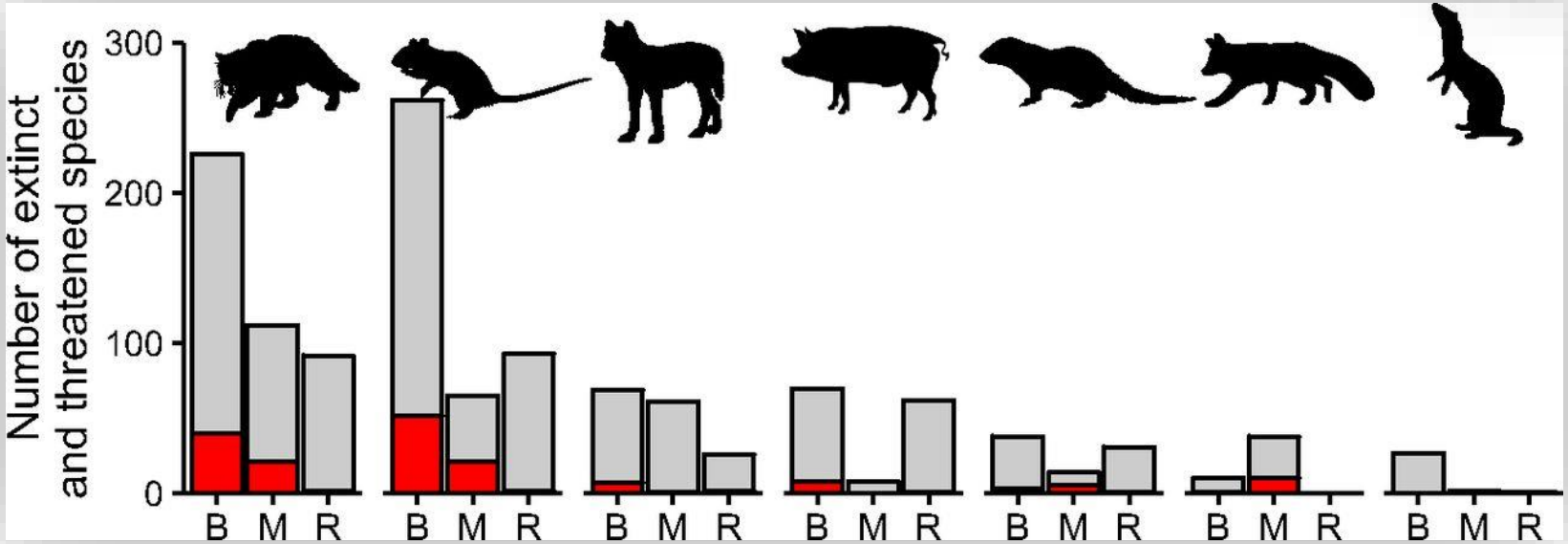
Invasive alien species law

“Each Contracting Party shall, as far as possible and as appropriate … [p]revent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species”

– *CBD, Art. 8(h)*



Bellard e.a. 2016



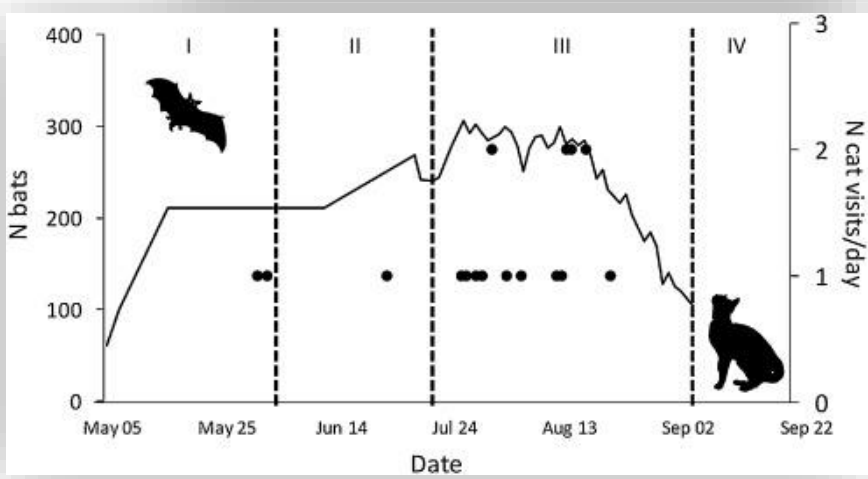
Doherty e.a. 2016

Area protection law

“Each Party shall identify those sites within its own area of jurisdiction which are important for the conservation status, including the shelter and protection, of bats. It shall, taking into account as necessary economic and social considerations, protect such sites from damage or disturbance.”

– *Agreement on the Conservation of Bats in Europe (EUROBATS), Art. III(2)*

- Ramsar Wetlands Convention (1971)
- UNESCO World Heritage Convention (1972)
- EU Birds Directive (1979)
- EU Habitats Directive (1992)
- …



Ancillotto e.a. 2019

Species protection law

- CMS – Appendix I
- ACAP – Annex 1
- AEWA – Annex 3, Table 1, Column A
- EUROBATS – Annex 1
- Australia-China Agreement for the Protection of Migratory Birds and their Environment (1986) – Annex
- Convention on Nature Protection and Wild-Life Preservation in the Western Hemisphere (1940) – Annex
- Mexico-United States Convention on Migratory Birds and Game Mammals (1936) – Art. IV migratory birds
- Protocol on Protected Areas and Wildlife in the Wider Caribbean Region (1990) – Annex II
- African Convention on Nature Conservation (1968) – Annex
- Protocol on Protected Areas and Wildlife in the Eastern African Region (1985) – Annex II
- Gulf Cooperation Council Convention on Wildlife and their Natural Habitats (2001) – Appendix II
- Protocol on Protected Areas and Biodiversity in the Mediterranean (1995) – Annex II
- Bern Convention – Appendix II
- EU Habitats Directive – Annex IV
- EU Birds Directive – all bird species native to EU member states
- …

Species protection law

“Member States shall take the requisite measures to establish a general system of protection for all species [of naturally occurring birds in the wild state in the European territory of the Member States], prohibiting in particular:

(a) deliberate killing or capture by any method;

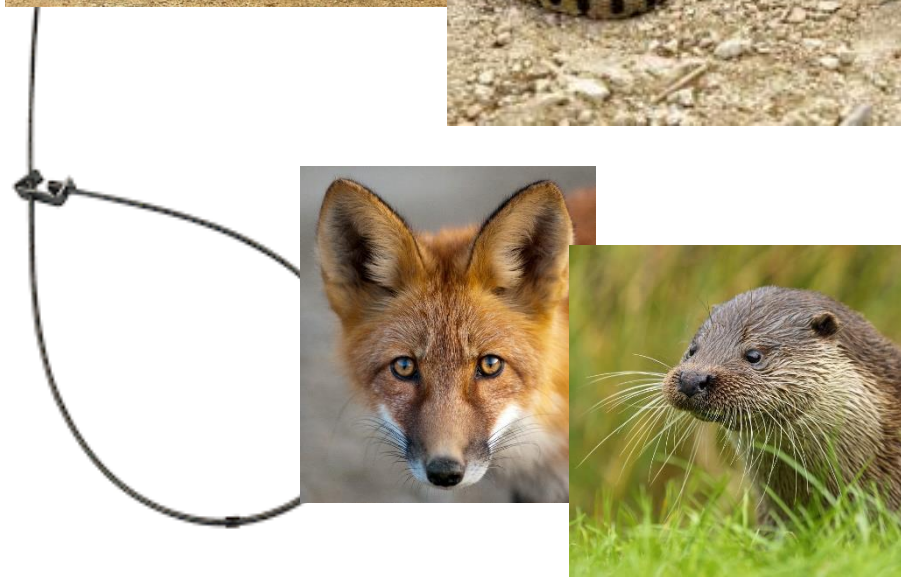
(b) deliberate destruction of, or damage to, their nests and eggs …;

(c) taking their eggs in the wild …;

(d) deliberate disturbance of these birds particularly during the period of breeding and rearing, in so far as disturbance would be significant …”

– *EU Birds Directive, Art. 5*

Species protection law – interpretation



EU Court of Justice:

- 412/85 (1984) *Commission v Germany*
- C-103/00 (2002) *Commission v Greece*
- C-221/04 (2006) *Commission v Spain*
- C-183/05 (2007) *Commission v Ireland*
- C-340/10 (2012) *Commission v Cyprus*
- C-504/14 (2016) *Commission v Greece*

“deliberate”: “the author of the act intended the capture or killing … or, at the very least, accepted the possibility of such capture or killing” *(C-221/04)*

“unwanted but accepted side-effect” *(European Commission, 2007 guidance doc.)*

Conclusions

EU Birds & Habitats Directives:

- “Regarding (owned) pet and farm cats, the Nature Directives require EU Member States to ensure that letting cats roam free outdoors is forbidden and effectively prevented.”
- “Regarding (unowned) stray and feral cats, these must be removed or controlled when they pose a threat to protected species and/or sites.”

International law:

“Many national authorities around the world are currently required, under international law, to adopt and implement policies aimed at preventing, reducing or eliminating the biodiversity impacts of free-ranging domestic cats, in particular by (a) removing feral and other unowned cats from the landscape to the greatest extent possible and (b) restricting the outdoor access of owned cats.”

Widespread non-compliance

Why?

- ❑ Feasibility
- ❑ Scientific uncertainty
- ❑ Cats' own interests
- ❑ Cat owners' interests
- ➢ Political inconvenience

Explanations, not justifications


Doug Mackenzie Dodds

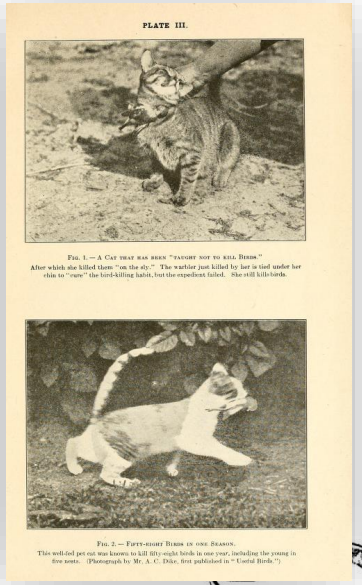


PLATE III.

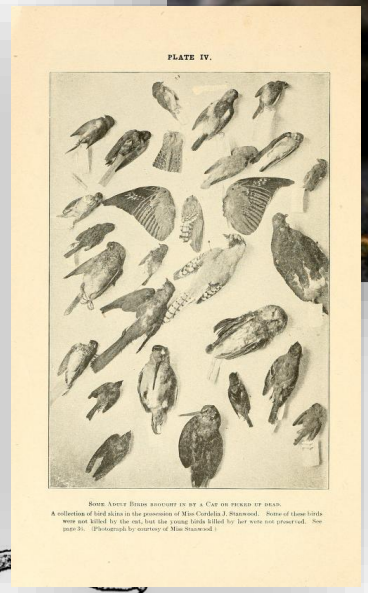


PLATE IV.

A. Trouwborst & H. Somsen, '**Domestic cats (*Felis catus*) and European nature conservation law – applying the EU Birds and Habitats Directives to a significant but neglected threat to wildlife**'
(2019) *Journal of Environmental Law*
https://doi.org/10.1093/jel/eqz035

A. Trouwborst, P. McCormack & E. Martínez Camacho, '**Domestic cats and their impacts on biodiversity – a blind spot in the application of nature conservation law**'
(2020) *People & Nature*
https://doi.org/10.1002/pan3.10073

Response

- Peers
- Press
- Public
- Politics
- NGOs

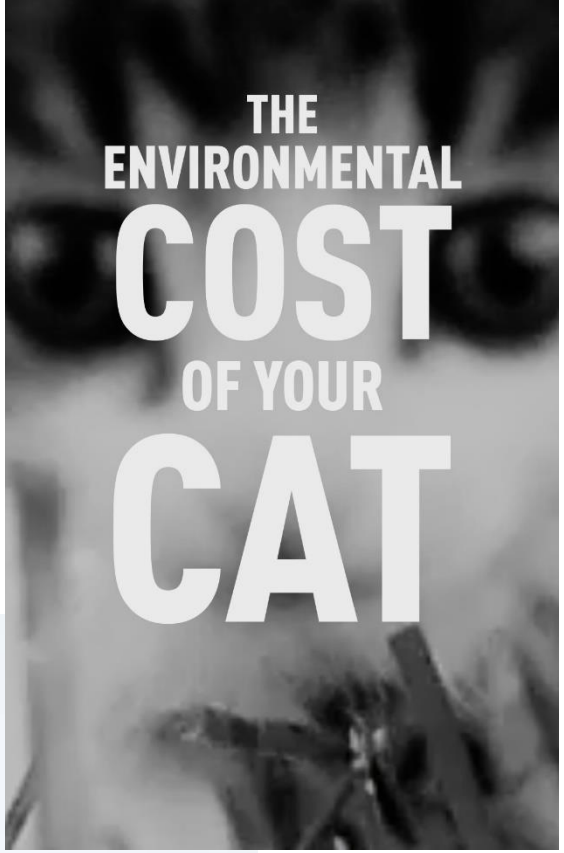
Peers

“Legally speaking, this is simply correct. This is a valid interpretation of EU law. In theory, the authorities should enforce the law against cat owners just as they have to against poachers, or people driving a car through a breeding colony, disturbing birds.”

– *Hans Vedder (Professor of EU law at Groningen University) in Algemeen Dagblad, 27 November 2019*

Diskussion um Leinenpflicht für Katzen

Zwei niederländische Umweltrechtler fordern Leinenzwang für Katzen. Ihr Jagdinstinkt habe 367 Tierarten an den Rand der Ausrottung gebracht.




Twee rechtsgeleerden brachten het schokkende nieuws naar buiten!
Katten maken vogels dood! Wij konden het eerst ook niet geloven, maar deze beelden liegen niet!
Ze pakken zelfs beschermde soorten!
Katten blijken heel anders te zijn dan ze zich voordoen!
Wat gaat Felix doen, denk je? Naar het museum?
Dat, of thee drinken bij andere deftige dieren.
Amsterdam sloot direct 7 politiebureau's, om zo agenten vrij te maken.
Die fuile teringlijer hep mijn frouw, agênt!
Staan blijven! Bruut!
We willen ten slotte niet in de jungle leven!
Hou je aan de wet, kat! Of ik roep mijn advocaat! Haha!
Eu-commissaris
Fuk! Dat wordt thuis een blikje runderpaté eten!

Press & social media

Highest *Altmetric Attention Score* of all law literature published in 2019

Readers respond

- “What an idiot you are, man. You really have nothing sensible to say? You did all those expensive studies, and then start whining that all cats must stay inside? Did you fall from the crib onto your head as a child? Do something useful with your life, you retard.”

  – *Email, 27 November 2019 (translated from Dutch)*

- “Hey, RETARDED IDIOT. Stop your drivelling about cats. This could end badly.”

  – *Email, 27 November 2019 (translated from Dutch)*

- “Is this what we call a professor nowadays, someone who prefers to defend vermin? I call such people cat haters and [dumm Studierte unerfahrene Frischärsche].”

  – *Email, 3 December 2019 (partly translated from German)*

Readers respond (continued)

- “**It is better to kill a thousand scientists, than to cause harm to a cat!**”

  – *Email, 4 December 2019*

- “**Whoever kills a cat deserves to die. His wife, daughter and all relatives have no right to live anymore.**”

  – *Email, 4 December 2019*

- “**F[***] your Mother . DEAD for your Familiy !!!!**”

  – *Email, 4 December 2019*

- “**Wer Katzen gefährdet, hat kein Lebensrecht!**”

  – *Email, 5 December 2019*

- “**i hope you really die from a form of sick cancer. krankes pervers stück scheisse**”

  – *Email, 5 December 2019*

Politics

“The statements by the scientists not to allow cats outdoors without control, are absolute nonsense. We should not make this bigger than it is.”

- Dutch MP Maurits von Martels (CDA) (translated)

“This is of course complete nonsense. Europe has nothing to say about our pets.”

- Dutch MP Arne Weverling (VVD) (translated)

“At the moment we are working hard to take measures to promote the recovery and conservation of nature in the Netherlands. Keeping cats indoors is not a part of these measures.”

– *Dutch Minister of Environment Carola Schouten (translated)*

“The Commission is a strong defender of free movement rights – including of cats. We categorically deny that the Commission will oblige cats to be held on a leash at all times.”

– *Enrico Brivio, European Commission spokesperson (DG ENV)*

“As far as I am concerned all cats can go outside whenever they please, and let us securely lock up the lunatic pseudo-scientists who make up this kind of nonsense.”

– *Dutch MP Geert Wilders (PVV) (translated)*

Parliamentary written questions (D66)

Tweede Kamer der Staten-Generaal **2**

Vergaderjaar 2019–2020 **Vragen gesteld door de leden der Kamer**

2020Z01151

Vragen van de leden **Groothuizen** en **De Groot** (beiden D66) aan de Ministers van Landbouw, Natuur en Voedselkwaliteit en van Justitie en Veiligheid over *rechtswetenschappelijk onderzoek naar de Habitatrichtlijn en Vogelrichtlijn* (ingezonden 24 januari 2020).

Vraag 1
Heeft u het rechtswetenschappelijke onderzoek «Domestic cats (Felis catus) and European nature conservation law» bestudeerd?[1]

Vraag 2
Hoeveel dieren (in duizendtallen) zijn er de afgelopen drie jaren in Nederland door katten gedood en welke diersoorten betreft dat?

Vraag 3
Welke impact heeft dat op de (wild)stand van die diersoorten in de natuur en is er reden tot zorg? Zo nee, waarom niet? Zo ja, wat gaat u hieraan doen?

Vraag 4
Beschouwt u de kat als inheems in de zin van de Richtlijn 92/43/EEG (Habitatrichtlijn)? Zo ja, waarom? Zo nee, waarom niet?

Vraag 5
Op welke manier heeft u in de praktijk uitvoering gegeven aan artikel 22, sub b, en artikel 12, vierde lid, van de Habitatrichtlijn? Kunt u daarbij in het bijzonder bij beide artikelen ingaan op de uitwerking daarvan met betrekking tot katten? Vindt u een dergelijke uitvoering voldoende? Zo ja, waarom?

Vraag 6
Hoe legt u de term «opzettelijk» uit, gebruikt in artikel 12, eerste lid van de Habitatrichtlijn, en in artikel 5 van de Vogelrichtlijn?

[1] Journal of Environmental Law, 27 november 2019, «Domestic Cats (Felis catus) and European Nature Conservation Law – Applying the EU Birds and Habitats Directives to a Significant but Neglected Threat to Wildlife» (https://academic.oup.com/jel/advance-article/doi/10.1093/jel/eqz035/5640440)

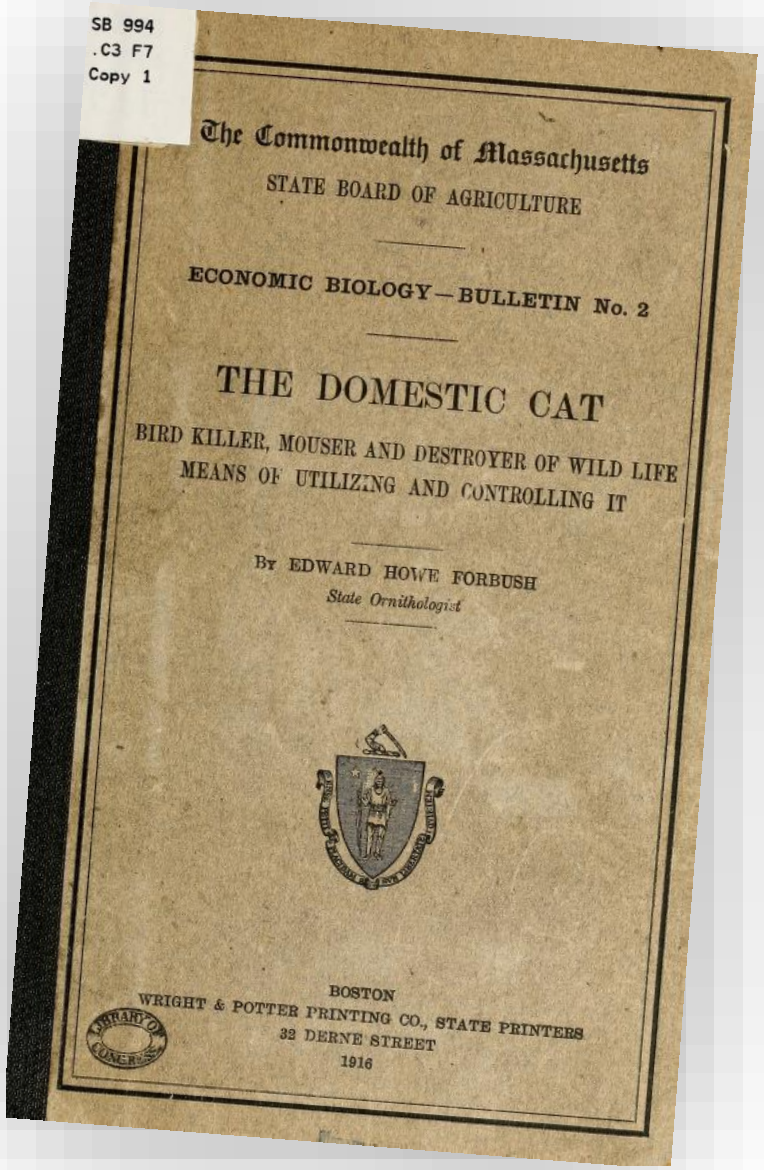
kv-tk-2020Z01151
's-Gravenhage 2020

NGOs

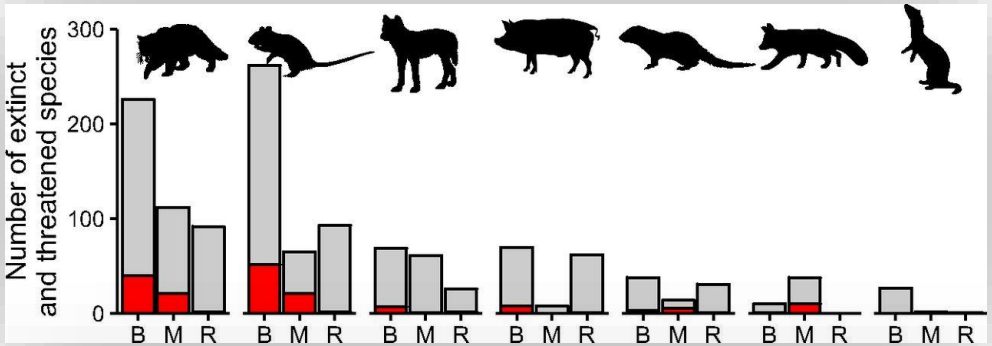

ALL ANIMALS ARE EQUAL
BUT SOME ARE MORE EQUAL THAN OTHERS
quickmeme.com

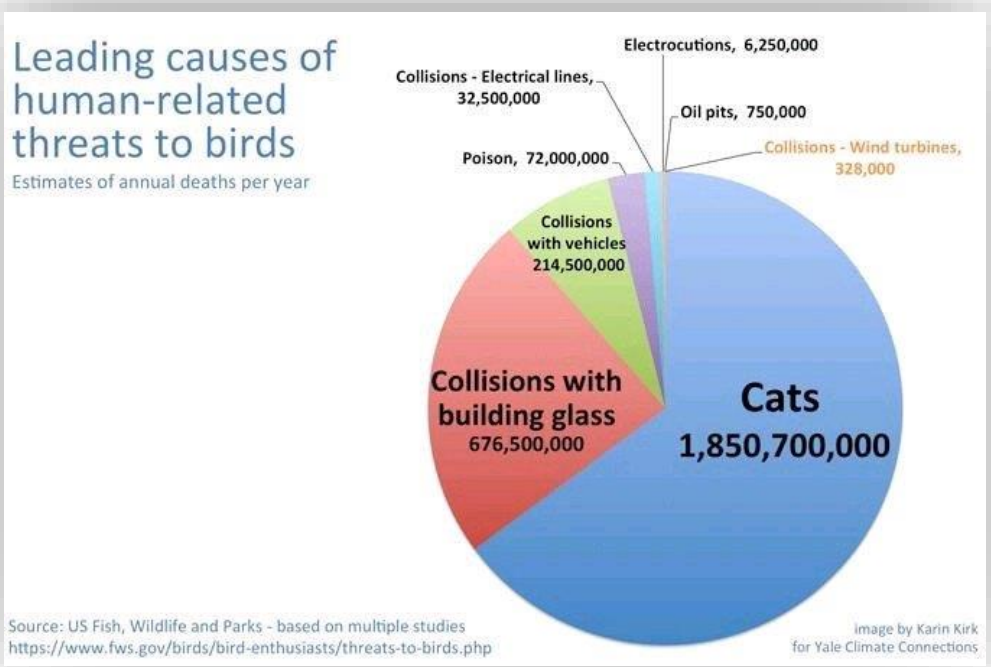
“Questions regarding the value or inutility of the domestic cat, and problems connected with limiting its more or less unwelcome outdoor activities, are causing much dissension. The discussion has reached an acute stage. Medical men, game protectors and bird lovers call on legislators to enact restrictive laws. Then ardent cat lovers rouse themselves for combat. In the excitement of partisanship many loose and ill-considered statements are made.”

– *Edward H. Forbush (1916)*



Low-hanging fruit





Thank you!