

The WILDLIFE CRIME INQUIRY
MEMORANDUM by IFAW - the International Fund For Animal Welfare

Question 1: What is the scale and impact of wildlife crime?

Illegal international wildlife trade

1. Wildlife crime is an extremely broad area and has a huge impact on the welfare and conservation status of species in the UK and around the world. Wild animals and their parts and derivatives are traded internationally, both legally and illegally, to meet human demand for food, medicine, clothing, jewellery, tourist souvenirs, ornaments and pets. Illegal wildlife trade is estimated by Interpol to be worth billions of pounds annually, ranking alongside the illegal trade in drugs and weapons, although the very nature of the trade means that it is impossible to estimate its worth accurately.
2. The devastating impact of illegal wildlife trade on species is clear. Due to this and other threats, species are being driven to extinction at a rate hundreds of times faster than a century ago. One fifth of the world's animal and plant species could vanish within 30 years. The tiger, rhinoceros, Tibetan antelope, elephant, marine turtle and countless other species are already on the brink of extinction due to human demand for their parts and products. In the case of many species, such as the Asian elephant, only geographically isolated populations now remain. The consequent lack of genetic diversity within those populations means that extinction of the species in the wild is only a matter of time.
3. The UK is a major centre for illegal wildlife trade and specimens move into, within and out of the UK on a huge scale. Those involved range from tourists unwittingly bringing back souvenirs made from endangered species to highly organised criminal gangs. The use of antiques outlets and internet trading sites for this purpose is of particular concern. A 2004 investigation by IFAW into ivory trade in the UK, provided with this memorandum, found thousands of pieces on sale illegally. Antique ivory, defined as pre-1947, can legally be sold in the UK but only with documentation proving the age of the piece or a government-issued certificate. Not one of the pieces IFAW found for sale in antiques outlets and on the internet had any documentation. While much of this trade is conducted unwittingly, there are cases of new ivory (from recently poached elephants) being carved, cracked or stained to look 'antique'.
4. Some traditional Asian medicines on sale in the UK contain products from highly endangered species including bear, leopard, musk deer and tiger. Police have made several seizures of such products on sale in traditional medicine retail outlets.
5. Illegal trade in the meat of wild animals, in Africa known as "bushmeat", is a problem in the UK. Action is being taken to prevent this trade by responsible bodies as a response to the potential risk to human and animal health. However, the impact of the trade on wildlife is often overlooked by Government and enforcement agencies. Tropical forests across Africa are being emptied of large mammals to supply the demand for bushmeat. This trade is considered to be the single major threat to the survival of endangered species such as the chimpanzee, gorilla and forest elephant.

6. The Tibetan antelope (*Pantholops hodgsonii*) is highly endangered due to poaching for its wool, known as 'shahtoosh', used to make fine woollen shawls. Only around 50,000 of these animals are believed to remain. In 1997, the Metropolitan Police Wildlife Crime Unit seized 138 shahtoosh shawls from a shop in London. The total value of the price tags was £353,000 and it is estimated that more than 1,000 Tibetan antelope were killed to supply the wool used to make the seized shawls.

Hare coursing and badger baiting

7. Wildlife crime also causes distress and suffering to thousands of animals. In the UK, hare coursing and badger baiting are prime examples of unnecessary cruelty to wild animals. IFAW believes that all hare coursing and hunting with dogs should be made illegal as it is cruel and unnecessary. Hare coursing involves the setting of two dogs onto a hare, with spectators often gambling on the outcome. There is considerable evidence that hares suffer when coursed. Evidence from the Universities Federation for Animal Welfare (UFAW) found that none of the 53 coursed hares on which they conducted post mortems had been killed by a "bite to the neck" (UFAW study, 1977-1979). Hares can be caught between the dogs' jaws and sustain serious injuries before death.

8. It is difficult to determine the exact numbers of hares killed in illegal hare coursing but in 2000 the Committee of Inquiry into Hunting with Dogs, led by Lord Burns, found that: *"In terms of the number of hares killed, unregulated coursing, including illegal coursing, where the landowner's permission has not been obtained, is thought to be very significant. The actual numbers killed can only be inferred from the estimated number of working lurchers, which, at its lowest, is put at 70,000 and, by another survey, at over 200,000. [...] Hunting hares for the pot is also carried out with dogs but there is no reliable evidence of the numbers killed."* (Para 2.56).

9. Badger baiting was made illegal in 1835, but incidents still occur. The Metropolitan Police Wildlife Crime Unit states that it has become more common in the last 20 years and it is estimated that 10,000 badgers are killed in this way every year. Baiting involves badgers being dug out of their setts and then attacked by dogs for entertainment. Spectators often gamble on the outcome. Badgers suffer severe injuries before they are killed and the dogs used can also sustain injuries.

Question 2: Is the framework of national and European law and of international regulation robust enough to deal with wildlife crime effectively?

Illegal international wildlife trade

10. The Convention on International Trade in Endangered Species of Fauna and Flora (CITES) is a crucial regulatory tool and forum for the protection of wild animals globally, and can act as a robust framework for protecting wildlife from the potentially devastating effects of international trade. However, the concept of "sustainable" wildlife trade can be used to justify CITES decisions which in practice are not sustainable for the species. IFAW recommends that the CITES framework should integrate more fully a precautionary approach to regulation – that any trade must be proven not to be detrimental to the species before it is allowed.

11. In the European Union (EU), Council Regulation (EC) No. 338/97 and Commission Regulation (EC) No. 1808/2001 implement CITES and contain some provisions which are stricter than CITES. All EU member states must have national legislation to enforce the regulations. Some states have stricter domestic measures. The UK has some of the strictest implementing legislation of all EU members, the Control of Trade in Endangered Species Regulations 1997 (COTES). IFAW welcomes the Criminal Justice Act 2003 which provides increased powers and penalties for COTES offences. This is a crucial step forward in preventing illegal wildlife trade. However, COTES has not been amended to allow enforcement agencies to make use of the new powers and penalties. IFAW urges the Sub-committee to recommend that these amendments be made without further delay.

Illegal hare coursing

12. The law relating to hare coursing, contained in The Night Poaching Act 1828, The Game Act 1831 and The Poaching Prevention Act 1862, is problematic because it relies on the landowner confirming to the police that the coursing occurred without their permission. Furthermore, gangs operating illegal coursing have been known to use intimidation tactics. In a news release dated 13 September 2002, Sgt Richard Stonecliffe of Bedfordshire police commented that *“violence has been used by illegal coursers when they have been challenged by farmers and landowners”*. The Committee of Inquiry into Hunting with Dogs in 2000, also found that *“Illegal coursing is sometimes accompanied by threats or physical violence to landowners, leading some farmers and landowners to “shoot out” hares in order to deter illegal coursers and poachers”* (Para 2.57).

13. IFAW supports legislation to ban hare coursing contained in the Government’s Hunting Bill, as passed the by House of Commons in 2003 and rejected by the House of Lords. This would assist police in addressing illegal hare coursing through an increase in the level of penalty, the removal of the ‘defence’ of claiming landowner’s permission and the subsequent inability of coursing gangs to intimidate farmers and landowners.

Badgers

14. The National Federation of Badger Groups (NFBG) identifies two areas in the Protection of Badgers Act 1992 which need strengthening to protect badgers effectively. Currently, offences under the Act are not supported by a power of arrest, which means that suspected offenders cannot be arrested at the scene of a crime and taken to a police station for questioning. Individuals can only be invited to attend for interview by which time they may have agreed their alibis. Individuals may refuse to be interviewed, hampering police investigations. This can be resolved by providing law enforcers with a power of arrest under the 1992 Act. Furthermore, the Act does not include powers to access property and land, which means that law enforcers cannot properly investigate alleged offences if access to land is denied. The NFBG states that this is frequently the case if the landowner is involved or knows the suspected offenders (“The Badger Manifesto”, NFBG). This weakness can be resolved by providing law enforcers with a power of entry to property and land under the 1992 Act. Lastly, there is currently no corporate liability for disturbance and destruction of badger setts, for example by construction companies. This is crucial and should be introduced without delay.

Question 3: Do responsible bodies who deal with this type of crime have sufficient resources and powers to do so? Do they treat wildlife crime with proper and due gravity?

15. Enforcement agencies dealing with wildlife crime in the UK do not have sufficient powers to do this work effectively. As mentioned above, the COTES Regulation must be amended without further delay to implement the Criminal Justice Act 2003. Increased powers are also needed to implement the Protection of Badgers Act 1992 effectively.

16. Given the scale and impact of this area of crime outlined above, the level of resources devoted to tackling it is desperately low. Even given a robust legal framework and adequate powers, enforcement agencies have nowhere near sufficient resources. The use of the internet and other modern communication methods to organise illegal wildlife trade and other wildlife crime presents new challenges and sophisticated techniques are required. Low levels of enforcement provide little or no deterrent to criminals involved in this trade who can make huge profits with a very low risk of detection or prosecution. In addition, many of the new EU member states from 1 May 2004 will become frontline entry points into the EU and yet have weak border controls. This is expected to lead to an increase in illegal wildlife products entering the EU. Once inside the EU, illegally imported products can be circulated without any controls.

17. HM Customs & Excise deploy a nine-member CITES enforcement team based at Heathrow Airport, with responsibility for customs enforcement of CITES nationwide. This team has built up an international reputation for effectiveness. However, customs must deal with CITES enforcement for sixty million passengers traveling through Heathrow Airport alone each year, as well as the vast quantities of goods entering the country by post and courier services. As little as 10% of contraband passing through customs controls may be intercepted. In relation to the bushmeat trade and CITES, there is no available data on the proportion of illegal bushmeat trade into the UK originating from endangered species, as customs seizures of illegal meats are not tested to identify the species. This means that the tougher penalties for CITES offences cannot be used. In these circumstances, enforcement of CITES at UK borders is hugely inadequate.

18. Most police forces now have a wildlife crime liaison officer and the Metropolitan Police Wildlife Crime Unit has had some notable successes. However, it is not an overall police priority. Most police officers take on wildlife crime duties because of a personal passion and they work part-time or voluntarily on top of their regular duties. The Metropolitan Police Wildlife Crime Unit has only recently been provided with dedicated enforcement officers. IFAW recommends that dedicated wildlife crime officers be provided in each police force. In addition, more formal recognition of the importance of this role is crucial, as are the training and resources to carry out the role effectively.

19. The laws regarding trade in CITES-listed specimens in the UK are very complex and often too difficult even for police wildlife crime liaison officers to understand fully. Officers rarely have sufficient time, knowledge or support from superiors to proceed in 'difficult to prove' cases such as illegal ivory trading. Information provided by Defra on this issue to both the police and traders' associations is often insufficient and unduly complicated. IFAW recommends that Defra produce more accessible, plain language information in relevant languages outlining legislation, powers and penalties, and rigorously promote and distribute this information widely.

20. There is little evidence of the judiciary treating wildlife crime with due gravity. The penalties provided by law are rarely used. With few such crimes being prosecuted, they remain a novelty in many courts and have so far attracted only minimal sentences. In the case mentioned in paragraph 6 where 138 shahtoosh shawls were seized, the company involved were fined just £1,500 and ordered to forfeit the shawls. Given that the shawls had a retail value of £353,000, this sentence provides very little deterrent. IFAW recommends that the sentencing guidelines produced by the Environmental Law Foundation and the Magistrates Association in 2002 be actively promoted among members of the judiciary in order to provide a deterrent to criminals.

Question 4: Is there sufficient dialogue and cooperation across Government and amongst the various bodies responsible for dealing with this type of crime?

21. IFAW welcomes the establishment of the Partnership for Action Against Wildlife Crime (PAW) and the National Wildlife Crime Intelligence Unit (NWCUI) at the National Criminal Intelligence Service (NCIS). IFAW recommends that all bodies responsible for dealing with wildlife crime should work more closely with Interpol and relevant bodies in other countries to tackle international illegal wildlife trade and bring to justice those suspected of committing offences. Each time there is a seizure of a CITES-listed specimen, the responsible body should file an Ecomessage – a system designed to transmit information on wildlife crime to Interpol.

22. IFAW works closely in partnership with Government and other bodies responsible for dealing with wildlife crime, including as a member of the Wildlife and Countryside Link coalition of non-governmental organizations (NGOs). While some level of dialogue and cooperation exists between Government and NGOs, IFAW recommends increased cooperation on areas of mutual interest and increased transparency and NGO involvement in decision-making.

23. In general, there is insufficient dialogue and co-operation across Government and amongst the various bodies responsible for dealing with wildlife crime. As noted above, information provided by Defra on wildlife protection legislation and its implementation is insufficient and unduly complicated. Most stakeholders interviewed by IFAW during its investigation into UK ivory trade responded that the current system of permits and certificates covering the trade and movement of endangered species products is chaotic, impractical and highly subject to abuse, while a large amount of traders operate without any required documentation whatsoever. Without clear communication between all the relevant parties, it is hard to see how a more workable system can be devised.

24. At present, most wildlife crimes are not ‘notifiable’ so there is no central record-keeping system of individual cases. IFAW recommends the establishment of a central register of wildlife seizures, investigations and prosecutions to ensure more effective understanding of the trends and scale of this area of crime.