Tackling wildlife crime: situational harm prevention and the preoccupation with enforcement

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Green criminology (under its various names) is concerned, in simple terms, with harms to the environment and nonhuman animals (hereafter 'animals') because of the benefits the environment and animals bring to humans (aesthetics, leisure activities, consumables and so forth), the need to protect the delicately balanced biosphere or the inherent rights held by all species, particularly animals, to avoid harm and interference (White, 2008). My interests focus on animals; both behaviours deemed to be criminal and those that are harmful or exploitative, but legal. In this paper I consider the issue of wildlife crime and contend that focus needs to be shifted from a preoccupation with enforcement and deterrent sentencing to complimentary use of situational and social programmes that seek to reduce harm to animals.

Wildlife crime may be defined in a number of ways and includes a large range of behaviours. In this paper a strict definition is not required; but it should be noted that in England and Wales, such crime usually encompasses behaviours of cruelty to or persecution of wildlife, interference with protected domestic species (such as badgers and raptors) or trade in endangered species. Key domestic legislation includes the *Control of Trade in Endangered Species (Enforcement) Regulations 1997* (as amended by COTES 2005 and 2007), the *Wildlife and Countryside Act 1981* (and as variously amended), the *Wild Mammals (Protection) Act 1996* and the *Hunting Act 2004*. Wildlife crime does not, generally, include offences against domestic or farm animals. Though some conceptions of cruelty and neglect are legislated against, the construction of such harms and the disparity with which some animals are deemed worthy of protection whilst others are exploited to serve human ends is incredibly important, but beyond the scope of this paper.

It is clear to see the range of offences is broad, from small-scale domestic poaching or bird trapping to international trade in such highly endangered species as rhino (horn) and tiger (parts and pelts). The motivations of those involved and the cultures in which they operate are similarly as diverse. Wildlife crime may involve, amongst other things, poaching for subsistence, 'revenge' or 'self defence' attacks on animals that are seen to threaten crops (including farmed animals), locally organised badger baiting or fox hunting for entertainment or profit, and trade in foodstuffs, fancy goods, clothing and Traditional Asian Medicines (TAMs), usually for profit and across international borders.

It is difficult to ascertain the extent of wildlife crime, both domestically and internationally. The number of cases brought to court in England and Wales is small, both with respect to other types of crime and the suspected number of wildlife offences committed. With respect to illicit trade in endangered species this has been estimated at worth US$9-11 billion per year (globally, including fauna and flora) (NWCU reported in Wellsmith, 2010) with the East Asian ivory market alone worth US$62 million per annum (United Nations Office on Drugs and Crime, 2010). There are also claims that illicit trade is linked to other forms of transnational organised crime (see, amongst others, Cook et al., 2002). Of course the harm

caused by wildlife crime is not just measurable in terms of monetary value or possible links to crimes that attract more traditional concern (e.g. drug and firearms trafficking), but also the impact on biodiversity, ecological heritage and the animals themselves. It is important, therefore, that wildlife crime be prevented. But is improving criminal legislation and enforcement the answer?

I have argued elsewhere (Wellsmith, 2010; 2011) that there is a preoccupation with the need to improve enforcement of wildlife crime legislation coupled, therefore, with a seemingly unfounded faith in the reductivist effects of deterrent sentencing '*if we could just get it right*'. The common complaint is that enforcement is extremely difficult, for a number of well rehearsed and more unique reasons. With respect to illicit trade in endangered species, these are comprehensively set out by Garstecki (2006). More broadly, Wellsmith (2011) summarises the main problems facing enforcement as: (1) under-resourcing and marginalisation; (2) a large dark-figure; (3) corruption; (4) crime not taken seriously; and (5) overall lack of deterrent effect. Each of these will be briefly considered here. Firstly, it is noted that wildlife crime is under-resourced and marginalised. In England and Wales a number of agencies and charities are involved in profile raising, intelligence sharing, enforcement and prosecution of wildlife offences, yet it remains the fact that the Metropolitan Police Service is the only police force in England and Wales with a full-time wildlife crime unit and that those tasked with enforcement are competing for limited resources against more traditional and, perhaps to many, more concerning forms of crime. Crime involving endangered species tends to emanate from developing countries (which have rich, but threatened, biodiversity) where such problems are even more acute (Wellsmith, 2011). It is also widely assumed that there is a very large dark-figure of wildlife crime. This impacts upon resourcing as well as making it difficult to target enforcement activity effectively, given the true nature, patterns and motivations are not known.

As already alluded to, wildlife crime may not be thought of as a particularly serious problem (compared to burglary or rape, for example) either because the consequences are not perceived as sufficiently harmful (to humans) or because the extent is underestimated. Evidence presented in defence of this argument usually relates to the relatively lenient sentences passed against wildlife offenders; particularly when compared with the profits that can be made. This opinion (whether held by policy makers, enforcement officials, the judiciary or the general public) must be altered if we are to achieve reductions in wildlife crime.

Corruption is also cited as a particular problem, notably in relation to transnational crime and that occurring in developing countries (e.g. Garstecki, 2006). There is also evidence of neutralisation techniques being used by officials elsewhere, particularly when there is an overlap between enforcement, licensing and other forms of regulation (Du Rées, 2001).

All of these problems combine to make effective enforcement difficult. I believe, however, that the most significant problem, which is compounded by the difficulties discussed, is that the approach adopted relies upon the reductivist effects of punishment; more specifically its perceived deterrent effect (Wellsmith, 2011). Yet, there are very well rehearsed arguments

and many years of research in criminology that demonstrate the ineffectiveness of deterrent punishment. In other words catching more people and passing tougher sentences is unlikely to result in significant reductions in offending.

In response, Schneider (2008) suggests adopting a market reduction approach (MRA), whilst Wellsmith (2010; 2011) advocates applying problem-oriented and opportunity reducing techniques, now well utilised against other forms of crime. To take this forward, however, there needs to be greater consideration of the nature of the harm we are trying to prevent, the artificial, human-centric distinctions made between animals (those that should be protected and those that should be exploited) and the social and cultural environments within which such behaviours occur. It is unrealistic to think we are in a position where a menu of prevention techniques can be presented to enforcement agencies and conservationists, and the problems solved. Criminology is truly at the beginning of its journey into this field. Far more research needs to be carried out in order to gather data concerning the nature of wildlife crime problems at all levels and locations of occurrence. There needs to be cooperation between criminologists, legal scholars, conservationists, anthropologists and economists in order to combine data, intelligence, subject-specific expertise and contacts. Such collaborations would help inform both a MRA and allow targeting of resources towards prevention activities that are most likely to be harm reducing.

Although I am, generally, an advocate of situational prevention techniques, preventing *crime* is not on its own an appropriate aim for green criminologists. We must instead seek to prevent *harm*, thus we must have the awkward conversations regarding what human interference with animals is acceptable and what interference with traditions and cultural heritage is acceptable. We must look to understand the motivations of those involved in wildlife crime, so that the harm we seek to eradicate is not merely shifted from one species to another (be that animal or human) even if the resulting harm is not in itself criminal (Wellsmith, 2010).

I believe prevention of wildlife crime should include situational techniques, providing these are set within a harm-reducing framework that also encompasses sensitive social prevention. Examples of this may be employing local people, including known poachers, as rangers or supporting sustainable tourism schemes that provide work as well as making animals more valuable alive and protected than traded. Whilst more coherent laws, efficient and well resourced enforcement and stiffer sentences may be worthy in their own right, I therefore suggest greater focus be placed on problem analysis and working with agencies on the ground to devise, implement and evaluate prevention programmes that seek to reduce harm, in a positive and locally empowering way.

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