

# Privatising the green police: the role of NGOs in wildlife law enforcement

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**Abstract** This article examines the role of NGOs in wildlife law enforcement, drawing on empirical research conducted within UK environmental law enforcement but also drawing on a review of the academic literature and policy debates concerning NGOs and pressure group activity. It examines the theoretical basis for NGO actions and different policy perspectives, the ideologies employed by NGO's and how these manifest themselves in law enforcement policies and practice. While the focus of this essay is UK and US NGO activity with its professional enforcement activity and policy networks, the impact of wildlife and environmental NGOs is significant in a range of jurisdictions and is a vital component in effective policing of wildlife legislation.

**Keywords** Wildlife law · Law enforcement · NGO · Green crime · Policing

## Introduction

Most jurisdictions have some form of animal protection law, providing legal protection for both companion and wild animals, albeit such legislation may protect animals only in certain circumstances and from certain activities [1]. Benton suggests that ‘it is widely recognized that members of other animal species and the rest of non-human nature urgently need to be protected from destructive human activities’ [2]. Yet in practice, while the need for improved standards of animal protection legislation has generally been adopted at least by western legislators, criminal justice systems often fail to afford priority to effective wildlife law enforcement. At present there is no binding international treaty for the protection of animals and thus no clear international legal standard on animal protection albeit a range of specific treaties exist

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covering such things as wildlife trade [1, 3]. Instead, animal protection is implemented by domestic legislation, but the extent to which it is enforced by criminal justice agencies is highly dependent on both political and practical considerations [4]. Wildlife law thus often becomes a fringe area of policing enforced by specialist agencies with limited powers [5] or one which is added on to the duties of already overburdened and non-specialist officers [6]. White [7] applies contemporary regulation theory to environmental crime, recognising the poor level of resources, meagre budgets and low staffing levels that exist in environmental law enforcement given the size and scale of environmental problems. Such statutory enforcement failures leave a vacuum that has increasingly been filled by Non-Governmental Agencies (NGOs) adopting policy development and practical enforcement roles [8] in addition to the taking of direct action to prevent wildlife crimes [9]. The involvement of third parties such as NGOs who play a significant role in investigating and exposing environmental harm and offending [7, 8] has, thus, become a necessity for effective environmental law enforcement. This article considers the role of NGOs in wildlife law enforcement, the theoretical basis for their actions and the different policy perspectives and ideologies employed by NGO's, considering how these manifest themselves in law enforcement policies and practice. NGO involvement in wildlife law enforcement predates current debates about the privatisation of policing and increased use of NGOs as part of the 'Big Society' in the UK (the Coalition Government's policy agenda that seeks to reduce environmental regulation [10], supplement reduced statutory enforcement with community involvement, and increase NGO activity) and austerity measures in the US that may lead to cuts in federal enforcement activity [11]. NGOs in both the UK and US already act as policy advisors, researchers, field investigators, expert witnesses at court, scientific advisors, casework managers, and, in the case of a small number of organisations, independent investigators and prosecutors. Acting together, NGOs also contribute greatly to public debates on wildlife crime, generating considerable publicity for the issue and co-ordinating (and undertaking or funding) much of the research. Some NGOs take a hands-on approach to prosecution and challenging Government enforcement inadequacies, while others view themselves as primarily having an advisory or scientific role.

### **Wildlife law and its enforcement**

Academic and policy discussions of wildlife crime often centre primarily on illegal wildlife trade and trade in endangered species [12–14]. However beyond the trade issue, wildlife crime encompasses a range of different offences involving a diverse range of species including; badgers, birds, seals and small and large mammals. Much wildlife legislation in both the UK and the US has been developed as a result of the efforts of NGOs from a moral rather than criminal justice perspective, although US efforts which argue that the federal government has an obligation to protect wildlife and the environment [15] are perhaps more subject to political influence and amendment dependent on the political ideology of the party in the White House [16].

For the purposes of this article, wildlife law is any legislation which seeks to provide protection for wildlife by either prohibiting specific harmful acts, and defining these acts within legislation, or by providing wildlife protection via

legislative conditions that generally make it an offence to injure, kill, or take birds or animals from the wild, trade in wildlife, or disturb wildlife during its breeding season. The extent to which such protections exist varies between wildlife species and across jurisdictions with some wildlife law only protecting indigenous wildlife while others protects animals which visit a territory. Wildlife protection changes over time so that many activities that are classified as crimes today (such as bear baiting, wild bird trapping, egg collecting and hunting wildlife with dogs) were previously lawful and it is mainly through pursuing campaigns on moral rather than legal grounds that animal protection groups have been able to persuade legislators to prohibit these activities

### **Perspectives on ‘Green’ NGOs and environmental justice**

Rios identifies that environmental justice NGOs originally emerged as grassroots groups or social movements whose purpose was ‘battling the injustices in the implementation and enforcement of national environmental laws’ [17]. While many environmental justice groups might be political in nature and represent disenfranchised groups in society, the mainstream environmental NGOs operating in the sphere of wildlife crime are formalised professional organisations with a clear policy remit and considerable resources [18]. Thus the approach taken by NGOs in dealing with wildlife crime is significantly influenced by specific ideological concerns and the NGOs precise focus as animal rights, conservation, animal welfare or environmental justice organisation. Green criminology incorporates a range of perspectives [19] and within green criminology discourse, debates about the nature of environmental justice and social justice combine with perspectives on environmental responsibility and the operation of the ‘green movement’. However, the behaviour of NGOs within the environmental field and within the sphere of wildlife crime differs according to the nature of the organisation, the policies they intend to pursue and the focus of their campaigning or fundraising activity. Far from there being one coherent ‘green movement’, environmental NGOs (both within a nation state and in different jurisdictions) occupy a range of different disciplines and policy perspectives and seek to achieve a range of different objectives. While some organisations may pursue wildlife and environmental issues from a moral or theological perspective, others approach wildlife crime from a conservation or law enforcement perspective and the underlying motivation of specific organisations dictates both the policies employed and the manner in which the NGO might pursue those policies.

The basis on which NGOs in different jurisdictions operate varies and informs their policy perspectives. Pressure groups and campaigning organisations operate within a specific institutional framework with interests of their own that shape their activities and policies. Particularly for those NGOs that have a single species focus, their policies are designed to achieve greater legal protection for the species that the organisation was originally created to protect and to ensure that any current threats to that species are addressed (e.g. the UK’s Royal Society for the Protection of Birds [RSPB] is concerned mainly with birds and the Badger Trust is concerned solely with badgers, while US NGOs Earthjustice and Defenders of Wildlife pursue broader ecological justice and wildlife protection remits respectively). Such policies may,

therefore, not address wider conservation issues and might conflict with the policies of other NGOs.

Even within a jurisdiction like the UK which is considered to have high levels of animal protection [20], complex attitudes to animals persist resulting in general protection for animals but their continued rearing specifically for shooting, and ongoing resistance to legislative control over field sports [21]. The campaign against the UK's *Hunting Act 2004*, legislation which ultimately banned the practice of hunting live mammals with dogs, was often characterized as 'town versus country' and discussions of traditional fieldsports and hunting activities that become subject to legislation often contain debates concerning perceptions that affluent sections of society seek to impose their will on poorer rural members of society [22]. It can also be argued that the liberal urban middle class seek to impose their will on classes both above and below them, and Lowe and Ginsberg [23] concluded that the animal rights movement (in the US) has a disproportionately well-educated membership reflecting what Parkin called 'middle class radicalism' [24]. Certainly UK wildlife crime NGOs (not all pursuing policies from an animal rights perspective) represent a professional movement comprising large professional organisations (comparable with medium to large businesses) rather than being a grass roots or 'activists' movement. For example the RSPB's accounts for 2009–2010 show expenditure of £86.3 million and with a net income of £94.7 million [25] while the RSPCA's accounts for 2006 show running costs of £82 million with over 1,500 staff employed (18 per cent part-time) [26]. The public support that these organisations have (RSPB claims over a million members) together with considerable campaigning and political lobbying resources allows these two organisations to take the lead in promoting wildlife crime as an issue of importance in the UK. It also places the organisations in a position to employ expertise, for example, specialist investigators and political lobbyists, to promote their policy objectives. Several large US NGOs such as Earthjustice, Defenders of Wildlife and the Sierra Club are in similar positions, operating in several US states and adopting a national policy position on environmental and wildlife law enforcement. Such organisations adopt legitimate expert status in their chosen field while their socio-economic position allows them to exploit that perceived expertise. Kean assessed attitudes towards animal rights in the context of political and social change in Britain since 1800 explaining that following the successful introduction of MP Richard Martin's 1822 animal protection legislation [27] the Society for the Prevention of Cruelty to Animals (which became the RSPCA in 1840) was set up. She explains that 'the Society did not come into being to campaign for new legislation as such, but rather to ensure that the law which had been passed would be implemented' [28]. Thus in the UK at least, the concept of independent policing of wildlife legislation has a long history.

NGOs primarily achieve their objectives through public campaigning to raise awareness of an issue, commonly commissioning or carrying out their own research to prove their issue-based case, to lobby for legislative change or manipulate public opinion on policy priorities or the need for government intervention. The objective of ensuring that legislation is effectively enforced, however, is pursued by some organisations by way of taking on practical law enforcement activity as a means of ensuring effective use of legislation, taking private prosecutions where statutory agencies fail to do so. Jasper in discussing 'postmaterial' social movements [29] explained that

these are comprised mainly of people already integrated into their society's political, economic and educational systems and who by virtue of their affluence did not need to campaign for basic rights for themselves but could pursue protections and benefits for others. The animal rights and animal protection movements in both US and UK illustrate this, having grown from their activist roots to now embracing animal protection and conservation as 'NGO corporations' with considerable economic and political power. The RSPB and RSPCA, for example are both incorporated under Royal Charter [25, 26] giving them considerable legitimacy within the policy environment and providing them with the middle class social position Jasper identified as necessary for many successful campaigning organisations. In addition the economic power of these organisations and others like the League Against Cruel Sports (LACS), the Wildlife Trusts, Badger Trust (which have smaller support groups throughout England and Wales) and WWF, Greenpeace and Earthjustice allows for campaigning on a national scale ensuring widespread saturation of the campaigning message through mass market mailing, advertisements and editorials in national magazines and newspapers and the provision of campaigning materials to television news programmes and documentary film makers.

Nurse [30] examined the policies and practices of different NGOs involved in wildlife crime, identifying that NGOs could be categorised into the following different types:

1. Campaigning NGOS
2. Law Enforcement NGOS
3. Political Lobbying NGOS

While in principle NGOs can operate in more than one of these areas, NGOs generally adopt one of these functions as a primary role (e.g. direct law enforcement) which dictates how the issue of wildlife crime is pursued, even though a secondary objective (e.g. political lobbying to improve wildlife protection legislation) may be pursued alongside this. A theoretical model can be produced that places each NGO in one of the categories as follows:

**Campaigning NGOs** are those organisations whose primary concern in relation to wildlife crime is one of raising public awareness. As a result, the organisation's primary activity is public campaigning which may involve generating news stories (e.g. the Badger Trust raising the profile of badger culling through the news media [31]), raising support for a particular campaign (e.g. the Whale and Dolphin Conservation Society's petition to protect dolphins on the Moray Firth [32] or Defenders of Wildlife's Campaign to prevent the removal of federal protection for Wolves by filing a lawsuit against the federal government [33]) or to raise funds on an issue (e.g. Friends of the Earth pursuing fundraising for specific activities like climate change.) Campaigning organisations may also undertake some direct action (for example the World Society for the Protection of Animals (WSPA) has worked with governments and partner organisations to build bear sanctuaries as a practical way of protecting bears) but the organisation's primary aim is to raise public awareness on an issue subsequently converting that awareness into public support for changes in policy or the adoption of protective measures for wildlife. WWF [34], for example, have campaigned to

change the behaviour of British travellers in a bid to reduce the illegal imports of endangered wildlife and their derivatives into the UK and have also run direct action programmes which encourage members of the public to ‘adopt an animal’ by themselves giving funds that can be directly used for the conservation of various species. NGOs fitting into this category include, WWF, Friends of the Earth, International Fund for Animal Welfare (IFAW), the Whale and Dolphin Conservation Society and the WSPA.

**Law Enforcement NGOs** are those organisations whose primary function in relation to wildlife crime is a law enforcement one. In effect the NGO is concerned with ensuring that wildlife laws are properly and rigorously enforced and, in the absence of effective statutory enforcement activity, it has adopted the responsibility for carrying out this function itself. This means that the NGO itself carries out practical casework to investigate wildlife crime and assist the police and other statutory agencies in the investigation of wildlife crime offences (or encourages them to do this), employing specialist investigative staff able to gather evidence, give evidence at court and to prosecute cases where necessary. The prime examples would be the American Society for the Prevention of Cruelty to Animals (ASPCA) (and regional equivalents), Earthjustice and the Sierra Club in the US, and the RSPCA and Scottish Society for the Prevention of Cruelty to Animals (SSPCA) both of whom retain a uniformed inspectorate and undercover or plain-clothes officers for investigations work in the UK. The RSPB also maintains a full-time investigations section although in contrast to the RSPCA it does not routinely prosecute cases, instead preferring to work with the Crown Prosecution Service (CPS) and the Procurator Fiscal’s Office in Scotland to ensure public prosecution of wildlife crime. However, this does not alter the fact that the RSPB’s focus in wildlife crime cases is to ensure efficient investigations and prosecution of cases which are routinely reported to its officers by members of the public. Indeed, members of the public are more likely to report wild bird crime and animal cruelty offences to the RSPB and RSPCA respectively reflecting the high profile that both organisations have achieved for this aspect of their practical law/policy enforcement work.

While publicity about wildlife crime and increasing the importance of the issue on the political agenda are secondary objectives pursued by the RSPB, the continued existence of its investigations section (despite a significant decrease in the number of prosecutions taken by the society over the years) indicates that the law enforcement function remains an important one. Similarly despite having achieved success in its long-running campaign to ban hunting with dogs, the League against Cruel Sports (LACS) continues to monitor the activities of hunts and takes on prosecutions for breaches of the *Hunting Act 2004*. Its monitoring and prosecution functions are, however, secondary to its political activities (discussed below). NGOs falling into the law enforcement category include the ASPCA, RSPCA, SSPCA (and RSPCA Australia), RSPB, EIA, Sierra Club, Earthjustice and the Bat Conservation Trust.

**Political Lobbying NGOs** are those organisations whose primary function is to influence the legislative and political agenda to ensure that the wildlife crime issue of concern to the NGO achieves political prominence and is seen as a core criminal justice priority. Wildlife Link, for example, as an umbrella organisation



for various wildlife and conservation NGOs in the UK does not carry out any of its own law enforcement activities or public campaigning. Instead the focus of its work is on policy research and development and using this policy expertise to actively pursue legislative change or changes to policy. In this regard, Wildlife Link can be thought of as an environmental ‘think tank’ or policy institute drawing on the expertise of its members to conduct policy analysis and research and to pursue environmental advocacy and political strategy in the area of wildlife crime. Individual members of the public cannot become members of Wildlife Link; instead membership is open to national and international voluntary and non-profit organisations within the UK involved in the protection of wildlife and the countryside. Thus Wildlife Link provides a policy coalition [35] through which policy initiatives and changes to wildlife and conservation legislation can be pursued and best practice and critical thinking on wildlife issues can be disseminated. Link also provides for a co-ordinated response to Government and other consultations on the environment and legislative change or policy initiatives that might affect the environment.

NGOs operating from a political lobbying perspective see the enforcement of animal law and conservation legislation as being primarily a matter of public policy and the responsibility of public authorities rather than being an issue for action by individual NGOs. The purpose of political lobbying activity is to influence policy ensuring that wildlife law enforcement and animal protection is accepted as mainstream policy whether by a government’s environment department or its criminal justice agencies (or both). NGOs fitting into this category include Wildlife Link, Greenpeace, the Campaign to Protect Rural England (CPRE), the UK Environmental Law Association, LACS and the Badger Trust. As mentioned above, LACS does carry out an enforcement role but this is in support of its research and lobbying activities designed to ensure that wildlife crime is seen as an issue of policy importance. For example, in September 2007 it sponsored an interdisciplinary conference on the links between animal abuse and human violence at Keble College, Oxford as a means of establishing this issue in the policy debate within the UK [36]. In addition to academics and members of NGOs, delegates included representatives from the Ministry of Justice and the Police and covered issues such as the links between domestic violence and wildlife crime, the responsibilities of veterinary professionals in identifying animal abuse and the extent to which animal abuse can be taken as an indicator of a propensity to violence and future offending.

### **Contextualising wildlife policing**

Having considered the types of NGO involved in wildlife crime a further classification for the ideological basis on which their policies are produced can be developed. In his analysis of the animal rights movement, Beirne argues that the animal protection movement and environmental movements are two distinct entities that ‘often think and act at best in parallel and, at worst, in vehement opposition to each other’ [37]. However, NGOs involved in wildlife law enforcement in both the UK and US include both animal protection and environmental organisations and the movement is not exclusively a pro-animal one, as the literature often suggests. Some largely

conservation organisations such as the RSPB, for example, rigorously pursue wildlife crime policies not solely from an animal rights or animal welfare perspective but from a conservation one, considering that crimes against birds or animals are indicative of wider environmental harms such as habitat destruction. There is also a distinction to be made between animal welfare and cruelty prevention policies which seek to prevent offences against animals and the pursuit of policies intended to manipulate the law enforcement agenda by influencing the extent to which wildlife crime is considered to be a policing or core criminal justice priority, with legislative change to achieve greater protection for animals as a result. Analysis of the available literature on NGO policies and discussion with NGOs [7, 30] reveals that NGOs operating in the field of wildlife crime (including different aspects of harm to animals) develop their policies from the primary ideological positions of:

1. Moral culpability – censuring activities that they believe are morally wrong;
2. Political priorities – censuring activities that they consider should be given a higher profile in public policy (which may include issues that they consider are worthy of a higher law enforcement priority or those which should be the subject of law enforcement activity and/or legislative change); and
3. Animal Rights – a belief in rights for animals which includes policies that demonstrate either the case for animal rights or which demonstrate breaches of the existing rights which animals are said to have.

There is inevitably some overlap in these policy objectives but analysis of the background illustrates how NGOS develop their policing policies and priorities, and whether active law enforcement or assistance to statutory agencies is pursued in order to give effect to policy objectives.

Moral culpability policies are employed where NGOs consider that an activity is morally wrong and should not be allowed to continue. There is some overlap here with utilitarianism and green criminology's species justice perspective [38–40] in which the issue of human action in relation to other sentient beings (nonhuman animals) is questioned [41]. In particular, NGOs embrace as a core part of policy development questions concerning whether it is morally right to inflict pain and suffering on wild animals including the killing or taking of animals for sport (or profit). For example, the LACS long-running campaign to ban hunting with dogs actively discussed the cruelty involved in hunting animals, ethical issues in hunting, and whether it was right to chase and terrify the animals if the intention of foxhunting was fox control [42–44]. The question of necessity and the concept of 'fair chase' were integral to such debates [45, 46] informed by moral perspectives and the right of animals not to suffer cruelty [47, 48].

Such campaigns identify the manner in which NGOs can influence the social construction of animal protection/harm and the public policy that deals with it. A central feature of the campaign to end fox hunting and other forms of hunting with dogs was, therefore, a moral objection to a form of animal control that was considered unnecessary and which could not be justified in terms of its apparent objective. But this was arguably a secondary objective with the primary objective being social condemnation of an activity considered to have no place in contemporary society. Through this condemnation a change in the law ultimately occurred when legislators accepted the need for new legislation to ban hunting with dogs albeit what needed to



be agreed was the precise manner of the ban. Thus the political and social campaigning by NGOs was instrumental in forcing the government to consider the issue and to 'officially' consider evidence from conflicting viewpoints that had been publicly aired for many years previously [49]. In achieving this stage, modification of the message given by NGOs in order to achieve a legitimate aim became possible and in some submissions on the draft *Hunting Bill*, advocates of a ban on hunting with dogs accepted that if foxes, mink or deer needed to be controlled this should be done, but via a humane method of control and not by first chasing and arguably terrifying the animal. This potentially represented a shift from the animal rights position widely associated with the campaign (and dismissed by its opponents) that there should be no killing of animals.

Political priorities dictate that a primary objective for some NGOs (pursued by way of their policies) is to increase the importance of wildlife crime in political discourse and policy debates. For some NGOs the lack of importance paid to animal protection and wildlife crime (or their specific area of interest within it) by governments and policymakers is the central issue to be addressed. In particular, NGOs engage in political lobbying to seek changes to legislation, to ensure that wildlife crime (and its resultant animal harm) is considered as a priority in government policies and to register it as an area of public concern. Practical policing activity can provide the evidence base for such policies by identifying inadequacies in current provision. For the NGO this means taking direct or indirect action and pursuing policies designed to ensure that wildlife crime is a policing priority, that there is consistency in animal law and that new legislation is enacted where inadequacies are identified. From this ideological position, law enforcement policies might be pursued where NGOs consider that an issue is worthy of enforcement activity by the statutory agencies and should be an enforcement priority. Although NGOs will sometimes undertake law enforcement activities themselves as a means of ensuring that enforcement action is taken (particularly where statutory action is considered to have failed or secured an inadequate remedy) policy objectives aimed at placing wildlife crime at the centre of the law enforcement agenda and as a 'policing' priority are also promoted. The intent of such policies is to ensure that enforcement of legislation is carried out by statutory authorities and that it is effective. This requires that the police and other statutory authorities regularly investigate and prosecute wildlife crime and that sufficient pressure and encouragement is in place to ensure that they do so. NGOs will, therefore, comment on the manifestos of the main political parties, publish their own manifestos and policies for legislative and policy change, will actively engage with MPs, government committees, agencies and departments to pursue particular agendas and will also encourage their supporters to do so.

### **Practical green policing**

Active policing by NGOs is often a necessity where statutory policing has either failed or is inconsistent. In the UK at least, much wildlife crime is still reported directly to NGOs by members of the public, meaning that NGOs are often in the position of 'lobbying' the statutory agencies to have wildlife crimes investigated. Thus clear-up of wildlife crimes is dependent more on the public witnessing crimes

and providing evidence that crime has taken place than on police detection of crimes given that wildlife crime is frequently outside of the experience of most operational police officers. In addition, much wildlife crime takes place in remote locations that fall outside police patrol areas and where observation of offences by the public is vital to ensuring they are reported. Thus, in the UK, birds of prey are monitored by volunteer raptor study group members, badgers are monitored by badger survey workers and illegal hunting activities are monitored by LACS Hunt Monitors. Similarly, in the US, observation by Sierra Club members (and their regional affiliates), Defenders of Wildlife and Earthjustice members and activists like People for the Ethical Treatment of Animals (PETA), the Humane Society of the United States (HSUS) and ASPCA officials, together with the many regional animal protection bodies and members of the public who report incidents to them is essential in identifying the occurrence of wildlife crime. Public co-operation is vital to green policing, and also helps to provide some of the informal controls that may inhibit wildlife crime from occurring in the first place.

The varied nature of wildlife crime investigation across police forces [50, 51] means that wildlife crime investigations can be subject to available police resources. At the outset there are difficulties in enforcement due to the general lack of knowledge that most ordinary operational police officers have of wildlife law. This is not because of any particular lack of interest on the part of police officers in general, more that wildlife law and wildlife crime does not form a core part of police training (although in some areas courses are provided). Wildlife crime might also be seen by operational officers as ‘rubbish’ and not the sort of thing that the police should be involved in [52]. Active policing by NGOs, through the investigation and prosecution of wildlife crimes can thus serve the dual function of ensuring that legislation is properly enforced and offenders punished, while the provision of technical and expert advice as part of the policing function directly addresses the failures of mainstream policing to provide resources for wildlife investigations [53] and operational officers’ lack of expertise [54].

Separate from resource issues is the specialist knowledge required to carry out wildlife investigations and the lack of this knowledge among mainstream justice professionals. White identifies that for many police, dealing with environmental (and animal) crime is ‘basically dealing with the unknown’ [55]. While the US Fish and Wildlife Service employs specialist investigators, such knowledge is unevenly distributed across enforcers with a lack of centralized expertise in wildlife crime issues among enforcers in many jurisdictions. For example in discussing the enforcement problems facing tiger anti-poaching policy Damania et al. commented:

Wildlife agencies frequently lack the very basic resources needed for effective management — personnel, communication equipment, and transport — while the legal institutions needed to convict offenders are often overstretched and under resourced. Economic pressures have overwhelmed the virtuous intent of policy [56].

This picture is replicated across the wildlife crime policy and enforcement world. Although enforcers who remain in post for long enough will inevitably develop a level of expertise, the reality is often that many statutory enforcement agencies

continue to rely on the expertise of NGOs and others. In some cases this is because statutory bodies assigned wildlife crime responsibility are enforcement specialists and not wildlife crime (or law) professionals. In such cases there is a need for centralized resources to be made available for statutory agencies in the fields of animal identification, animal handling, scientific and forensic analysis, animal habitats, populations and behaviours and threats to wildlife legislation and conservation priorities, often such services are only provided where NGOs such as the ASPCA, RSPB or RSPCA (and their equivalents in other countries) are available or where specialist animal investigators are able to work alongside mainstream criminal justice agencies.

In other cases, enforcers are the conservation bodies who, while expert in conservation and animal management techniques, simply lack appropriate criminal justice enforcement skills. Damania et al. [56] and others have also identified that conservation and animal management bodies lack appropriate resources for their enforcement activities while they may have them for conservation activities, and are often working in isolation from other law enforcement activities despite the fact that the criminality involved in the wildlife trade aspects of wildlife crime 'transcends countries and cannot be resolved by unilateral national actions' [56]. As a result, coordinated action that recognizes the transnational elements of some wildlife crime is required.

Within NGO animal protection discourse much campaigning activity (in the UK at least) is less concerned with ensuring or obtaining legal rights for animals and more concerned with effective animal protection and the prevention of animal abuse. Thus while green criminologists debate the theoretical importance of animal rights, the practicalities of NGO policy and enforcement work are such that NGOs are more concerned with practical tools that exist within current legislative frameworks. This is not to suggest that NGOs ignore the animal rights perspective but that practical law enforcement that achieves protection for wildlife or ensures punishment for wildlife crime offenders can already be achieved without relying on animal rights. For many NGOs there is a distinction between social activism that will result in a fundamental change in legislative regimes and socio-legal or regulatory action [55] that could achieve animal protection. Even within the RSPCA there is a distinction between cruelty (animal welfare) offences which are generally investigated by the uniformed Inspectorate (e.g. cruelty, harm and neglect to domestic and wild animals) and the 'organized' crimes dealt with by the undercover section the Special Operations Unit (SOU) such as badger baiting, badger digging etc.. The latter offences are dealt with more in terms of the conduct of criminal gangs exploiting animals [57] than as offences that impact on the rights of animals and which demonstrate the need for legislation such as the *Animal Welfare Act 2006* to protect the rights of animals.

## Conclusions

While utilitarianism and questions of whether animals can suffer [58, 59] are often factors in campaigning or public policy material, the focus on moral principles and legal animal rights is often downplayed in NGO policing activity on wildlife crime given that much US and UK legislation already provides basic protection for animals generally making it an offence to kill, injure or take wild animals or to deliberately inflict cruelty (with some exceptions). To a certain extent, therefore, animals already

have some legal rights given that legislation provides that once in captivity animals are protected from cruelty such as ‘unnecessary suffering’, from being kept in cages that are too small and are also protected from being removed from their wild habitat (again with some exceptions). NGO policing activity aimed at protecting animals and enforcing animal protection legislation is, therefore, not aimed at increasing animal rights or establishing new rights for animals but aims to uphold *existing* legislation and to extend the established principle that causing suffering to animals is contrary to law either to a wider range of species or to particular activities that constitute cruelty.

The reality is that wildlife law is often poorly enforced with a lack of dedicated resources for the task being reported in a variety of jurisdictions [4, 8, 14, 56]. The enduring perception among policy makers and governments that wildlife crime is an environmental issue rather than a criminal justice one means that, the efforts of many dedicated professionals notwithstanding, wildlife crime generally remains outside of mainstream national policing or criminal justice priorities in most jurisdictions. This impacts on the resources available for law enforcement, educational or crime prevention measures and the manner in which investigations are conducted and any penalties are applied. NGO policing has developed to address mainstream criminal justice inadequacies so that even where dedicated enforcement or an appropriate regulatory regime is provided for, it may be subject to political control such that the efforts of environmental organisations may be required to intervene to ensure appropriate protection is provided.<sup>1</sup> Direct action can include legal action against federal government failures in the US, judicial review against decisions of the UK Government or direct prosecution of wildlife offenders. Thus the private ‘green police’ serve as a tool to challenge perceived inadequacies in the enforcement of wildlife legislation, Government reductions in the legal protection afforded to animals, or as a means of punishing offenders and ensuring that justice is seen to be done.

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<sup>1</sup> See, for example lawsuits filed by bodies such as Defenders of Wildlife to force the US Fish and Wildlife Service to take appropriate action to protect rare species under the US Endangered Species Act 1972

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