

A global movement: NGOs and the policing of international wildlife trafficking

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Abstract: *Despite growing environmental awareness and the efforts of a variety of Non-Governmental Organisations (NGOs) to influence the wildlife protection policy agenda, wildlife laws remain outside the remit of mainstream criminal justice and their enforcement is often a fringe area of policing whose public policy and enforcement response significantly relies on NGOs. White's (2012) regulation theory analysis identifies that third parties such as NGOs often play a significant role in investigating and exposing environmental harm and offending and have become a necessity for effective environmental law enforcement. In wildlife trafficking, NGOs are an essential part not only of practical enforcement regimes, but also the development of effective policy acting as: policy advisors, researchers, field investigators, expert witnesses at court, scientific advisors, casework managers, and, in the case of a small number of organisations, prosecutors playing a significant evidence-based role in policy development and law enforcement.*

This paper argues due to failures in traditional criminal justice responses, the global wildlife enforcement movement, made up of international and transnational organisations like WWF and Humane Society International and complemented with policy networks such as Animal Defenders International and the Coalition Against Wildlife Trafficking (CAWT) provides a model for transnational law enforcement. Critically examining NGOs anti-wildlife trafficking practices this paper argues that while over-reliance on NGOs may be undesirable they have become effective enforcement/policy actors stepping in to address the failure of states and national justice systems to deal with this area of transnational environmental crime.

Keywords: Wildlife crime; wildlife trafficking; NGOs; regulation theory; organized crime; green movement

Introduction

Illegal trafficking in wildlife represents a significant problem in the area of wildlife crime. Schneider (2008) and others have identified that wildlife trafficking has pushed some species to the brink of extinction and remains a threat to others. Nelleman et al. (2014) estimate an unsustainable number of between 20,000 and 25,000 African elephants are killed each year by poachers. Wyatt (2013: 9) identifies that while there is undoubtedly a large 'dark figure' of unknown criminal activity, the estimate of illegal wildlife trade accepted by most experts is between USD 10 and USD 20 billion annually, not including fisheries or timber.

Wildlife trafficking is now accepted as a major area of criminality attracting the attention of law enforcement policymakers and scholars (Wyatt, 2013; Nurse, 2015). Within environmental law discourse, wildlife protection laws are an area of considerable activity both internationally and within domestic policy (Nurse, 2015). International law frameworks such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and associated laws such as the European Union (EU) Wildlife Trade Regulations aim to combat illegal exploitation of wildlife and provide for sanctions against offenders committing wildlife trafficking offences. Yet despite growing environmental awareness among law enforcement, the efforts of a variety of Non-Governmental Organizations (NGOs) to influence the wildlife protection policy agenda and periodic improvements in legislative frameworks, wildlife laws remain outside the remit of mainstream criminal justice. Their enforcement is often a fringe area of policing whose public policy and enforcement response significantly relies on NGOs.

Nurse (2012) identified that it is in enforcement rather than the legislative framework that problems in wildlife protection mostly occur. Wildlife crime policing primarily adopts reactive apprehension, detection and punishment paradigms rather than proactive preventative ones (Wellsmith, 2011; Nurse, 2012, 2015). This article argues that due to failures in traditional criminal justice responses, the global wildlife enforcement movement, made up of international and transnational organizations like WWF (World Wildlife Fund) and Humane Society International and complemented with policy networks such as Animal Defenders International and the Coalition Against Wildlife Trafficking (CAWT) provides a model for transnational law enforcement. White's (2012) regulation theory analysis identifies that third parties such as NGOs often play a significant role in investigating and exposing environmental harm and offending and have become a necessity for effective environmental law enforcement. In wildlife trafficking, NGOs are an essential part not only of practical enforcement regimes, but also the development of effective policy acting as: policy advisors, researchers, field investigators, expert witnesses at court, scientific advisors, casework managers, and, in the case of a small number of organizations, prosecutors playing a significant evidence-based role in policy development and law enforcement (Nurse, 2013a).

Critically examining NGOs anti-wildlife trafficking practices, this article argues that while over-reliance on NGOs may be undesirable they have become effective enforcement/policy actors stepping in to address the failure of states and national justice systems to deal with this area of transnational environmental crime.

Contextualizing Wildlife Trafficking

Wildlife trafficking makes up a significant category of wildlife crime (in both volume and economic value) and is a specific offense type incorporating a range of offences including taking, illegal transport, possession, fraud, illegal sale and cruelty (Wyatt, 2013; Nurse 2013b). Interpol's (2014) definition of wildlife crime as 'the illegal exploitation of the world's wild flora and fauna' is primarily based around wildlife crime conceptualized as wildlife trafficking; illegal exploitation and trade. Green criminology often classifies wildlife crime according to White's (2008a) notion of animal rights and species justice, which deals with animal abuse and suffering (including crimes impacting on animals in the wild or at least living predominantly away from urban conurbations) and cruelty or welfare offences involving farmed animals. Wildlife crime may also be classified according to broader conceptions of environmental or ecological crimes, considering environmental justice in relation to the use of natural resources in defined geographical areas (White 2008b). A number of scholars have explored wildlife trafficking as a growing area of transnational crime; prominent within the hierarchy of global crimes (Zimmerman 2003; Schneider, 2008; South and Wyatt, 2011; Wyatt, 2009, 2013). Wildlife trafficking can thus be interpreted and classified as part of a green perspective (South 1998), which considers crimes that affect the environment and biodiversity as requiring a criminal justice response that reflects environmental, ecological justice, or species rights concerns, and an increased public sensitivity to crimes causing environmental harm. In accordance with notions of species justice, wildlife trafficking can include animal abuse offences consisting of 'socially unacceptable behavior that intentionally causes unnecessary pain, suffering, or distress to and/or death of an animal (Ascione 1993: 228) particularly given the intentional disruption in the lives of animals that exist in a wild state (Nurse 2011). Synergy exists between wildlife trade's similarity with classical positivist notions of crime (Vold and Bernard, 1986) and offenders clearly motivated by profit (particularly with respect to trade in endangered species which can sell for thousands of pounds) and involved in other forms of crime (Hutton, 1981; Linzey, 2009). Schneider (2008) and Lowther et al. (2002) found that organized crime recognizes wildlife crime as a 'soft option' where its traditional operations and transit routes can be utilized with a lesser risk of enforcement activity. Thus, wildlife trafficking can often be contextualized as rational, profit-driven crime where wildlife represents a resource to be exploited. Anthropocentric notions of wildlife as an exploitable resource arguably dominate at least some aspects of criminality involved in wildlife trafficking. This is especially the case

in the supply and retail end where commercial considerations dictate the manner in which wildlife is acquired and sold.

Policing Wildlife Trafficking

The majority of policing theory and literature is based on a model of social organization which sees crime as primarily dealt with through community engagement and a combination of proactive and reactive policing (Newburn, 2008; Joyce, 2010). However, wildlife trafficking, consisting of initial poaching incidents, subsequent transit and arguably illegal sale offences presents specific policing challenges; not just for rural policing and game agencies frequently lacking in both the expertise and resources necessary to deal with non-standard policing challenges, i.e. matters that officers do not routinely encounter and may not be trained to deal with (Kirkwood, 1994; Nurse, 2012) but also for policy development. The effects of geography alone can have significant impacts on policing wildlife trafficking by negatively influencing the availability of resources, response times and the speed with which support services can be provided (Mawby and Yarwood, 2010). In addition, the transnational nature of wildlife trafficking, crossing jurisdictions and requiring the collaboration of a range of different enforcement officers potentially frustrates effective enforcement action given the territorial nature of policing operations and jurisdiction-specific legislation. Wyatt (2013:143) identifies that the transnational nature of wildlife trafficking requires a coordinated approach across borders. Accordingly, several agencies may be involved in enforcement including customs, border and immigration agencies, police, environmental protection agencies and conservation monitoring agencies. Thus NGOs, identified by White (2012) as integral to environmental enforcement according to regulation theory, which dictates that environmental enforcement cannot be carried out by statutory policing agencies alone, become increasingly important in wildlife crime enforcement (Nurse, 2015) given their ability to operate internationally. Roberts et al (2001:1) identified that enforcers and regulators working in the area of wildlife crime 'often lack resources and expertise' while Nurse (2012) and Wellsmith (2011) both identified a continued lack of resources as endemic to continued enforcement and policy failure in the wildlife crime arena.

Anti-wildlife trafficking legislation is arguably also a weakness where legislation does not entirely ban wildlife trade, but instead seeks to regulate it, creating an environment where the legal and illegal trades coexist (Zimmerman, 2003; Wyatt, 2013; Nurse, 2015). Sollund (2013:73), for example, argues that 'CITES can be criticized for legitimating trade and trafficking in animals and for prolonging and encouraging abuse and species decline by regarding nonhuman species as exploitable resources'. Wildlife protection laws are mainly reactive, creating offences that are punished after the fact rather than containing preventative measures; they generally allow for the continued exploitation of wildlife subject to certain controls. Wildlife trafficking is primarily economically driven; wildlife is a resource from which individuals gain profit and demand for wildlife or wildlife products (including parts or derivatives) ensures that such markets continue to exist. Economic incentives for wildlife exploitation operate at individual, group (e.g. corporate or organization) and state level where income derived from wildlife can provide individual benefit in the form of direct profit (Nurse, 2011, 2012; South and Wyatt, 2011) or contribute significantly to a state's economy e.g. through wildlife tourism or sanctioned hunting (Brockington et al., 2008). Accordingly wildlife trafficking can theoretically be reduced where offenders are persuaded to desist from offending by intensifying their fear of punishment and increasing their costs. Thus punishment can be limited to actions considered necessary to prevent offenders from 'choosing' to commit such wildlife crime (Clarke and Cornish, 2001; Picquero and Tibbetts, 2002). Stallworthy (2008:23) argues that 'traditional market based perspectives are broadly accepting of legal regulation as a constraint on wealth generating activities; where restricted to the correction of market imperfections'. Wyatt (2013:1) identifies that laws to curb destruction of wildlife have been in existence for hundreds of years, and laws explicitly regulating the trade in wildlife have been developed fairly consistently throughout the 20th century. Yet the effectiveness and development of wildlife laws and their associated enforcement has undergone significant

change from the late 20th century onwards as greater knowledge of threats to wildlife and the expansion of globalised markets have required increased wildlife protection (Ehrenfeld, 2003). However, questions remain over the effectiveness of a response solely driven by criminal justice agencies and which fails to incorporate civil society organizations.

Failures in Traditional Criminal Justice Responses

The reality of current policy across jurisdictions is that it broadly treats all wildlife offenders as rational (financially motivated) criminals subject to deterrence principles via a suitably punitive regime (Nurse, 2015; 2011). While there is some recognition that illegal wildlife trade continues 'due to complex socioeconomic and political conditions that are often beyond the scope of targeted international programs and agreements' (Wylter and Sheikh, 2013:13) enforcement action is primarily targeted at the supply rather than demand side of wildlife trafficking. Such enforcement action is primarily reactive, notwithstanding the existence of some preventative methods such as rhino dehorning (Biggs et al., 2013) and is overwhelmingly punitive. Yet, the primary motivators identified for different offender types which determine that offenders involved in wildlife trafficking have various motivations (Nurse, 2011; Wyatt, 2013) indicates that different elements drive each offender type making a uniform approach to offending and enforcement ineffectual. The wildlife trafficking enforcement regime thus requires modification, allowing for action appropriate to the circumstances of the offender and specific nature of the offence to be taken and which distinguishes between different elements within wildlife trafficking such as killing of wildlife for parts or derivatives, trapping, transit, retail and even purchasing offences. Current sanctions policy is primarily based around a more punitive approach and sanctions aimed at negating any benefit offenders derive from their activity. But an argument can be made that increased sentencing and use of prison has been unsuccessful in mainstream criminal justice (Wilson, 1985) and so the evidence that it will be effective in reducing or preventing wildlife crime is lacking, particularly in respect of those offenders such as terror groups and militias for whom such punitive sanctions and the threat of incarceration are likely accepted and even tolerated risks. This is not to suggest lack of confidence in the criminal justice system as a tool for dealing with wildlife trafficking, but indicates a need to consider the specific nature of offending and to incorporate preventative and harm reduction measures which consider the realities of wildlife trafficking and its associated criminality. Rather than solely apprehending offenders after offences have been committed and biodiversity loss achieved, greater efforts should be made to attempt situational crime prevention. This means making the physical cost of committing the crime prohibitive as well as increasing the actual cost and removing the perception that wildlife crime may be seen as a 'soft' option (Wellsmith, 2011). This is an area where conservation NGOs, active on the ground and engaging with local communities are able to bring enforcement benefits (discussed later in this paper).

Considerable research evidence indicates that existing wildlife law regimes do not work in their implementation rather than in their basic legislative provisions. Practical enforcement problems endemic to the UK's wildlife law system were identified by Nurse (2003, 2009, 2011 and 2012) and Wellsmith (2010, 2011). Their respective analyses identified a system consisting of legislation inadequate to the task of wildlife protection, subject to an equally inconsistent enforcement regime (albeit one where individual police officers and NGOs contribute significant amounts of time and effort within their own area) and one that fails to address the specific nature of wildlife offending. Similar problems have been reported in the US context (President's Advisory Council on Wildlife Trafficking, 2014) albeit in the form of the US Fish and Wildlife Service, the US has the statutory (federal) wildlife enforcement agency that has previously been identified as desirable when analyzing deficiencies in other jurisdictions (Cook et al., 2002). White (2012) identifies that third parties such as NGOs often play a significant role in investigating and exposing environmental harm and offending and have become a necessity for effective environmental law enforcement. In most jurisdictions, wildlife law is effectively a fringe area of policing whose public policy response is significantly influenced by NGOs (Nurse 2012) and which continues to rely on NGOs as an integral part of the enforcement re-

gime. Conceptually four basic enforcement models for wildlife crime policing exist as follows (Nurse 2015):

- Enforcement by mainstream statutory police agency (including customs authority)
- Enforcement by specialist environmental regulatory agency (state environmental protection agencies, Fish & Wildlife Service)
- Enforcement by conservation, natural resource, parks agency
- Enforcement by NGO

NGOs are an essential part not only of practical wildlife enforcement regimes, but also the development of effective policy (Nurse, 2013a). NGOs are often the means through which human rights abuses and other failures to comply with international law norms come to light. Marcinkutė (2011: 73) argues that in non-western countries, especially authoritarian regimes with relatively low social-economic developments, weak civil society and a lack of democracy ‘human rights NGOs are seen as the threat to state sovereignty and state’s authority’. Similarly, wildlife protection and conservation NGOs exert considerable pressure through campaigning, policy development or active enforcement. NGOs operating in the field of wildlife crime develop their policies from the ideological positions of: Moral culpability – censuring activities that they believe are morally wrong
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 being a higher law enforcement priority or which should be the subject of law enforcement activity and/or legislative change); and
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. (Nurse, 2013a)

Within wildlife trafficking discourse NGOs are able to monitor the actions and effectiveness of environmental enforcers and regulators and provide support and alternative enforcement and policy strategies where statutory regulators are seen as ineffective. For example, in principle, specialist environmental agencies such as the US Fish and Wildlife Service (USFWS), the Environmental Protection Agency (US) and English Nature and the Environment Agency (UK) can provide both regulatory and criminal enforcement options in environmental crime. However limitations are often placed on these agencies by virtue of the legislation which gives them their powers, and their tightly defined jurisdiction (Stallworthy, 2008). In practice; legislative and jurisdictional restrictions may dictate that such bodies carry out enforcement activities in a particular way. The same is true of enforcement by parks and conservation bodies who operate within the confines of a jurisdictional brief which usually limits their activities to their specific environmental or conservation remit. However, Patten et al. (2014) identify that game wardens, for example, are subject to both environmental and human caused dangers in the line of duty. Conservation and game wardens are employed in high conflict areas (Elison, 2006) where personal threats are an integral part of their duties, particularly in game areas where militarized poaching has become an emergent threat. The reality is that the pace, level of sophistication and globalized nature of wildlife and forest crime is beyond the capacity of many countries and individual organizations to address. Transnational organized crime’s involvement in illegal trafficking of wildlife is now recognized as fact (Nelleman et al., 2014) yet the resources provided to game wardens and conservation agents to deal with organized crime are often lacking. While Nelleman et al. (2014: 9) identify that over 1,000 Tanzanian rangers have recently received specialized training covering ‘tracking of poachers, tactics and wildlife crime scene management’ such resources and training are not consistently supplied or utilized effectively by all jurisdictions. This risks the possibility of displacement as poachers and traffickers identify those areas vulnerable to poaching or where enforcement is carried out by ill-equipped conservation workers in lieu of professional police. However, Patten et al. (2014) identify that, at least in the United States, game wardens are also required to deal with ‘mainstream’ crimes of violence and regularly encounter a clientele armed with handguns, knives, shotguns and rifles thus training in a range of law enforcement and aggression defusion techniques is required. Traditional avenues of support for peace officers may also be unavail-

able or some distance away due to the remote nature of game reserves, national parks and other countryside areas. In addition, Ayling (2013: 72) identifies that wildlife poaching 'can be at least tacitly supported by poor communities because the financial benefits to the community outweigh those available from legitimate employment or state welfare services'. Ayling (2013) also identifies resilience and adaptation as being key aspects of organized crime groups' success in wildlife trafficking. South and Wyatt's (2011) analysis identifies the complexity of organized crime involved in the illegal wildlife trade consistent with the findings of other researchers who have identified adaptation of organized crime groups to wildlife trafficking (Elliott, 2009; Nurse, 2012, 2013). However, for 'terror groups' and militias, recognizing the ready availability of protected fauna and flora as a revenue stream and adapting operating practices to exploit this is not unusual. Ayling discusses the resilience of such groups such that the rigid hierarchical structures of other organized crime groups need not apply (Glenny, 2008) and 'opposition from authorities and changes in the economic and social conditions in which they operate' can be adapted to (Ayling, 2013: 69). Accordingly illicit wildlife trafficking becomes a persistent and ongoing activity and not only will trafficking methods adapt to accommodate new enforcement efforts but personnel will also adapt or be replaced as required to secure the longevity of the business. Accordingly, new approaches to dealing with contemporary organized crime involvement in transnational wildlife crime and wildlife trafficking will need to be developed that recognize the varied behavior and motivations for offending (Eliason, 2003; South and Wyatt, 2011, Nurse 2011, 2013). Homogeneous categorization of wildlife trafficking crime risks the development of law and public policy inadequate to the task of reducing wildlife trafficking and dealing with new forms of wildlife criminality such as militarized poaching. The traditional approach to offending, which inevitably resorts to a detection apprehension and punishment approach is unsuited to the complexity of wildlife trafficking criminality and may be ineffective as wildlife trafficking evolves and new forms and categorizations of offender develop. Across jurisdictions, a range of problems have been identified within wildlife law enforcement as follows:

- Lack of resources
- Inconsistency of legislation
- Inconsistency in sentencing
- Lack of police priority and inconsistency in policing approaches

Wyler and Sheikh (2013:1) argue that lax law enforcement and inadequate wildlife security measures are a factor in levels of wildlife crime and that 'even where heightened security measures to protect wildlife are implemented, they have not consistently had a deterrent effect'. Indeed there is evidence that within wildlife trafficking, offenders employ increasingly sophisticated and elaborate mechanisms which law enforcement fails to keep pace with (Nelleman et al. 2014). An April 2013 Resolution of the UN Commission on Crime, Prevention and Criminal Justice (endorsed by the UN Economic and Social Council in July 2013) encourages UN member states to 'make illicit trafficking in wild fauna and flora a serious crime when organized criminal groups are involved', effectively placing it on the same level as human trafficking and drug trafficking. Wildlife trafficking should, therefore now be placed in most jurisdictions definition of serious crime and be prosecuted and sentenced accordingly. However, the reality of wildlife crime enforcement is that inconsistency and a lack of proper training and prosecutorial and sentencing guidance hampers the efficiency of court proceedings in some jurisdictions. Some NGOs have argued that existing sentencing options could be better used as wildlife crime offences rarely attract penalties at the upper end of the available scale with fines tending to be at the lower or middle end. Prison sentences are also used ineffectively or not at all in the case of corporate offenders (Akella and Allan 2012; Nurse 2012). Lowther, Cook and Roberts (2002) writing on the wildlife trade for WWF and TRAFFIC argued that the imposition of low penalties was a feature in the majority of prosecuted cases.

NGO Perspectives

NGOs are not usually involved in practical law enforcement, but are significantly involved in wildlife crime where various NGOs assist the police and prosecutors actively detecting, investigating and prosecuting crime. NGOs have traditionally collated information on the amount of wildlife crime that exists while the statutory enforcement authorities (police, Customs etc.) have only recorded crime data on an ad-hoc basis (Conway 1999, Nurse 2008). One consequence of this is that NGOs have, traditionally, better understood wildlife crime levels, policing and criminal behavior problems and the reality of how incidents such as wildlife trafficking impact on local communities. This gives NGOs considerable influence in directing the law enforcement agenda to their areas of specific interest and areas in which they have acquired considerable expertise. In effect, wildlife crime allows for the study of 'private policing' in an area of criminal justice policy where a considerable amount of law enforcement activity is still carried out on a voluntary basis by private bodies. The UK, for example, has the RSPCA's uniformed Inspectorate (in respect of animal welfare crimes and wildlife cruelty crimes such as badger baiting and badger digging) and the organization retains its role as prosecuting agency. The RSPB's Investigations Section also takes the lead on the investigation of some wildlife crime cases (those affecting wild birds) before they are taken over by the public prosecutor the Crown Prosecution Service (CPS). The League against Cruel Sports has also taken a lead on monitoring the effectiveness of the Hunting Act 2004, providing assistance and advice to the police and taking prosecutions to ensure the law is being used. TRAFFIC is arguably the main collator and monitor of illegal wildlife trade and trafficking, operating internationally through its various offices in a way that policing agencies are broadly unable to achieve (albeit Interpol provides for information exchange and intelligence support to national police forces). Thus whereas in some areas, such as street crime, police functions are being privatized with the introduction of private security patrols, police community support officers (PCSOs) and street wardens (Fielding and Innes, 2006), wildlife crime is an area where the policing function has traditionally been carried out by NGOs where it involves non-standard offences. Arguably it is only recently that the police have become active in operational law enforcement of wildlife and environmental offences, remaining under pressure from NGOs to become more involved. Given the lack of centralized expertise in wildlife crime police and prosecutors in a range of jurisdictions still rely heavily on NGOs. Thus US citizens have come to understand and expect that NGOs like the Sierra Club, Defenders of Wildlife and Earth justice will take action where federal government agencies fail to do so. This picture is replicated in other countries.

However, the role of NGOs as enforcers or campaigners varies according to the types of crime involved, with different policy perspectives pursued in respect of game offences and poaching, habitat destruction and pollution of rural environments, or offences involving domestic/farm animals and animal welfare and cruelty offences. The relationship between NGOs and policymakers also varies so that, for example, game offences are considered to be effectively policed within the UK's strong game and anti-poaching legislation, with good co-operation between police and game rearing staff over poaching, but the same is not true of wildlife offences. Game rearing staff regularly report poaching offences (which directly affect their livelihoods and the rural economy) to statutory agencies. But they may be reluctant to have the same involvement in wildlife offences such as bird of prey prosecution where game rearing staff are often suspects and may be in conflict with the police and conservationists over the appropriateness and legitimacy of enforcement action and rural crime policy.

Complex attitudes to wildlife crime exist within rural communities where resistance to legislation to control or criminalize traditional rural field sports or to limit wildlife use and exploitation continues, while NGOs sometimes pursue an abolitionist agenda on moral grounds seeking to criminalize or regulate rural activities such as shooting and fishing. The campaign against the UK's Hunting Act 2004 was often characterized as 'town versus country' (Burns et al. 2000), similarly the imposition of western environmentalist perspectives on rural communities that depend on income from wildlife risks perpetuating perceptions that affluent sections of society seek to impose their will on poorer ru-

ral members of society and pursue an idealized notion of rurality. There is, however, arguably a three way divide between the rural poor actively involved in rural pursuits, the gentrified rich who are involved in both a managerial and participatory capacity, and the new urban/cosmopolitan middle classes who seek to influence the classes above and below them. Lowe and Ginsberg (2002) concluded that the US animal rights movement has a disproportionately well-educated membership reflecting what Parkin (1968) called 'middle class radicalism'. Certainly the major UK wildlife crime NGOs, while not all pursuing policies from an animal rights perspective, represent a professional movement comprising large professional organizations (comparable with medium to large businesses) rather than being a grass roots or 'activists' movement. Figures for certain major wildlife or animal protection NGOs show annual running costs typically in excess of £50 million per organization (see for example RSPB 2010, RSPCA 2006). The organizations' considerable public support (the RSPB has over a million members), together with the resources available for campaigning and political lobbying, allows the main environmental NGOs to take the lead in promoting rural and wildlife crime as important issues. It also places the organizations in a position to employ expertise, for example specialist investigators and political lobbyists, promoting their policy objectives and adopting a dominant policy or scientific position, while their socio-economic position allows them to exploit that perceived expertise and dominate the policy debate on rural crime.

NGOs Ideology and Social Change

Beyond addressing statutory enforcement and policy failures or a perceived lack of attention to an issue, NGOs also act as agents of social change. 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. NGOs like the American Society for the Prevention of Cruelty to Animals (ASPCA), Royal Society for the Protection of Birds (RSPB), Royal Society for the Prevention of Cruelty to Animals (RSPCA), Defenders of Wildlife, Humane Society, League Against Cruel Sports (LACS), and World Wildlife Fund (WWF) expend considerable publicity resources to ensure that the public is aware that environmental crime and specific wildlife crime issues are major priorities. So too, have more broadly environment-based NGOs like the Sierra Club and Earth justice. Glossy reports, press releases, direct mail campaigns, newspaper, television and radio advertisements, newspaper feature stories and extensive (often innovative) use of social media and viral marketing all contribute to the public's knowledge of NGO involvement in environmental crime and understanding of contemporary policy perspectives. Thus, unsurprisingly, UK members of the public wishing to report wildlife offences routinely telephone the RSPB, RSPCA, LACS et al. rather than mainstream policing agencies. This reflects both the perception that members of the public have that these are crimes that the police may not investigate and also illustrates the success of NGOs in promoting their involvement in wildlife crime investigation and their policy development. Such reporting, however, distorts the picture of wildlife crime somewhat as NGO publication of wildlife crime figures is naturally tailored to suit ideological, campaigning and policy needs. Thus reporting may reflect a species specific conservationist message (e.g. number of wolves, birds, etc. illegally killed or trafficked) a broad campaigning message (worsening levels of crime or inadequacies of legislation) or an ideological position (moral wrong of animal harm, demonization of hunters or other deviant groups) commensurate with the NGOs ideological stance as campaigning, policing or lobbying organization (Nurse 2013a). Arguably it is generally in the interests of individual NGOs to produce figures that show a worsening picture of environmental crime given that many NGOs are also charitable organizations reliant on voluntary public donations in order to achieve environmental protection priorities.

Nurse (2013a) has identified that at one end of the spectrum there are large NGOs existing as 'conservation corporations' achieving legitimacy within social structures such that they are seen as part of the establishment. Such organizations gain legitimacy through Royal charters in the UK (e.g. the

RSPB, RSPCA) in a manner that risks their being viewed by other NGOs as illegitimate by virtue of being part of a failed establishment system which more activist NGOs and environmentalists consider should not be engaged with. Other NGOs might gain legitimacy by consistent engagement with policy discourse or active law enforcement activity. Jasper (1997) in discussing 'postmaterial' social movements explained that mainstream environmental organizations 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. Major environmental NGOs illustrate this perspective, having grown from their activist roots to embrace animal protection and conservation corporations with considerable economic and political power (Nurse 2013a).

White (2012) applies contemporary regulation theory to environmental crime, recognizing the poor level of resources, meager budgets and low staffing levels that exist in environmental law enforcement given the size and scale of environmental problems. Such statutory enforcement failures add to the marginalization of environmental crime and leave a vacuum that has increasingly been filled by NGOs adopting policy development and practical enforcement roles (White, 2012, Nurse 2013a), with a number of NGOs actively investigating and prosecuting environmental and wildlife crimes. NGO approaches often emphasize the importance of the criminal law and frequently include calls for tougher sentences, more punitive measures for wildlife crime and identify species' survival threats posed by wildlife trafficking (Nurse 2011, 2012). They also employ a regulatory approach to compliance. Nelleman et al. (2014) identify that in the field of trafficking in wildlife international collaborations exist such as the International Consortium on Combating Wildlife Crime (ICWC), which includes CITES, UNODC, INTERPOL, the World Bank and WCO. There is also the Coalition Against Wildlife Trafficking (CAWT). Such networks, together with increased collaboration amongst agencies, such as with UNEP and with individual countries provides a means through which at international level structured support can be given to countries, in the fields of policing, customs, prosecution and the judiciary. Yet wildlife law enforcement remains predominantly a domestic issue making use of national police, customs or conservation agencies for enforcement.

Martens (2005) identifies that NGOs can have considerable impact as change agents in environmental law beyond the classical role of NGOs as watchdogs over governmental operations, by becoming active participants in the implementation of environmental law. Public policy campaigning is an area where policy networks develop either as loose or structured collections of individuals or groups that work together to influence an area of public policy. Marsh and Rhodes (1992: 2) explain that 'the existence of a policy network both has an influence on, although it clearly does not determine, policy outcomes and reflects the relative status, or even power, of the particular interests in a broad policy area'. In wildlife crime, however, NGOs have gone further by determining policy outcomes and have had a significant role in developing and driving public policy. For example, practical investigative casework by the RSPB highlighted the difficulties of prosecuting offenders for disturbance of protected wild birds at the nest in the UK. Having identified the problem through a number of failed cases, the RSPB successfully campaigned for a change in the wording of the legislation through an amendment to the Wildlife and Countryside Act 1981 which the charity initially 'sponsored' by way of encouraging an MP to pursue a private member's bill. Similarly, the efforts of NGOs like WWF, International Fund for Animal Welfare (IFAW) and the Tiger Trust bring considerable public attention to the threats to endangered species from wildlife trafficking and those NGOs operating practical on the ground enforcement supplement the activities of conservation management agencies.

In most campaigning areas, a formal or structured policy network might be seen to operate with the aim of influencing a change in policy. However, the transnational nature of wildlife trafficking has historically meant that enforcement policies are drawn up by NGOs with either a single issue or a single species perspective (e.g. preventing cruelty, protecting tigers, stopping elephant poaching). However in respect of wildlife trafficking, the CAWT represents a broad transnational public-private coa-

lition combining government and NGO partners from the UK, US, Chile, India and Australia, including some notable international NGOs. This article has identified that enforcement policy has historically been reactive and focused on supply-side offending. However, the CAWT's mission statement identifies both wildlife law enforcement (reactive) and demand reduction activities (proactive) as its core activities. This means that a single campaign, backed by a number of different organizations can be co-ordinated, providing for both collective and individual action aimed at addressing wildlife trafficking in both its practical and political contexts.

While criminal laws are primarily enforced by public bodies (police, customs, and environmental agencies), Slapper and Kelly (2012: 15) identify that NGOs, representing private interests, can be active in criminal enforcement in various jurisdictions. 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. As discussed earlier in this article, some NGOs pursue active engagement in wildlife law enforcement by employing professional investigators; consistent with ideological beliefs that wildlife laws are inconsistently or inadequately enforced by statutory agencies and require dedicated resources (Nurse, 2013b). However NGOs, unbound by restrictions on state prosecutors are able to pursue cases of international significance and which establish specific points of law or principle in wildlife and environmental protection.

Provisional Conclusions

NGOs are an important component of some enforcement activity (e.g. as expert advisers) yet continued NGO enforcement of wildlife and other environmental crimes is arguably undesirable where NGOs adopt the role of lead enforcer. This risks enforcement policy being ideologically driven, reflecting morality-based ideology rather than pure law enforcement perspectives and adherence to the rule that are binding on statutory enforcers. While in principle NGO involvement is necessary when public enforcement falls down, in practice NGOs often lack the resources and practical experience of the full range of policing techniques to fully investigate and prosecute crimes; thus NGO enforcement becomes primarily based on apprehension and punishment rather than incorporating required crime prevention techniques (Wellsmith, 2011; Nurse, 2013a).

However, by providing for a public/private partnership incorporating a range of NGOs and government agencies in various countries, partnerships like ICCWC and CAWT represent a means through which effective action can be taken against wildlife trafficking. Given limited resources and the fact that law enforcement is rarely a priority for NGO resources (Nurse 2013a) decisions must be made on which enforcement priorities should be pursued by NGOs. This risks enforcement becoming subject to the private interests and campaigning objectives of an NGO and implemented selectively, rather than being conducted in the public interest and in accordance with public policy priorities. White (2012) also notes that some NGOs justify using illegal means to achieve particular aims, particularly where enforcement is allied to an ideological position on law enforcement or rural crime e.g. a fundamental opposition to the lawfulness of game shooting or field sports. This can make effective collaboration between NGOs and official law enforcement agencies problematic (White 2012) and risk undermining the legitimacy of enforcement action.

NGOs operate their enforcement activities from a particular perspective (Nurse 2013a) so that some enforcement action may be intended to achieve a campaigning objective, some might be approached from a moral perspective seeking to punish activities that the organization disapproves of, and some might be pursued in order to highlight inadequacies in current law (Nurse 2013a: 311-313). Thus wildlife policing might be pursued from an ideological rather than a 'pure' public protection perspective. While this does not imply criticism of any particular NGO, the interests of law and order should be paramount in wildlife policing. Arguably major networks such as ICCWC and CAWT achieve this via approaches geared towards not just reactive enforcement, but also preventative action and development of coordinated policy that takes a holistic approach to wildlife trafficking as both a supply and demand problem. While the involvement of statutory national enforcers may still be required

to achieve effective practical enforcement of wildlife trafficking problems, such networks offer hope for a more coordinated approach to global wildlife trafficking problems.

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