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been occurring here in Scotland in fact where a traditional trade had become out of control and had passed from the normal, I understand they're called the tinker population, into wider commercial fields and people were going out there who wouldn't normally have been associated with the trade and actually stripping beds and killing mussels to get at the pearls. So to protect this species from that irresponsible sort of behaviour this particular part of the regulation came into effect immediately and that just proves we can work quickly when have to.

So how are these changes going to effect the activities of museums I can here you mutter. In essence, as of 16<sup>th</sup> April the possession of any of the 15 animal species will require a licence if it is to be considered lawful. This restriction is brought about by virtue of Section 92 of the 1981 act which states that 'if any person', and that includes yourselves, 'has in his possession or control any live or dead animal included in Schedule 5 or any part of or anything derived from such an animal he shall be guilty of an offence'. I should just point out that these are Level 5 offences triable summarily only which means in England and Wales at magistrates court level that you are liable to a fine of up to £5,000 and in Scotland it's a sheriff court that would hear such a complaint and the maximum fine there is also £5,000. There is no custodial sentence associated with a complaint under the Wildlife and Countryside Act.... Yet, but watch this space. So it's a heinous crime to be in possession of a live or dead animal included in Schedule 5. This Section is time controlled though the same as any other section in the Wildlife and Countryside Act such as say 9.1. which prohibits the killing, taking or injury of an animal and only relates to those actions carried out after, as in this case, the 16<sup>th</sup> April 1998 when the protection came into place for them. In accordance with Section 9.3 an offence for possession would only be relevant if the animal in question had been taken on or after 16<sup>th</sup> April 1998. However, were there is reason to question the age of a specimen, your friendly police wildlife liaison officer may well require evidence to confirm that this is the case, so this is an instance where paperwork records might have to be updated somewhat quickly. The sale of both animals and plants taken from the wild on or after 16<sup>th</sup> April is also restricted. So if you want a licence for any of these 15 species, including your basking sharks which you might be knee deep in suddenly then the licensing authorities you have to apply to depend on where your museum is. So in Scotland you would apply to the Scottish Natural Heritage people, while applicants for licences to sell specimens must be submitted to the Secretary of State for Scotland or Wales or to the Department of Environment, Transport and the Regions if you're in England. The licenses, you'll be pleased to hear, are applied for under the provisions of Section 16 of the 1981 Act and they can be applied for scientific or

educational purposes which of course would apply to museums, however, you should bear in mind that each application will be dealt with on a case by case basis so don't forget to tell us if it is for educational or research or whatever purpose when applying for such a license.

The cautionary tale to this one is that newly protected species are there because the situation with their sustainable wild population has become a worry and that these controls are there to prevent it from becoming worse. The statutory instrument that I'm referring to that has introduced these wonderful new controls is called No. 878 of 1998. It was laid before Parliament on 26<sup>th</sup> March 1998, it varied Schedules 5 and 8 and it took effect from 16<sup>th</sup> April except for the freshwater pearl mussel and that took effect from 22<sup>nd</sup> March, the day that the ink was dry on the statutory instrument as it were.

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## **The work of the Partnership for Action Against Wildlife Crime (PAW)**

*Nick Williams, DETR.*

The subject of my presentation is an exciting initiative aimed at combating wildlife crime and is known as the Partnership for Action Against Wildlife Crime, or PAW for short. My name is Nick Williams, I'm the Chief Wildlife Inspector and also the head of the Wildlife Crime and Inspectorate Unit of the Global Wildlife Division of the Department of the Environment, Transport and the Regions (DETR). My background is in research as a field biologist but I've been stuck behind a desk for the Department for almost a decade now.

Let me start by outlining the structure of my talk. Initially, I am going to give you a brief introduction to the DETR and it's role in this area of wildlife law enforcement. We'll then look a little bit in detail about the background and current structure of the partnership. I'll briefly run through the terms of reference and then I'll talk to you in some detail about ten of the key initiatives and outputs that we've done. Finally, I'll take a look forward and see what is being planned for the future.

DETR was formed almost exactly one year ago, the day after the Labour landslide victory at the general election. It was announced on 2<sup>nd</sup> May 1997 that we were going to be headed by the Deputy Prime Minister, John Prescott, who is the Secretary of State for environment and transport. Our remit is very wide ranging and its responsibilities include the former DoE, Department of Transport and the regional

offices. As far as the environment is concerned, we deal with issues affecting the environment here, with housing, planning, the countryside and roads. We also play a full part in the international arena, actively contributing to issues such as pollution, climate change and other factors affecting the global environment. DETR also has a responsibility for wildlife conservation both at home and abroad and although our main headquarters is at Ealand House, near Victoria Station, in central London, DETR's Wildlife and Countryside Directorate (WACD) are located at Tollgate House in Bristol.

Many acts of parliament and regulations are available in the UK to protect wildlife. They tend to be rather complicated and there are certainly far too many to mention here. The key pieces of legislation, administered by WACD, are the Wildlife and Countryside Act 1981, the CITES Convention, which Lynne talked about, the EU Habitats Directive and also the Zoo Licensing Act, but as I say there are many others. These, and other measures, fulfil obligations placed upon us by European and international agreements, as well as taking measures to protect our own native species and habitats. However, the bottom line is that all these rules and regulations are all very well, but they are effectively worthless if they are not properly enforced, and that's where the Wildlife Crime and Inspectorate Unit fit in.

Following an internal review of wildlife controls in the early 1990s, DETR shifted its emphasis by removing certain outdated bureaucratic controls, and used the freed up resources to give greater support to enforcement efforts. We at the Wildlife Crime and Inspectorate Unit are at the heart of DETR's efforts to support the statutory enforcement authorities in combating wildlife crime. The Unit is composed of eight full time staff, including myself, and about 70 part time consultant inspectors, one of whom is here today and he's in your ranks. The work falls into three categories. One is enforcement liaison and casework, where we have links with the statutory enforcement authorities i.e. the police and customs, and provide information from our records. We've got the Wildlife Inspectorate, which undertakes a range of inspections to do with birds registered, and following up on import and export of endangered species under the CITES permitting system. The third area is that we take a lead in government policy relating to wildlife law enforcement, and this includes acting as secretariat to the partnership.

There is strong evidence to suggest that wildlife offences are on the increase. In addition, primarily because of the high commercial value placed on certain rare species, organised criminals are becoming increasingly involved in obtaining and trading in such specimens illegally. The primary statutory

enforcement agencies for virtually all wildlife controls are the police for internal matters, for example, killing and taking, and sales offences, and customs for smuggling in or out of the UK. However, it is clear that police and customs and excise officers cannot deal with this problem on their own. Enforcement officers, for example, cannot be expected to have detailed knowledge of all the legislation, or knowledge of individual species and their particular peculiarities. So DETR and certain other government departments and agencies also have a key role to play, and one of the main objectives of the partnership is to support the network of police wildlife liaison officers, or PWLOs, and customs CITES liaison and intelligence officers, or CCLIOs, and to assist them in whatever ways we can.

So, moving to the background of the partnership. Following the review that I mentioned earlier, the Enforcement Working Group was set up for a year long look at enforcement on a national basis, and it reported to ministers in July 1995. It identified that there was a large number of government agencies and some non-government NGOs involved in wildlife law enforcement, and there certainly was a need for more co-operation and co-ordination between them. PAW was launched in November 1995 to bring together experts in the field of wildlife law enforcement, as well as to allow a strategic look to be taken at enforcement activity and to provide a forum for discussion of issues at a strategic level. The day to day work is overseen by the Wildlife Law Enforcement Steering Group, or WLESG, jointly chaired by DETR's head of the Global Wildlife Division, my boss, Robert Hepworth, and Deputy Chief Constable Mick Brewer from Warwickshire Constabulary. PAW has a wide membership. Other organisations involved include Customs and Excise, and other government departments, for example, the Home Office, Scottish and Welsh Offices, the Crown Prosecution Service, the Crown Office here in Scotland, as well as the Environment Agency, the Country Conservation Agencies and certain NGOs with specialist knowledge in enforcement matters, for example, Traffic International, the RSPB and the RSPCA. The Steering Group is supported by a small number of sub groups, which are tasked to take forward specific projects and initiatives, and this is basically where the work is being done. For example, we've got a DNA and Other Forensic Techniques Subgroup, which I'll mention tomorrow. We have a group looking at legislation and proposals for strengthening enforcement provisions within key legislation. We've got a group managing the annual national Police Wildlife Officers conference and we've got another group looking at data management exchange. Also the Steering Group is advised by a contact group. Originally this composed of representatives from country sports and sporting interests. Later it was extended to sustainable users

network, which consists of a group of organisations, mainly animal keepers and traders.

To briefly run through the terms of reference. The first one 'to provide a strategic overview of wildlife law enforcement activity in the UK'. 'To improve co-ordination and communication between the organisations involved'. 'To oversee the dissemination of advice and guidance'. 'To oversee and co-ordinate follow-up action to the Enforcement Working Group'. 'Contribute to the development of wildlife law enforcement policy and to make recommendations to government departments and other relevant organisations'.

So let's look at what we've actually achieved. The tangible output was 'Wildlife Crime, a guide to wildlife enforcement in the UK'. It was a direct response to Police Wildlife Liaison officers and CCLIOs, who were seeking a compendium of all the relevant wildlife legislation. This was the first document to bring together all the relevant wildlife legislation within the UK in one book. In addition to supplying information about controls, it also gives practical advice on steps to be taken when carrying out wildlife investigations, so primarily it was aimed at wildlife law enforcement officers, but it is clearly of value to anybody who is involved in wildlife law enforcement or impacted by it, for example, maybe environmental consultants. Certainly it was well received, and the first edition sold out very quickly. We've done a lot of amendments, taking on the new COTES regulations which came in last year and a new edition is already at the printers, due to be published, I hope, before the end of May, but if you are impatient and you've got access to the Internet we've already published the second volume on the internet.

The second output was a major national conference, held in London in October 1996, entitled 'Combating Environmental Crime'. This event succeeded in raising the profile of environmental crime in general and PAW members made a key contribution to this event. In fact the first morning wholly dealt with wildlife issues. The one thing I think that emerged from that conference was that wildlife law enforcement was leading the field compared to other forms of enforcement concerned with environmental crime within the UK, for example, waste crime, radioactive substances and CFCs.

The next point I've mentioned here is sponsored research at the Laboratory of Government Chemists. I'm going to cover that tomorrow. It is to do with the guidance we issued for enforcement officers who wish to use DNA evidence in their investigations. We also issued a standard sampling kit, which any veterinary surgeon can receive, and it has got all that they need to be able to take a blood sample or even a tissue sample

from a bird or other specimen. Another publication in the wildlife crime series is some work that I did, 'A Directory of Forensic Expertise'. Some of you, I think, participated in that and may well be in this book.

The next thing is the publishing of a range of legislative proposals. From discussions, particularly within the Legislative Subgroup, it emerged that there were some shortcomings, particularly from the Wildlife and Countryside Act, as far as the enforcement officers were concerned, and the Subgroup has come up with a range of proposals which are aimed at improving the enforcement powers within that legislation. It contains a package of separate proposals covering powers of arrest, introduction of custodial sentences, rationalising provisions of extending time limits for the beginning of prosecutions, and provisions for warrants. It also includes a proposal for a specific power to be introduced to take blood samples for DNA analysis. We know that environment ministers are sympathetic to the proposals and we are looking in detail at how to take these forward. We can't make any promises, there is no legislative slot yet available or set aside for this, although there appears to be a willingness amongst environment ministers to push these forward. We will just have to wait and see what happens.

Last year we introduced a new award, funded by the WorldWide Fund for Nature - the 'Wildlife Enforcer of the Year Award'. This was aimed at raising the profile of wildlife enforcement nationally and also in police forces and customs staff. Traditionally wildlife offences have not been a high priority, and there are other issues that the statutory law enforcement authorities have to deal with, but we wanted to raise the profile within those organisations. It is also a way of recognising the efforts of individual officers who frequently undertake their wildlife related enforcement activities in addition to their normal duties, so it is something that is tacked on to their job description and not infrequently they do that in their own time. Last year it was jointly won by a customs official and a police officer.

The concept of PWLOs was first introduced more than a decade ago, but it has been a slow process convincing all chief constables of the more than 50 or so police forces in the UK that they all need at least one. However, in the last 18 months, all forces have nominated at least one PWLO and I'm delighted to say that several forces have many more than that. For example, I believe that both Tayside and Strathclyde, locally, have 15 or more PWLOs in their forces. The RSPB played a key role in promoting the concept of a network of police wildlife liaison officers and back in June 1989 they organised the first national PWLO conference, which took place in Derbyshire. Primarily because we don't have a single national police force,

no one constabulary was able to find the resources to organise this event, so it had been left to the RSPB, a non-government organisation, to do so for the last nine years. However, one of the first tasks the Partnership undertook when they were set up was to establish a committee to take over the running of this event, and we at DETR played a key role in organising last years event in Carmarthen in October. It was a very productive weekend and we are now in the process of finalising the written proceedings for that, which I hope, will be published in the next couple of months. In addition, we are already well into planning this years conference, which is scheduled to take place at the MOD police headquarters at Wethersfield in Essex from 16<sup>th</sup>-18<sup>th</sup> October.

A key element of PAW is to provide opportunities for partners to share expertise, specialist knowledge and skills as widely as possible. One of the main ways in which this has been achieved is by encouraging partner organisations to invite external specialists to assist in their internal training courses. This has just taken a major step forward with the introduction of a national training course for PWLOs, which has been developed by the Warwickshire Constabulary, and the first ever week long training event was run at Warwickshire headquarters for 16 PWLOs earlier this month. It took more than a year to put this together and the agenda included a comprehensive cross-section of the key issues and some of the key legislation. I have not seen a full report of the event but early comments suggest that it was extremely successful, and I know that another course is already planned for September. Our Scottish partners, led by Tayside Police and the Scottish Office, launched a poster campaign in October 1997 entitled 'Stop Wildlife Crime, Tell the Police'. Publicity is an area which PAW recognises that more work needs to be done. This was a good start, no doubt, and a key principal of PAW is that, in addition to the more traditional definition of enforcement which relates to investigation, prosecution and the associated penalties, and to be fully effective, enforcement must encompass proactive deterrent activities, such as publicity, education and of course training. DNA and other forensic techniques were quickly recognised by the Partnership as a major tool in the investigator's toolbox, and we set up a subgroup to take that forward. There are two projects that we have got ongoing to promote DNA technology; collaborative research projects, but I will cover them tomorrow.

Moving on to the EU Law Enforcement Workshop. As part of the UK's six month presidency of the EU from January to June this year, my branch of DETR organised a two day event in London in early March. The main objective was to bring together key personnel within our counterpart organisations in Europe, but also further afield as well. The first day

focused on wildlife enforcement issues in Europe, with a rather more global approach being taken on the second day, including a special session on tigers, and the issue of illegal trade and combating that. Again, there was a significant contribution from PAW members. It was a very successful event, with 150 people attending, including about a third from overseas. We are, again, working on compiling the proceedings and I hope to publish them this summer.

That has reviewed some of the key things we have been up to over the last two and a half years, so now I will just have a look ahead a little bit. I mentioned the PAW contact group for country landowners and sporting interests and the sustainable users earlier. I must be honest with you and be forced to admit that this idea was not particularly successful. We never really got passed agenda 1 on the meetings, which was their concern or perception that, because the RSPB and the RSPCA were NGOs sitting on the main group, there would be a biased outcome, and they wanted full membership of the Partnership Steering Group. The issue was never fully resolved and so what we did was call an open seminar in January this year in London and invited all PAW members to participate. It was a productive event with many good ideas emerging. I think the key point that everyone recognised was the importance of a partnership approach, and it is just a matter of getting the structure right to maintain an atmosphere of trust in the organisation without compromising any investigative activities. My personal belief is that we can find a workable and effective solution, and we've drafted some in-house proposals based on that seminar, and subsequent representations, which have been circulated internally this last week. We're hoping to get ministerial approval in the next three weeks, with a view to launching a revised structure for the Partnership on 15<sup>th</sup> June for our next scheduled meeting in Bristol. I hope one of the ways forward will be to enable other organisations, which wouldn't necessarily consider themselves to be involved in law enforcement, to become members of the Partnership. This would enable them to keep up to speed with what's going on, and also to provide the contacts which are needed by the enforcement authorities, because you own and hold lots of expertise that they may need to tap into. So I can't be too forthcoming about the outcome of that, but I am hoping that in the longer term, maybe even the Biology Curators Group might want to join the Partnership.

PAW members made a positive contribution to the meeting of environment ministers of the Group of 8 industrialised countries, which was held at Leeds Castle in Kent at the beginning of the month. Ministers committed themselves to a range of action to help fight against environmental crime, including specific references to the illegal trade in wildlife, so I think

we've succeeded to some extent in raising the profile of wildlife enforcement here. We are looking in-house now at how to take these matters forward.

A booklet is being prepared to help raise the level of awareness of wildlife crime amongst magistrates and others in the judiciary, basically because it was felt that there was a disparity in sentencing. Similar cases being taken in different parts of the country were getting very different penalties. In particular, this document is intended to emphasise the effect of such crimes on the conservation status of rare species. Traffic and the RSPB have jointly sponsored it, and I think it will be published in the next couple of months. One of the problems we've experienced in trying to raise the level of awareness concerning wildlife crime, and in arguments to change the legislation, is that there is no central record of wildlife incidents or even prosecutions. Basically there is a great deal of anecdotal information, but very little hard data to work with. Many organisations, including ourselves, gather information, but it's often incomplete or difficult to access, and we know that there is quite a significant level of duplication. So we bid in-house for some resources within DETR's research project to gather some hard evidence on wildlife crime over a given period. Also, and perhaps more importantly, to try and devise a means by which such data can be gathered in the future without costing us too much and without too much resources being put into it. I am already aware that some work has recently been done by a researcher in Scotland, Ed Conway, sponsored by the Scottish Office. I'm looking forward to receiving the publication of his report, which I believe is imminent, and certainly we are going to take that on board when we review and write the specification for the project which we are due to let, I hope, in the early autumn of this year.

So, just to recap then. I began by outlining where DETR fits in to the wildlife law enforcement equation. I reviewed the background and structure to the partnership including its terms of reference. I've discussed a number of the key initiatives, ten in fact. There are a lot more activities that we're involved with which I haven't had time to mention here, but one of the key objectives is to provide opportunities for all those involved in enforcement to be able to share expertise and knowledge, and that manifests itself in many ways. So just building up contacts by meetings has been extremely successful. And finally, I've looked at the future. I hope I've been able to convince you that the Partnership really is an exciting development in the fight against wildlife crime. I believe we've taken some major steps in the last two and a half years or so, and I recognise that there is a great deal to be done, but I think we have proved that the partnership approach is a very effective way

forward and it will be useful in combating this type of wildlife crime.

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## Guidelines for destructive use of biological material

*Richard Thomas, Natural History Museum*

I'm going to talk about guidelines for the destructive use of biological material. Effectively there are two versions of this talk I could give you. There's the short version. There is really no difference in principal between destructive sampling of specimens for molecular work and any other kind of destructive sampling. In fact, as you have probably gathered from some of the stuff that Alan was saying earlier, destructive sampling for molecular work is sometimes much less destructive than some of the techniques used as standard by morphologists when they are doing some of their techniques. I'll give you the slightly longer version of the talk which is derived from an article in a now extinct publication called 'The Ancient DNA Newsletter' six years ago, and written by Havov , Bob Wayne and myself and much of the material in that article has subsequently been incorporated in the NHM's policy document on sampling for molecular purposes from the collections.

The somewhat longer version: I think we need the somewhat longer version because there is this cultural difference between molecular biologists and museum curators. Curators often see molecular biologists as sort of evil interlopers who soak up valuable resources and take up space that could be better used for storing collections. Some of the molecular biologists see curators as traditionalists who don't recognise or are incapable of recognising the path-breaking importance of their research. There needs to be some way of mediating between those two sorts of cartoon extremes. Specifically you need criteria for evaluating requests for the use of material and that pre-supposes having somebody around who is qualified to evaluate the requests. You also need to consider that a museum or holders of a collection should expect to get back from a loan of material.

In 1992 we came up with five criteria for evaluating requests for destructive sampling of specimens. The scientific value and the feasibility of the project, the qualifications of the investigator or the lab to do the work, could they possibly get this material some other way other than destroying specimens like from captive populations or wild populations. The volume of the material required relevant to what is in the collections, so if they are going to grind up half of the single existing individual of something it would probably not be a good thing. And finally, the staff effort required to