



CRIMINAL INTENT

ALTHOUGH CONSIDERABLE PROGRESS HAS BEEN MADE IN THE FIGHT AGAINST WILDLIFE CRIME, THE ILLEGAL PERSECUTION OF VULNERABLE SPECIES REMAINS A SIGNIFICANT CONCERN IN MANY PARTS OF SCOTLAND, WRITES RICHARD ROWE

EVEN FOR SEASONED WILDLIFE crime investigators, the discovery in August 2007 of a poisoned golden eagle on moorland in the Scottish Borders was an especially grisly find. The bird was the female half of a pair that had bred in the area unmolested for a decade – and the only breeding pair in the Borders.

The eagle had fallen victim to a grouse laced with a particularly toxic pesticide – lethal bait left out to attract any passing predator. It was an indiscriminate act that left not only wildlife crime officers shaking their heads in disbelief. The destruction of such a potent symbol of wild Scotland appalled the wider public, with the location of the incident close to the Central Belt rather than in a far away Highland glen only adding to the subsequent furore.

The widespread outrage brought the issue of wildlife crime into sharp relief and even reached the Scottish Government. Holyrood issued strong words about the need to stamp out a crime that continues to blight the Scottish countryside, followed by the publication of a thematic

review entitled *Natural Justice* that called for a clearer national wildlife crime reduction strategy.

“The golden eagle case in the Borders was one of the worst that I have known, but all cases involving poisoned baits and then the discovery of the resulting deaths are equally serious,” comments Bob Elliot, Head of Investigations at RSPB Scotland. “Often, it takes something really bad to wake people up to the problem.”

So, where are we today in the effort against wildlife crime in Scotland? After all, there have been a variety of conservation success stories in recent years with species once hit hard by human persecution now making a solid comeback. Buzzards are back to near natural numbers in many lowland areas; red kites have been successfully introduced in central and southern areas, although less so further north; while ospreys continue to expand into former territories following their return some 50 years ago.

Meanwhile, in August, a second batch of white-tailed



sea eagles from Norway was released in Fife as part of a five-year reintroduction project for the east coast. The release, which marks the next phase of a long-running reintroduction effort, is seen as a means of accelerating the spread of these magnificent birds from their current stronghold in the west.

These developments suggest a more progressive approach from landowners and a wider acceptance that such birds of prey should be very much part of the Scottish landscape. Meanwhile, the economic importance of wildlife tourism has also become increasingly clear, with visitors willing to pay good money to see such iconic species in the wild.

So, perhaps the Borders case was just an isolated incident? Sadly not, says Elliot, pointing to the RSPB's 2007 UK Birdcrime report that noted more than 260 incidents of illegal trapping, shooting and nest destruction of birds of prey – up from 185 reports the previous year.

Not all incidents took place in Scotland, but there were

high incidences of poisoning north of the border, with red kites being particularly hard hit. The worry is that wildlife crime remains under-reported as it often occurs in remote places and so such figures represent just a fraction of what actually takes place.

Of particular concern is that the natural development of some species can make any persecution all the more catastrophic. "Take the golden eagle," says Elliot. "They are long-lived and it takes them many years to learn the life skills needed from finding a mate to successfully nesting. It can take a long time for populations to build up and no time at all for them to be decimated."

WIDER CRIMES

Today, police wildlife crime officers tackle a variety of offences, from individual incidents of cruelty to larger scale problems such as badger-baiting, game poaching and hare coursing. Almost unbelievably, there are even reports in some cities of young buzzards being taken from

◀ nests and paraded on the arms of gang members.

Other crimes, such as the illegal harvesting of freshwater pearl mussels, perhaps slip under the radar altogether. Scotland is the global stronghold of this species, now recognised as one of the UK's conservation priorities. The sale of pearls from British mussels has been banned in Scotland since 1998, except for the stock already in the ownership of two jewellers. Nevertheless, pearls are still taken from mussels in Scotland, although police are baffled as to how or if they enter the commercial market.

Importantly, police forces are now far better resourced when it comes to combating wildlife crime. "Prior to the 1990s there was a huge amount of wildlife crime, but police just paid lip service to it," comments Alan Stewart, Wildlife and Environment Officer at Tayside Police. "It just wasn't investigated."

After a long police career on Tayside, Stewart became the force's wildlife crime officer in 1993 – the first such specialist post in Scottish policing. He retired four years later only to be reemployed to look after investigations on a full-time basis.

And as Stewart explains, the Tayside force was one of the first to actively encourage the public to look out for and report incidents. "I feel now, on Tayside at least, we have peaked in terms of levels of wildlife crime," he says. "This is because crimes are now better reported, investigated and prosecuted. It's a very specialist area and it takes a lot of time to build up expertise, but we can't do it alone."

Greater vigilance from the public has already played a key role in the success of projects such as Operation Easter, an initiative launched by Tayside Police in 1997 aimed at convicting and deterring known collectors of wild birds' eggs. It is now one of the few national policing operations in the UK.

"Operation Easter has made a huge difference and I do feel that egg collecting could become a thing of the past, although we mustn't rest on our laurels," comments Stewart.

The need to remain vigilant is extremely clear to Peter Ferns, Visitor Centre Manager at the Scottish Wildlife Trust's (SWT) Loch of the Lowes reserve. Each year, thousands of people

"WE WILL ALWAYS HAVE TO WATCH THIS SITE NOW"

come to see the ospreys that return to breed in spring. Once on site, the birds' every move is monitored around-the-clock by a team of volunteers using an array of cameras and infra-red gadgetry – with particular focus on the six-week incubation period of the eggs.

With such vigilance, the Loch of the Lowes nest is very much off-limits for collectors, although Ferns admits to concerns following the laying of the 50th egg at the site this season. "Someone could have tried for that special egg," he says.

So how confident would he be that the nest would be left alone if it was not being watched so intently? "I would not be confident at all," he says. "The prestige of grabbing a Loch of the Lowes egg would be too much to resist. We will always have to watch this site now."

It is a similar story at the SWT's Falls of Clyde reserve, albeit for different reasons. The reserve has become famous for its breeding peregrine falcons, although the threat here is more about nest destruction than egg collecting. Another vulnerable species with a stronghold in Scotland, peregrines are considered enemy number one by pigeon racers who don't take kindly to prized birds being plucked out of the sky by this efficient predator.

"Peregrines have nested here for more than 10 years, but in 1999 someone got access to the nest that was on a ledge nearby and tipped the chicks out," explains Steve Blow, Reserve Manager. "There has been a 24-hour watch ever since."

Given that the chicks are as vulnerable as the eggs, the species protection officer employed each season has a much longer vigil than at Loch of the Lowes. The protection watch begins in March and continues to the middle of June by which time the chicks have fledged and found their wings.

The threat to peregrines remains crystal clear, confirms Elliot at the RSPB. "We had a call last year when a member of the public in Stirlingshire found a dead female peregrine lying close to the carcass of a headless pigeon," he recalls. The pigeon's feathers had been laced with poison while still alive, set free and was then taken by the peregrine.

PERSECUTION IMPACT

The actual impact of ongoing persecution was demonstrated recently by a government-commissioned framework report on the conservation of golden eagles. The report highlighted how illegal persecution continues to limit the recovery and expansion of the species, with 'black holes' around the country where the birds are simply not occupying perfectly good territories. As Elliot points out, this includes areas in Scotland's two National Parks – places where it might be assumed golden eagles would thrive.

Few on the conservation side of the fence will have been surprised to hear that the black holes are particularly apparent in the eastern and southern parts of the birds' range on land that is traditionally given over to grouse moors. Estates and gamekeepers may be fed up with the finger-pointing, but the connection between driven grouse moors and illegal persecution is impossible to ignore.

Sign of the times: hen harrier numbers often provide a litmus test of what is happening on grouse moors (previous spread, far right); freshwater pearl mussels continue to be targeted (right)



PHOTOGRAPHY: TAYSIDE POLICE; SCOTTISH NATURAL HERITAGE; DAVE DICK

Net benefits: police work closely with bailiffs, farmers and gamekeepers on all types of poaching incidents (left); Lothians & Borders Police wildlife crime officer Mark Rafferty with the golden eagle found poisoned in 2007 (right)



TIME FOR COMPROMISE?



Each year, the RSPB produces a 'Scottish persecution report' that includes a dot map that shows the positions of persecution evidence. As Elliot explains, when a map of the breeding locations of eagles was overlaid onto the dot map, it was clear just why the birds were absent from the managed grouse moors. "They are just not being allowed to breed due to illegal killing," he says.

However, Elliot feels some cause for optimism, not least through what he sees as a more enlightened attitude amongst farmers. "They receive a fair amount of public money and so there is an onus on them to be compliant," he notes. "They know their obligations."

Such 'enlightenment' may also be partly due to changes in powers of prosecution in recent years. Landowners can now be sure of a response to reported incidents with the potential combination of a fine, prison time, plus the removal of farm payments a powerful incentive to change their ways.

Crucially, the inadequacies of early wildlife crime legislation have now largely been addressed. As Stewart remarks, prior to 2003 police could arrest someone for fishing without a permit but not for shooting a golden eagle.

To date, there has not yet been a case of a custodial sentence for a poisoning or shooting offence, although Stewart reveals he has someone very much in mind on Tayside. "If he is caught, it is almost inevitable that he will get a jail sentence."

Stewart's target is a younger man, rather than one of the more "died-in-the-wool" keepers that have tended to appear in courts up to now. "For many, it is their first criminal conviction and the courts are disinclined to send people of 65 or 70 to jail."

But while there has not yet been jail time imposed for a poisoning offence, offenders have been put behind bars for egg collecting. "The implication is that one crime is worse than the other," comments Elliot. "Egg collecting is more direct,

The question of whether hen harriers and grouse can successfully co-exist has been the subject of detailed and expensive research. Studies by a consortium of conservation bodies in the 1990s, focusing on the Buccleugh estate at Langholm in the Borders, concluded that predation by high densities of hen harriers could limit grouse populations and therefore reduce shooting 'bags'.

Further research of what became known as Langholm I explored the effectiveness of measures such as diversionary feeding of hen harriers in an effort to reduce predation on grouse chicks.

These initial studies were followed in September 2007 by the launch of the Langholm Moor Demonstration Project (or Langholm II). The 10-year, £3 million project aims to restore Langholm into a viable grouse moor while retaining a natural population of hen harriers through a combination of legal predator control, improved habitat management and diversionary feeding.

However, rather than waiting a decade for the results, scientists involved in the earlier Langholm research have called for concurrent trials of a hen harrier 'ceiling' that would see birds removed safely to other areas once a population reaches a certain size.

Writing in the British Ecological Society's Journal of Applied Ecology, Dr Simon Thirgood and Professor Steve Redpath from the Aberdeen Centre for Environmental Sustainability suggest that field trials of such a ceiling are well worth a "serious look" in an attempt to find a compromise solution that satisfies both conservationists and grouse managers.

“WE FOLLOW BREEDING ATTEMPTS TO ENSURE THAT THERE IS NO INTERFERENCE”

while poisoning is not, but I would suggest that the indiscriminate nature of the activities of the poisoner makes it a far more serious crime.”

Crucially, the Scottish Government has proved a strong supporter of efforts to stamp out wildlife crime, with the current Environment Minister, Mike Russell, showing particular enthusiasm for the cause, says Stewart. He is also heartened to see recommendations from the *Natural Justice* report being put into practice, including a push for all eight Scottish forces to have their own full-time wildlife crime officers.

For now, only the Tayside, Strathclyde, Lothian & Borders and Grampian forces have full-time positions, but there is a good chance that others will follow suit, says Stewart. “It is just not something you can do on top of all of your other police work.”

BREAKING DOWN BARRIERS

The relationship between conservationists and gamekeepers is perhaps not quite as brittle as it once was, with examples of the two camps coming together to improve communication, combat wildlife crime and conserve heather moorland. One such example is the Operation Countrywatch Partnership in Perthshire, an alliance formed in 2000 between eight estates, the RSPB, Scottish Natural Heritage, Tayside Police and the Tayside Raptor Study Group. The seven estates now involved – one has since dropped out – cover some 35,000 hectares of near-continuous moorland stretching from Callander to Loch Tay.

For the RSPB, the main aim was to ensure healthy raptor



PHOTOGRAPH: PETER CAIRNS

Where eagles dare: illegal persecution continues to hamper the spread of golden eagles

populations – specifically hen harrier, golden eagle and peregrine falcon. “We follow the breeding attempts to ensure that there is no interference,” explains Bruce Anderson, who heads up the RSPB involvement in the alliance. “The Countrywatch estates have shown good breeding since the start of this which demonstrates legal management of the moor.”

According to Anderson, the issue of criminality on estates – although not necessarily these estates, he stresses – has been such an intractable problem that this kind of partnership serves to improve the credibility of the gamekeeping profession. “It is beneficial as many estates are fed up with their bad reputations,” he says.

Although some conservationists are more militant than others, the basis of such an alliance is about promoting education rather than confrontation, with keepers made aware of how good moorland management can benefit not just grouse, but many other ground-nesting birds.

And other signs are promising, too. The Scottish Rural Property and Business Association continues to reinforce the role of land managers in supporting bird of prey populations, while gamekeeping courses at education centres such as North Highland College in Thurso increasingly emphasise the importance of habitat management and wider land ecology.

Stewart, who co-chairs the Operation Countrywatch Partnership, tries to give participating estates as much good publicity as he can. “Estates such as Invergeldie and Glenturret still have good grouse shooting, even though birds of prey nest on the hill,” he points out.

A similar effort, Raptor Watch, is now underway in north-east Scotland, while there is a sense that the Countrywatch operation is an example of best practice that could be expanded elsewhere. Anderson concedes, however, that participation involves something of a leap of faith for estates. “The implication at the start is that they were guilty of something,” he comments. “But one reason to participate is to remove the stigma that some keepers feel is attached to the profession.” ■

FURTHER INFORMATION

Read more about the RSPB’s birds of prey campaign at: www.rspb.org.uk/supporting/campaigns/birdsofprey

See how Tayside Police is taking the fight to wildlife criminals at: www.tayside.police.uk/wildlife

Scottish Natural Heritage has developed a website for use in all Scottish schools on behalf of the UK-wide Partnership for Action Against Wildlife Crime (PAW) at: www.snh.org.uk/wildlifecrimeschools

Wildlife Detective – A Life Fighting Wildlife Crime, Alan Stewart (Argyll Publishing)