

What does Brexit mean for Wildlife?

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It seems we cannot speak about anything these days without the implications of Brexit being raised, and politicians arguing with equal gusto that the outcomes will be either hugely beneficial or utterly disastrous.

The future for wildlife is no different. Much of our law protecting our environment and the natural world comes from Europe. The extent to which the UK will retain or change this legislation following Brexit hangs in the balance.

While our current Government has sought to reassure us that nature is safe in their hands and that they intend to make good on their continuing manifesto commitment to be *'the first generation to leave the natural environment in a better state than that in which we found it'*¹, their commitment to wildlife and the environment has been questioned. DEFRA seems to be stalling on its 25 Year Plan for the Environment². Newspaper reports have suggested that action on climate change and

illegal wildlife trade might be 'scaled down' as we seek new trade deals in a post-Brexit world³.

DEFRA and its agencies have also seen swathing cuts to departmental budgets and staff in recent years, and there are serious concerns about their capability of delivering the kind of outcome from Brexit that is critical to the future of our environment and wildlife.

More than 80% of our current environmental legislation emanates from the EU in the form of Directives and Regulations⁴. The former include the key 'Nature Directives', which together constitute the basis for our wildlife legislation. The Habitats Directive⁵ lists over 1,000 animal and plant species and 200 habitat types in its annexes, requiring EU Member States to take action to conserve those habitats and species, meet the ecological needs of protected wildlife, and in many cases prevent exploitation and taking from the wild. The Birds Directive⁶

protects wild birds against deliberate killing or capture, destruction of eggs or nests, deliberate disturbance, and the trade in and keeping of most species.

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EU Directives are not legally binding in and of themselves; rather they have to be transposed into national legislation. The Nature Directives are implemented in England and Wales by various pieces of legislation, including the Wildlife and Countryside Act 1981⁷ and

¹ <https://www.conservatives.com/manifesto>

² <https://www.edie.net/news/11/Defra-25-year-plan-for-the-environment-pressure-mounts/>

³ <http://www.independent.co.uk/news/uk/politics/uk-government-to-scale-down->

[climate-change-and-illegal-wildlife-measure-a7674706.html](https://www.independent.co.uk/news/uk/politics/uk-government-to-scale-down-climate-change-and-illegal-wildlife-measure-a7674706.html)

⁴ <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmenvaud/599/59906.htm>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31992L0043>

⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009L0147>

⁷ <http://www.legislation.gov.uk/ukpga/1981/69>



the Conservation of Habitats and Species Regulations 2010⁸. Scotland has its own legislation. However, there are concerns that our national legislation falls short in some respects, and that when we leave the EU current levels of protection for some species and habitats may diminish.

Regulations, on the other hand, are directly binding on EU Member States, and therefore may not be currently transposed into our national law. The EU Wildlife Trade Regulations (WTRs)⁹ are a good example. Wildlife trafficking, which is worth an estimated US\$20 billion annually¹⁰ and is having devastating impacts on elephants, rhinos, tigers, lions, pangolins, parrots, many reptiles

and a host of other species, is widely thought to be the fourth largest form of illegal trade¹¹. Organised criminal networks see wildlife as a low risk-high return commodity. These criminal activities devastate populations of threatened species of animals and plants and may disrupt economic, political and social stability among some of the world's most vulnerable communities.

While the UK will remain a Party to the UN Convention on International Trade in Endangered Species (CITES)¹² following Brexit, the EU WTRs go well beyond international requirements by listing more species, giving many higher levels of protection, and imposing

stricter rules on whether and how they can be traded. The loss of these stricter protections could make the UK a target for wildlife traders and traffickers in the region.

In 2018 the UK will host the fourth in a series of high-level meetings designed to tackle international wildlife trafficking. If we are to be a credible host, we must remain at the forefront of international efforts to tackle the problem. That means ensuring our own rules on wildlife trade are strengthened, not weakened, when we leave the EU.

Other EU Directives and Regulations are designed to address a wide range of issues including invasive species

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<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

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http://ec.europa.eu/environment/cites/legislation_en.htm

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https://cites.org/eng/international_dimension_of_illegal_wildlife_trade

¹¹ http://europa.eu/rapid/press-release_IP-15-5316_en.htm

¹² www.cites.org

management, fisheries bycatch, zoo licensing, and the import and sale of dog, cat and seal fur. These and other protections must be retained following Brexit.

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Of course, it's not just specific EU legislation that might be weakened or lost as we leave the EU. The Treaty on the Functioning of the European Union recognised animal sentience and the need for animal welfare to be given due consideration throughout all legislative processes¹³. This recognition has facilitated significant progress in animal protection across EU Member States. No such language exists within the UK's constitutional arrangements, and it is imperative that this situation is rectified if the UK is to retain credibility as an international leader in animal welfare.

The EU provides mechanisms by which its laws can be challenged and interpreted, in particular through the European Court of

Justice. The European Commission has also developed Action Plans on a number of issues including: Wildlife Trafficking¹⁴; Forest Law Enforcement, Governance and Trade¹⁵; Illegal, Unreported and Unregulated Fishing¹⁶; and Organic Food and Farming¹⁷; as well as initiatives designed to facilitate collaboration and information exchange between implementing authorities. All of these initiatives have significant implications for wildlife protection. The UK must ensure it puts in place the mechanisms that will enable it to continue to engage with and implement these or equivalent processes, in order to ensure a consistency of approach after we leave the EU.

As we go forward into a new independent era, the UK should seek the highest levels of international protection for wildlife, and be prepared to set an example by implementing the strictest of domestic measures. We also need to recognise that wildlife does not respect national borders, and that our cooperation and collaboration with our near neighbours will remain vital if we are to halt and reverse the devastating declines so many of our wild species and habitats currently face.

The recent statement by the new Secretary of State for Environment Michael Gove, that any changes to UK laws following Brexit will increase, rather than reduce, environmental protections, is encouraging¹⁸. However, there will be some in Government who will be seeking to secure trade deals at virtually

any cost, and the Secretary of State for Environment will doubtless come under immense pressure not to place barriers in their way.

Our global trading relations will be hugely important to our economic security when we leave the EU. But no Government can be allowed to sacrifice the future of wildlife and the natural world on the altar of trade.

¹³ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT>

¹⁴

https://ec.europa.eu/environment/cites/trafficking_en.htm

¹⁵ <http://www.euflegt.efi.int/home>

¹⁶ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:l66008>

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https://ec.europa.eu/agriculture/organic/eu-policy/european-action-plan_en

¹⁸ <http://www.bbc.co.uk/news/science-environment-40331919>