International Animal Law

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This article reviews significant legal developments during 2017 in the field of international animal law. This year's contributions discuss an important revision to the Constitution of Mexico City and the current status of wildlife trafficking from Latin America to the United States.

I. Animal Rights in Mexico[2]

In January 2017, the government of Mexico City approved a proposal to include animal rights in its new Constitution.[3] Mexico City's new Constitution was published in the Mexican Official Gazette on February 5, 2017, but will not enter into force until 2018.[4] The Constitution recognizes animals as living beings capable of having feelings. This principle is contrary to what the Federal Civil Code provided. The Federal Civil Code recognized animals as tangible and intangible things.[5]

Mexico City's new Constitution provides that animals should be treated with dignity and establishes a series of obligations for citizens.[6] In particular, it states that every person has an ethical duty and legal obligation to respect animals' lives. Similarly, the Constitution provides that authorities shall ensure animals' protection and welfare and will look after abandoned animals.[7]

The Constitution also sets forth specific guidelines for further regulation of animal rights. These guidelines are:

a. Measures and standards for protecting animals in public spectacles, as well as in other events.
b. Prohibited conduct in relation to the treatment of animals, and the applicable sanctions for acts of abuse and cruelty.
c. Bases to promote conservation, as well as to prevent and avoid abuse in the breeding and use of animals for human consumption.

1. Edited by Mayra Cavazos Calvillo. Contributions by Marcy Stras, Wes Lang and Mayra Cavazos Calvillo. Authors from each section are noted accordingly.

2. This section was authored by Mayra Cavazos Calvillo, Consultant at Tueoris, LLC.

3. *Guía de Protección Animal: En camino a tener mascotas con derechos en la CdMx*, SINEMBARGO.MX (Jan. 29, 2017), http://www.sinembargo.mx/29-01-2017/3140439.

4. *Decreto por el que se expire la Constitución Política de la Ciudad de México*. DIARIO OFICIAL DE LA FEDERACIÓN (May 5, 2017), http://dof.gob.mx/nota_detalle.php?codigo=5470989&fecha=05/02/2017 [hereinafter DIARIO OFICIAL DE LA FEDERACIÓN].

5. Guía de Protección Animal, *supra* note 3.

6. DIARIO OFICIAL DE LA FEDERACIÓN, *supra* note 4.

7. *Id.*

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d. Necessary measures to deal with the control of pests and health risks.
e. Guidelines for people who look to shelter animals and the regulation of these shelters.[8]

II. Wildlife Trafficking from Latin America to the United States[9]

Legal trade in some wildlife and wildlife products often enables the illegal trade in wildlife within the existing channels of trade activity.[10] Research shows that the most important driver of wildlife trafficking is consumer demand.[11] "[T]he United States is a major consumer of rare reptiles including crocodiles, caimans and sea turtles, common illegal imports from Latin America."[12] In addition to being a consumer-driven country, the United States is a main point of transit for trafficked wildlife traveling through its ports to other markets around the globe.[13] "In Latin America, legal and illegal products become mixed or are exported literally alongside one another."[14]

Wildlife trafficking is one of the largest and most profitable forms of illegal activity.[15] According to a 2014 report on environmental crime by the Global Initiative Against Transnational Organized Crime, global wildlife trade is worth an estimated value of $19 billion annually,[16] with approximately 350 million plants and animals sold on the black market every year.[17] The United States holds a critical role in wildlife trafficking. It is home to one of the largest markets of illegal wildlife and wildlife products worldwide as U.S. consumers demand illegal wildlife trade or the illegal wildlife passes through U.S. ports on its way to other international destinations.[18] Wildlife trade in the United States is estimated at a value of

8. *Id.*

9. This section was authored by Marcy Stras, Partner in the DC office of Cozen O'Connor. Wes Lang, Law Clerk, Cozen O'Connor assisted with this article.

10. Int'l Fund for Animal Welfare, *Criminal Nature: The Global Security Implication of the Illegal Wildlife Trade* 9 (2013), *available at* http://www.ifaw.org/united-states/resource-centre/criminal-nature-global-security-implications-illegal-wildlife-tra-0.

11. Alejandra Goyenechea & Rosa A. Indenbaum, *Combating Wildlife Trafficking from Latin America to the United States* 8 (Defenders of Wildlife 2015), *available at* https://defenders.org/sites/default/files/publications/combating-wildlife-trafficking-from-latin-america-to-the-united-states.pdf.

12. *Id.*

13. *Id.*

14. *Id.*

15. *Id.* at 7.

16. *Id.* at 1.

17. Alejandra Goyenechea & Rosa A. Indenbaum, *supra* note 11, at 1.

18. U.S. Department of the Interior, "Budget Justifications and Performance Information Fiscal Year 2015," (2014), LE-3.

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$6 billion annually, while the illegal wildlife trade is estimated at half of that, about $2.8 billion annually.[19]

Since 1973, the Convention on International Trade in Endangered Species (CITES) has regulated wildlife trade internationally.[20] CITES was created with the purpose of preventing wildlife "trade from threatening the survival of 5,000 animal and 28,000 plant species."[21] "CITES enforcement falls largely to individual countries."[22] CITES now has 183 parties to the agreement, and many of these countries "impose additional regulations on wildlife trade."[23]

Numerous U.S. federal and state agencies are involved in the enforcement of wildlife regulations in accordance with domestic and international law, while the U.S. Fish and Wildlife Service (FWS) carries the primary authority for inspecting wildlife shipments at U.S. ports.[24]

"Out of the 328 ports of entry into the United States recognized by the Customs and Border Patrol [CBP], only 64 are currently covered by FWS wildlife inspectors."[25] Eighteen of these ports are "designated,"[26] meaning the ports are staffed full-time by wildlife inspectors, while forty-six ports are "non-designated," meaning declared wildlife shipments can only enter with a special permit.[27] Although these sixty-four ports are supposed to handle and process all declared wildlife shipments entering and exiting the United States, "illegal and undeclared wildlife shipments certainly pass through any number of the other 328 ports of entry not under the purview of FWS."[28] Wildlife Inspectors work closely with Service Special Agents and counterparts from CBP and other Federal agencies that monitor international trade.[29]

Although CBP has officers covering all 328 ports, its officers do not receive the same training in identifying wildlife that the FWS wildlife inspectors undergo.[30] CBP officers do discover illegal wildlife and seek the assistance of wildlife inspectors, but the level of identification and expertise needed to combat the expansive wildlife trafficking that occurs cannot make

19. U.S. Fish and Wildlife Service, Office of Law Enforcement Accomplishments 2013-2014, 41 Haken, Jeremy, Transnational Crime in the Developing World (Global Financial Integrity, 2011), 11 https://www.fws.gov/northeast/le/wildlifeinspectors.html.

20. Charles Bergman, *Wildlife Trafficking*, SMITHSONIAN.COM (Dec. 2009), www.smithsonian mag.com/travel/wildlife-trafficking-149079896/.

21. *Id.*

22. *Id.*

23. *Id.*; *List of Parties to the Convention*, CITES, https://www.cites.org/eng/disc/parties/ index.php (last visited Jan. 27, 2018).

24. Alejandra Goyenechea & Rosa A. Indenbaum, *supra* note 11, at 1.

25. *Id.*

26. *Id.* at 10.

27. *Id.*

28. *Id.*

29. Office of Law Enforcement, *About Service Special Agents*, U.S. FISH & WILDLIFE SERVICE, www.fws.gov/le/special-agents.html (last updated Sept. 8, 2013).

30. Alejandra Goyenechea & Rosa A. Indenbaum, *supra* note 11, at 11.

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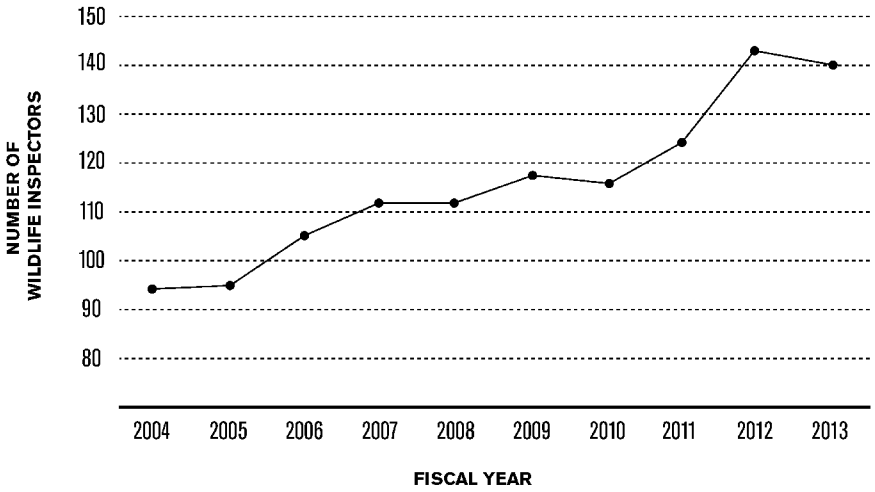
up for the need for FWS wildlife inspectors.[31] The expertise and training required for a FWS wildlife inspector is necessary as "many endangered species closely resemble more common ones that are legally traded" and require the additional training to spot the distinction.[32]

As of 2014, FWS had 130 wildlife inspectors and 213 special agents at its disposal for a total of 343 officers.[33] The 130 wildlife inspectors inspect wildlife shipments, including both commercial cargo and personal travel goods, at 64 ports of entry.[34]

Number of FWS, Office of Law Enforcement Wildlife Inspectors[35]



"Reportedly, there are nine wildlife inspectors and one dog stationed at the Miami Office. These inspectors inspected 6,696 wildlife imports in FY 2014, earning Miami a ranking of sixth among U.S. ports of entry for wildlife shipments."[36] "In 2013, importers declared 11,000 international shipments of live wildlife,"[37] not including exports nor illegal shipments of wildlife. Miami International Airport (MIA) also ranks first in the United States for international air cargo.[38] "In 2013, MIA processed more the 1.8 million tons of international air cargo.[39]"

31. *Id.*
32. *Id.*
33. *Id.* at 10.
34. *Id.*
35. *Id.* at 78.
36. Alejandra Goyenechea & Rosa A. Indenbaum, *supra* note 11, at 11.
37. *Id.* at 12.
38. *Id.*
39. *Id.*

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Top Five Ports of Entry 2013
Wildlife Seizures from Latin America

Rank	Port of Entry
1	Miami, FL
2	El Paso, TX
3	San Diego/San Ysidro, CA
4	New York, NY
5	Memphis, TN

Top Five Ports of Entry 2013
All Wildlife Imports

Rank	Port of Entry
1	Los Angeles, CA
2	Newark, NJ
3	Memphis, TN
4	Louisville, KY
5	Miami, FL

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The Latin American region, which encompasses Mexico, the Caribbean, Central America, and South America, experiences similar factors that have led to widespread wildlife trafficking in other regions: many developing countries, thousands of species, and struggles with corruption and enforcement both internally and at its borders.[41] As a result of these factors, "the United Nations designated Latin America a priority region in combating wildlife crime."[42]

A 2014 research study from the Defenders of Wildlife found that the top three countries of export for illegal wildlife shipments were Mexico, Haiti, and El Salvador, in that order, with 48.1 percent of all shipments seized exported from Mexico.[43] "The top-three ports of entry were El Paso, Texas, Miami, Florida, and Houston, Texas."[44] "More than 20 percent of all illegal wildlife shipment seizures were made in in Miami."[45]

The same 2014 study found that the five most used trade routes, dictated as the route from country of export to port of entry, for illegal wildlife shipments entering the United States from Latin America were: Mexico to El Paso, Texas; Haiti to Miami, Florida; Mexico to San Diego, California; Mexico to Louisville, Kentucky; and the Bahamas to Miami, Florida.[46]

Top Trade Routes by Shipment

Rank	Country of Export	Port of Entry	Number of Shipments	Percentage of Overall Shipments
1	Mexico	El Paso, TX	919	22.6%
2	Haiti	Miami, FL	318	7.8%
3	Mexico	San Diego, CA	263	6.8%

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40. *Id.* at 22.
41. Alejandra Goyenechea & Rosa A. Indenbaum, supra note 11, at 1.
42. *Id.*
43. *Id.* at 2.
44. *Id.*
45. Alejandra Goyenechea & Rosa A. Indenbaum, supra note 11, at 2.
46. *Id.* at 3.
47. *Id.* at 21.

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Shipments were seized at forty-seven different U.S. ports of entry.[48] The top three ports of entry (El Paso, Miami, and Houston) were responsible for seizing 53.3 percent of all shipments in the data set.[49]

Top Ports of Entry by Shipment

Rank	Country of Export	Port of Entry	Number of Shipments	Percentage of Overall Shipments
1	Mexico	El Paso, TX	919	22.6%
2	Haiti	Miami, FL	318	7.8%
3	Mexico	San Diego, CA	263	6.8%

[50]

"The most frequently seized species . . . were queen conch, sea turtles, caimans, crocodiles and iguanas."[51] "Further analysis [by Defenders of Wildlife] indicated that the illegal products in highest demand by U.S. consumers included meat (68,841 pounds), eggs (9,128 eggs), and shoes (5,760 individual shoes)."[52] "In total, some 47,914 illegal wildlife products, 81,526 pounds of illegal wildlife, and 7,111 illegal animals were seized from 2004 to 2013."[53]

The illegal importation of wildlife products into the U.S. from Latin America is a problem that, up until recently, was not extensively acknowledged or documented. With increased awareness of the issues, more measures may now be taken to curb the illegal importation.

48. Alejandra Goyenechea & Rosa A. Indenbaum, supra note 11, at 21.
49. *Id.*
50. *Id.*
51. *Id.* at 3.
52. *Id.*
53. *Id.*

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