



# International Illegal Trade in Wildlife: Threats and U.S. Policy

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## Summary

Global trade in illegal wildlife is a potentially vast illicit economy, estimated to be worth billions of dollars each year. Some of the most lucrative illicit wildlife commodities include elephant ivory, rhino horn, sturgeon caviar, and so-called “bushmeat.” Wildlife smuggling may pose a transnational security threat as well as an environmental one. Numerous sources indicate that some organized criminal syndicates, insurgent groups, and foreign military units may be involved in various aspects of international wildlife trafficking. Limited anecdotal evidence also indicates that some terrorist groups may be engaged in wildlife crimes, particularly poaching, for monetary gain. Some observers claim that the participation of such actors in wildlife trafficking can therefore threaten the stability of countries, foster corruption, and encourage violence to protect the trade.

Reports of escalating exploitation of protected wildlife, coupled with the emerging prominence of highly organized and well-equipped illicit actors in wildlife trafficking, suggests that policy challenges persist. Commonly cited challenges include legal loopholes that allow poachers and traffickers to operate with impunity, gaps in foreign government capabilities to address smuggling problems, and persistent structural drivers such as lack of alternative livelihoods in source countries and consumer demand.

To address the illicit trade in endangered wildlife, the international community has established, through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), a global policy framework to regulate and sometimes ban exports of selected species. Domestic, bilateral, regional, and global efforts are intended to support international goals of sustainable conservation, effective resource management, and enforcement of relevant laws and regulations.

Increased recognition of the potential consequences of wildlife trafficking has caused some observers and policymakers to question the efficacy of existing U.S. and international responses and consider new options for addressing the problem. In November 2012, for example, then-Secretary of State Hillary Clinton announced the beginning of a revitalized effort to combat international wildlife trafficking. In July 2013, President Barack Obama issued Executive Order 13648 on Combating Wildlife Trafficking. The Executive Order identified poaching of protected species and the illegal trade in wildlife and their derivative parts and products as an escalating international crisis that is in the national interest of the United States to combat.

The U.S. Congress has played a role in responding to these ongoing challenges and evaluating U.S. policy to combat international wildlife trafficking. Over time, Congress has enacted a wide range of laws to authorize conservation programs, appropriate domestic and international funding for wildlife protection and natural resource capacity building, and target and dismantle wildlife trafficking operations. In recent years, Congress has also held hearings and events that have addressed the growing problem of wildlife crimes and raised key questions for next steps. Interest in wildlife crime may continue in the 113<sup>th</sup> Congress. Congressional activity may include evaluating the seriousness of the threat as a national security issue, as well as raising questions regarding the effectiveness of existing policies, ranging from biodiversity programs to anti-crime activities.

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## Introduction

Despite long-standing commitments to protect threatened species from overexploitation and to support natural resource management development, some argue that the scope and scale of illegal wildlife trade has risen to historic levels.<sup>1</sup> According to U.S. government estimates, illegal trade in endangered wildlife products, including elephant ivory, rhino horns, and turtle shells, is worth at least an estimated \$7 billion to \$10 billion annually.<sup>2</sup> This figure does not include illegal logging and illegal fishing, which can account, respectively, for roughly an additional \$30 billion to \$100 billion annually and \$10 billion to \$23 billion annually.<sup>3</sup> Such figures may place illegal wildlife trafficking among the top 10 most lucrative criminal activities worldwide.

The continued existence of black markets for wild plants and animals is widely considered to be driven by ongoing consumer demand as well as gaps in natural resource management, law enforcement, and trade controls. Wildlife trafficking appears disproportionately to impact parts of the developing world that possess valuable natural resources, but do not have the capacity or political will to manage such resources transparently and effectively. Beyond its role in species extinction and endangerment, illegal wildlife trade has also been associated with the spread of disease and proliferation of invasive species.

Moreover, high prices for illegal wildlife, combined with often lax law enforcement and security measures, have motivated the involvement of transnational organized crime syndicates, who view such trafficking as an opportunity for large profits with a low risk of detection.<sup>4</sup> Even where heightened security measures to protect wildlife are implemented, they have not consistently had a deterrent effect. Instead, some wildlife trafficking operations have become more elaborate and, at times, more dangerous. Traffickers are known to employ sophisticated hardware for poaching operations, including night vision goggles, military-grade weapons, and helicopters. Park rangers have also been killed in the line of duty by poachers. Some shipments of the wildlife contraband and the illicit profits that result from such trafficking often involve circuitous routes, support from corrupt officials, a complex web of anonymous financial mechanisms, and broad networks of complicit middlemen, processors, exporters, and retailers along the transnational supply chain.<sup>5</sup>

Some suggest that armed groups in Africa and Asia, which happen to be located in biologically diverse areas, are using natural resources to finance violent and politically destabilizing activities.<sup>6</sup> Various observers have alleged the involvement of non-state armed groups, including

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<sup>1</sup> International Conservation Caucus Foundation (ICCF), “The African Poaching Crisis,” website, accessed Mar. 28, 2013, [http://iccfoundation.us/index.php?option=com\\_content&view=article&id=445&Itemid=367](http://iccfoundation.us/index.php?option=com_content&view=article&id=445&Itemid=367).

<sup>2</sup> State Department, “Secretary Clinton Hosts Wildlife Trafficking and Conservation,” media note, Nov. 8, 2012. According to the National Intelligence Council, environmental crime, defined to include illegal wildlife trade, logging, trade in CFCs, and toxic waste dumping, generates an estimated \$20 billion to \$40 billion per year for transnational organized crime. See Office of the Director of National Intelligence, *Special Report: The Threat to U.S. National Security Posed by Transnational Organized Crime*, 2011.

<sup>3</sup> David J. Agnew et al., “Estimating the Worldwide Extent of Illegal Fishing,” *PLoS ONE* 4(2), Feb. 2009; Christian Nellemann, ed. (INTERPOL and United Nations Environment Programme (UNEP)), *Green Carbon, Black Trade*, 2012.

<sup>4</sup> World Wide Fund for Nature (WWF) and Dalberg, *Fighting Illicit Wildlife Trafficking*, 2012.

<sup>5</sup> Vanda Felbab-Brown (Brookings), *The Disappearing Act*, Jun. 2011; World Bank, *Going, Going, Gone*, Jul. 2005.

<sup>6</sup> Margot Kiser, “The Economics of Extinction,” *Newsweek*, Jan. 25, 2013.

separatist and Islamist militant groups, in Africa and South Asia.<sup>7</sup> Reports further suggest that military officers in some African countries may be involved or complicit in poaching operations.<sup>8</sup> Well established Asian and Eurasian organized crime groups are further suspected of bankrolling poaching operations and facilitating the international movement of wildlife contraband.

Increased recognition of the potential consequences of wildlife trafficking has caused many to question the efficacy of existing U.S. and international responses and consider new options for addressing the problem. In November 2012, for example, then-Secretary of State Hillary Clinton announced the beginning of a revitalized effort to combat international wildlife trafficking.<sup>9</sup> Central to this renewed effort were enhanced diplomatic outreach; targeted public diplomacy campaigns; continued international training and technical assistance, and cooperation to enhance natural resource governance and wildlife law enforcement capabilities; and expanded partnerships with non-governmental organizations.

The U.S. intelligence community has also begun to consider wildlife trafficking as a major transnational organized crime threat. In March 2013, the Director of National Intelligence (DNI) James R. Clapper testified before Congress on the U.S. intelligence community's assessment of worldwide threats, stating that "illicit trade in wildlife, timber, and marine resources constitutes a multi-billion dollar industry annually, endangers the environment, and threatens to disrupt the rule of law in important countries around the world."<sup>10</sup> The U.S. intelligence community is also reportedly conducting further assessment of wildlife trafficking as a national security issue.<sup>11</sup>

In July 2013, President Barack Obama issued Executive Order 13648 on Combating Wildlife Trafficking.<sup>12</sup> The Executive Order identified poaching of protected species and the illegal trade in wildlife and their derivative parts and products as an escalating international crisis that it is in the national interest of the United States to combat. It directed the Secretaries of State and Interior and the Attorney General to establish a Presidential Task Force on Wildlife Trafficking, develop and implement a National Strategy for Combating Wildlife Trafficking, and convene an Advisory Council on Wildlife Trafficking composed of non-governmental expert members.

Congress has long held an interest in issues related to the status of endangered species in international trade and policy responses to stem poaching and illicit trafficking of wild animals and plants. The 113<sup>th</sup> Congress continues to be involved in addressing the illegal wildlife trade through oversight and proposed legislation. Issues for Congress have centered on the extent to which existing legal tools and authorities are over- or under-utilized to respond to wildlife trafficking, including U.S. military assistance, justice sector training and capacity building

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<sup>7</sup> Sharon Begley et al., "Extinction Trade," *Newsweek*, Mar. 10, 2008; Kasper Agger and Jonathan Hutson, *Kony's Ivory: How Elephant Poaching in Congo Helps Support the Lord's Resistance Army*, June 2013.

<sup>8</sup> United Nations Office on Drugs and Crime (UNODC), *Organized Crime and Instability in Central Africa*, Oct. 2011.

<sup>9</sup> State Department (Hillary Rodham Clinton), "Remarks at the Partnership Meeting on Wildlife Trafficking," Nov. 8, 2012.

<sup>10</sup> James R. Clapper (Director of National Intelligence), "Worldwide Threat Assessment of the U.S. Intelligence Community," Statement for the Record, Hearing, Senate Select Committee on Intelligence, March 12, 2013.

<sup>11</sup> This assessment is reportedly being conducted at the request of then-Secretary of State Clinton; she publicized this in her Nov. 2012 speech. See State Department (Hillary Rodham Clinton), "Remarks at the Partnership Meeting on Wildlife Trafficking," Nov. 8, 2012.

<sup>12</sup> White House (Obama Administration), "Combating Wildlife Trafficking," Executive Order 13648 of July 1, 2013, *Federal Register* 78(129), July 5, 2013, pp. 40621-40623.

programs, tools to combat transnational organized crime, free trade agreements, anti-money laundering regulations, trade sanctions, and investigative rewards programs.

## Scope of Criminality

The cross-border and transnational export, import, sale, or purchase of wild animal and plant resources becomes illegal when it is conducted in contravention to international commitments or domestic laws. Such commitments and laws may variously prohibit outright taking, transporting, or hunting of selected species, as well as harvesting of certain species beyond an established quota or physical boundary. Laws and regulations also prohibit the export, import, sale, or purchase of certain species without appropriate permits, authorization, or documentation. Further, some laws regulate the processing of plant and wildlife products. Chief among international commitments pertaining to the protection of wild animals and plants, including their parts, products, and derivatives, is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES; see text box).

### **CITES In Brief**

CITES is an international agreement to regulate international trade in endangered species. A total of 178 governments have voluntarily agreed to adhere to the convention, which establishes a series of incrementally stringent restrictions on imports and exports of wildlife, depending on the sustainability of such trade.

For example, species designated under “Appendix I” are considered threatened with extinction. As a result, trade in Appendix I species is most restricted and approved only under exceptional circumstances.

Exports of species designated under “Appendix II” must be accompanied by appropriate CITES documentation. “Appendix III” species are subject to the least stringent trade restrictions; they are, however, regulated if traded within the jurisdiction of at least one CITES state party.

For more information, see CRS Report RL32751, *The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): Background and Issues*, by Pervaze A. Sheikh and M. Lynne Corn

Illegal wildlife trade ranges in scale from single-item, local bartering to multi-ton, commercial-sized exports of animal and plant consignments. Wildlife contraband may include live pets, hunting trophies, fashion accessories, cultural artifacts, ingredients for traditional medicine, wild protein for human consumption (or bushmeat), and other products. Although there is no distinct criminal profile that describes wildlife poachers and traffickers, illicit wildlife trade networks often involve a combination of local hunters, regional middlemen, wildlife experts, criminal entities, global suppliers, front companies, online retailers, corrupt officials, and consumers willing to purchase such contraband.

The primary motivation to engage in illegal wildlife trade appears to be economic gain, coupled with ongoing demand that exceeds what the market can legally supply in many parts of the world, including primarily China, where recent economic growth is driving the expansion of households with disposable income, as well as the United States, and Western Europe.<sup>13</sup> Further depletions of already-rare wildlife populations often cause the perverse effect of driving up black market prices for endangered wildlife products—which reportedly have risen up to \$90,000 for a live Lear Macaw, \$50,000 for a kilogram of rhino horn, \$8,000 for a luxury shahtoosh shawl, \$1,200 for a kilogram of tiger bones or beluga caviar, and \$1,000 for a kilogram of raw elephant ivory.<sup>14</sup>

<sup>13</sup> See World Bank and TRAFFIC, *What’s Driving the Wildlife Trade?* Oct. 2008.

<sup>14</sup> Sharon Begley et al., “Extinction Trade,” *Newsweek*, Mar. 10, 2008; UNODC, “Environmental Crime,” fact sheet, (continued...)

Some point to the involvement of transnational criminal groups in illegal wildlife trade as a cause for concern. According to a series of U.N. studies on the illicit traffic of wildlife, experts claim that Chinese, Japanese, Italian, and Russian organized crime syndicates are “heavily involved in illegal wildlife trade.”<sup>15</sup> While such claims do not suggest that organized crime syndicates are involved in all forms of wildlife trafficking, the U.N. reports suggest that syndicates are “strongly present” in some sectors and “significant and growing.”<sup>16</sup>

Anecdotal evidence indicates that both licit and illicit wildlife has been found comingled with shipments of other contraband goods, including drugs, weapons, stolen cars, and human beings.<sup>17</sup> In one instance, customs officials recovered Colombian cocaine-filled condoms that had been inserted into a crate of snakes. Other mixes of narcotics and wildlife include cases involving elephant tusks stuffed with hashish and exotic parrots smuggled with methamphetamine pills. Valuable wildlife products can be used in lieu of cash as a means to launder money or exchange for other illicit commodities, such as drugs and weapons. In South Africa, for example, street gangs have reportedly provided highly prized, but illegal, catches of abalone to Asian crime syndicates in exchange for methamphetamine.<sup>18</sup> In some cases, particularly those linked to ivory and rhino horn poaching in Africa and South Asia, anecdotal evidence points to the potential involvement of armed groups, including terrorists, warlords, and insurgents.

### **Illegal Logging and Foreign Corruption**

Timber is a major global commodity that represents a significant portion of international wildlife trade.<sup>19</sup> Illegal acts related to the timber trade commonly include unauthorized extractions (e.g., cutting protected species, cutting on protected lands, and logging beyond set limits in terms of timber volume or geographic area) as well as violations related to forged and misused logging permits, obtaining logging concessions through bribery, diversion of timber royalties by high level officials (i.e., grand corruption), and false declarations to customs regarding the value, type, or amount of timber to be exported.<sup>20</sup> Although a few select species of rare hardwoods, such as Brazilian Rosewood (*Dalbergia nigra*), are subject to stringent international trade prohibitions through CITES, most species of timber are not subject to CITES trade regulations.<sup>21</sup> As a result, many illegal acts related to logging involve violations of domestic laws and regulations.

The consequences of illegal logging, however, can have transnational ramifications, contributing not only to regional environmental degradation and deforestation, but also to political instability, economic losses for legal wood, corruption, and losses of state revenue in some cases. Investigative reports have repeatedly discovered that illegal

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2012; Veronica Chambers, “Passion for Pashmina,” *Newsweek*, May 11, 1998.

<sup>15</sup> United Nations Economic and Social Council (ECOSOC), reports of the Secretary-General, *Progress Made in the Implementation of Economic and Social Council Resolution 2001/12 on Illicit Trafficking in Protected Species of Wild Flora and Fauna* E/CN.15/2002/7, Feb. 26, 2002, *Illicit Trafficking in Protected Species of Wild Flora and Illicit Access to Genetic Resources* E/CN.15/2003/8, Mar. 4, 2003, *Illicit Trafficking in Protected Species of Wild Flora and Fauna* E/CN.15/2005/10, Mar. 17, 2005.

<sup>16</sup> Ibid. See also Jonathan Katzmar, “The International Illegal Plant and Wildlife Trade,” *U.C. Davis Journal of International Law and Policy* 6 (105), winter 2000.

<sup>17</sup> Vanda Felbab-Brown (Brookings), *The Disappearing Act* 6, Jun. 2011.

<sup>18</sup> Mark Schoofs, “As Meth Trade Goes Global, South Africa Becomes a Hub,” *Wall Street Journal*, May 21, 2007.

<sup>19</sup> Nellemann, ed., *Green Carbon, Black Trade*, 2012.

<sup>20</sup> Ibid.; Duncan Brack, “Lessons from the Control of the Illegal Trade in Ozone-Depleting Substances, Timber and Fisheries,” ch. 16 in Sara Oldfield, ed., *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003).

<sup>21</sup> Trade in several other species of hardwoods may still be permissible, but require appropriate CITES documentation. Examples include Ramin (*Gonystylus* spp.), which is found in Southeast Asia and the Pacific; Mahogany (*Swietenia* spp.), which is found in the Caribbean, Central America, and tropical parts of South America; and African Teak (*Pericosis elata*), which is found in tropical parts of Central and West Africa.

logging in conflict zones in Southeast Asia, Sub-Saharan Africa, and South America provides armed groups with a source of illicit revenue and a means to finance arms purchases and generate hard currency.<sup>22</sup> Some research suggests that the scale of illegal logging is such that it may depress global commodity prices by as much as 7%-16%, on average.<sup>23</sup>

Researchers indicate that the global volume of illegal logging appears to have fallen in recent years, due to a combination of invigorated law enforcement efforts, greater resources devoted to forest park security, the introduction of independent forestry monitoring systems, public awareness raising, and actions taken in key consumer countries.<sup>24</sup> Despite such indicators, the United Nations and INTERPOL reported in 2012 that criminal patterns associated with the timber trade have “moved from direct illegal logging to more advanced methods of concealment and timber laundering.”<sup>25</sup> This apparent shift in timber trafficking methods suggests that illegal logging may not only be continuing, but that organized criminal groups involved in timber trafficking have adapted and developed more sophisticated illicit methods to mask illegal logging and evade detection.<sup>26</sup> Observers further fear that widespread collusive behavior among local officials and enforcement authorities provide illicit actors involved in timber trafficking with little incentive to improve.<sup>27</sup>

## Examples of Wildlife Crime

The following sections describe several illustrative forms of international illegal trade in wildlife, including trafficking in elephant ivory, rhino horn, caviar, and so-called bushmeat.

### African Elephant Ivory

International trade in African elephants (*Loxodonta africana*) and their parts has been restricted under Appendix I since 1989, pursuant to CITES.<sup>28</sup> The 1989 CITES decision followed a decade of rampant ivory poaching that is estimated to have cut the total African elephant population to less than half its size in the late 1970s.<sup>29</sup> In the immediate years after the 1989 decision took

<sup>22</sup> Historical examples have included the exploitation of timber resources in Burma, Cambodia, Democratic Republic of Congo, Indonesia, and Liberia. See William M. Rhodes et al. (prepared for the National Institute of Justice), *Illegal Logging*, May 31, 2006; Global Witness, *Logs of War*, Mar. 2002.

<sup>23</sup> Seneca Creek Associates and Wood Resources International (prepared for the American Forest and Paper Association), *Illegal Logging and Global Wood Markets*, Nov. 2004; Sara Oldfield, “Regulation of the Timber Trade,” ch. 12 in Sara Oldfield, ed., *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003); William Magrath et al. (INTERPOL and the World Bank), *Chainsaw Project: An INTERPOL Perspective on Law Enforcement in Illegal Logging*, 2009.

<sup>24</sup> Sam Lawson (Chatham House), *Illegal Logging and Related Trade*, briefing paper, July 2010; William Magrath et al. (INTERPOL and the World Bank), *Chainsaw Project: An INTERPOL Perspective on Law Enforcement in Illegal Logging*, 2009.

<sup>25</sup> Nellemann, ed., *Green Carbon, Black Trade*, 2012.

<sup>26</sup> Environmental Investigative Agency (EIA), *Appetite for Destruction*, Nov. 2012.

<sup>27</sup> Marilyne Pereira Goncalves et al. (World Bank), *Justice for Forests*, 2012.

<sup>28</sup> African elephants were first designated in 1977 under Appendix II and then elevated to Appendix I in 1989. Pursuant to CITES provisions, specified trade in some African elephant ivory has been authorized. With appropriate documentation, pre-ban stocks may continue to be sold. On two occasions since 1989, the CITES Secretariat has supervised the legal international sale of ivory: once in 1999 (50 tons of ivory from Botswana, Namibia, and Zimbabwe were sold to Japan) and once in 2008 (108 tons of ivory from Botswana, Namibia, South Africa, and Zimbabwe were sold to Japan and China). For the purposes of noncommercial export of personal sport-hunted trophies, elephants may be taken in Botswana, Namibia, South Africa, and Zimbabwe; at the 14<sup>th</sup> meeting of the CITES Conference of the Parties (CoP14) in 2007, African countries committed to a nine-year moratorium on proposals to authorize ivory exports from populations listed under Appendix II. Domestic sales of ivory are not subject to CITES regulation.

<sup>29</sup> In addition to poaching, elephant populations have been threatened by habitat loss due to human population growth and agricultural expansion.



effect, poaching appeared to drop significantly and African elephant populations in many parts of Sub-Saharan Africa began to recover.

Today, an estimated total of approximately 420,000 to 650,000 African elephants can be found in 37 countries in sub-Saharan Africa.<sup>30</sup> Elephant population trends, however, vary significantly by region, and the majority of known African elephants appear to be concentrated in Southern and Eastern Africa. Vibrant population growth primarily in Southern Africa has offset potentially large declines of forest elephants in Central Africa.<sup>31</sup> On the other hand, anecdotal indications of recent large-scale elephant killings suggest an uptick in poaching and a potential reversal of overall population trends.<sup>32</sup>

According to data compiled for the CITES-sponsored project Monitoring the Illegal Killing of Elephants (MIKE), poaching levels have increased since 2006. An estimated 17,000 elephants (range: 7,800 to 26,000) may have been illegally killed in 2011 at MIKE reporting sites in Africa—suggesting that the continental total of illegal killed elephants in 2011 was higher.<sup>33</sup> Early estimates for 2012 suggest that poachers may have killed more than 30,000 African elephants.<sup>34</sup>

Several widely reported incidents indicate an escalation in the poaching tactics and methods used in Central Africa. Observers point to a series of elephant killings in Bouba N'djida National Park in northern Cameroon in recent years as indicative of a worrying pattern of commercial-scale poaching.<sup>35</sup> Other reports have described poaching incidents in Garamba National Park in the Democratic Republic of Congo (DRC) and in Minkébé National Park in Gabon.<sup>36</sup>

Various reports further raise the possibility that poachers may include elements of some African militaries and several non-state armed groups, such as the Congolese, Ugandan, Sudanese, and Tanzanian militaries, Sudanese *janjaweed*, the Lord's Resistance Army (LRA), and the Somali

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<sup>30</sup> African Elephant Database, *2012 Continental Totals*, 2013; International Union for Conservation of Nature (IUCN) Red List of Threatened Species, *Loxodonta africana*, Feb. 2012; and IUCN, *African Elephant Status Report* 33, 2007.

<sup>31</sup> According to a scientific journal article published in March 2013, the Central African forest elephant population is estimated to have declined by 62% from 2002 to 2011, with particularly severe declines noted among elephant populations located in DRC. Fiona Maisels et al., "Devastating Decline of Forest Elephants in Central Africa," *PLoS ONE* 8(3), Mar. 2013.

<sup>32</sup> See also Margot Kiser, "The Economics of Extinction," *The Daily Beast*, Jan. 29, 2013; "Tanzanian Parliament Calls for Stricter Anti-Poaching Measures," *All Africa*, Jan. 23, 2013; and Louis Kolumbia, "Bunge Team's Fury over Rise in Poaching," *The Citizen (Tanzania)*, Jan. 22, 2013. "Brought to Tusk," *Economist*, Nov. 3, 2012; UNODC, "Environmental Crime," fact sheet, 2012, and *Organized Crime and Instability in Central Africa*, Oct. 2011.

<sup>33</sup> CITES, *Monitoring the Illegal Killing of Elephants*, CoP16 Doc. 53.1, Nov. 30, 2012, and addendum, Feb. 19, 2013. For further discussion of the methodology, see Robert Burn et al., "Global Trends and Factors Associated with the Illegal Killing of Elephants," *PLoS ONE* 6(9), Sep. 2011.

<sup>34</sup> See for example Wildlife Conservation Society estimates at <http://www.wcs.org/elephants/>. Another report estimates that as many as 50,000 elephants may be poached each year. See Navanti Group, *Overview of Poaching and Armed Groups, Native Prospector* (Central Bridge-LRA), DRC-04, Feb. 13, 2013 (UNCLASSIFIED//FOUO).

<sup>35</sup> CITES, "CITES Secretary-General Expresses Grave Concern Over Reports of Mass Elephant Killings in Cameroon," press release, Feb. 28, 2012; Bettina Wassener, "China's Hunger for Ivory is Killing Cameroon's Elephants," *New York Times* (blog), Mar. 16, 2012; WWF, "Hundreds of Elephants Massacred and Hundreds More Still At Risk," press release, Mar. 15, 2012.

<sup>36</sup> According to the UNODC, the DRC appears to be among the countries most implicated as a source of illicit ivory, particularly large-scale consignments. UNODC, *Organized Crime and Instability in Central Africa*, Oct. 2011. See also Jonny Hogg and Ed Stoddard, "African Big Game Poaching Surges on Asian Affluence," *Reuters*, Apr. 24, 2012; UNEP et al., *Elephants in the Dust*, Mar. 2013.

terrorist organization Al Shabaab.<sup>37</sup> In the case of the LRA, many observers have speculated on the extent to which the group relies on ivory poaching for financing and resources. Although few consider the LRA to be deeply enmeshed in the transnational logistics of ivory trafficking, some reports suggest that the group may be bartering ivory—primarily poached in DRC’s Garamba National Park—for arms, supplies, and other military equipment from Sudanese military personnel.<sup>38</sup> Dozens of African wildlife rangers have been killed by suspected poachers in recent years, many in apparent reprisal attacks.<sup>39</sup>

Ivory seizure data collected by the Elephant Trade Information System (ETIS) reinforce claims that elephant poaching is increasing.<sup>40</sup> According to recent ETIS data, both the volume of illegally traded ivory as well as the number of large-scale illegal consignments trafficking internationally may be increasing. The increase in large-scale seizures, defined as consignments containing 800 kilograms of elephant ivory or more, is of particular concern to law enforcement officials, who suspect that well-organized criminal syndicates are likely involved in such movements. According to TRAFFIC International, there were 13 large-scale seizures of African elephant ivory in 2011 alone, likely representing some 2,500 elephants.<sup>41</sup>

Driving contemporary poaching is surging demand for ivory products in East Asia, where, historically, elephant ivory has long been valued for its cultural significance, as a symbol of wealth, and as an ingredient in the traditional treatment of certain types of health ailments.<sup>42</sup> China, in particular, has reportedly emerged as a major consumer of elephant ivory, driven in part by recent economic growth and the growing affluence of its citizens. Anecdotal reports suggest that Chinese expatriate communities working and living in Africa are playing a significant and perhaps growing role in elephant ivory smuggling. Asian criminal syndicates are reportedly involved in large-scale smuggling operations and may be collaborating with African criminal groups.

## Rhino Horn

There are five living species of rhinoceros in the world, the survival of which are all threatened by over-hunting and habitat loss. Three species are native to Asia: the Sumatran rhino (*Dicerorhinus sumatrensis*), the Javan rhino (*Rhinoceros sondaicus*), and the Indian rhino (*Rhinoceros unicornis*). Two species are native to Africa: the Black rhino (*Diceros bicornis*) and the White rhino (*Ceratotherium simum*). All five species have been subject to CITES trade prohibitions since the mid-1970s.<sup>43</sup> According to estimates by the International Union for the

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<sup>37</sup> UNEP et al., *Elephants in the Dust*, Mar. 2013; Open Source Center, “East Africa: Struggling to Curb Ivory Poaching, Illicit Trafficking,” analysis, Jun. 3, 2013 (UNCLASSIFIED//FOUO).

<sup>38</sup> *Overview of Poaching and Armed Groups, Native Prospector* (Central Bridge-LRA), DRC-04, Feb. 13, 2013 (UNCLASSIFIED//FOUO).

<sup>39</sup> See for example Jeffrey Gettleman, “Rangers in Isolated Central Africa Uncover Grim Cost of Protecting Wildlife,” *New York Times*, Dec. 31, 2012.

<sup>40</sup> CITES, report of the Secretariat, *Monitoring of Illegal Trade in Ivory and Other Elephant Specimens*, CoP16 Doc. 53.2.1, Nov. 13, 2012, and ETIS Report of TRAFFIC, CoP16 Doc. 53.2.2 (Rev. 1), Feb. 8, 2013.

<sup>41</sup> TRAFFIC, “2011: ‘Annus Horribilis’ for African Elephants, Says TRAFFIC,” press release, Dec. 29, 2011.

<sup>42</sup> See for example Bryan Christy, “Ivory Worship,” *National Geographic*, Oct. 2012.

<sup>43</sup> All rhino species are subject to the strictest bans on international trade (e.g., Appendix I), with the exception of White rhinos from South Africa and Swaziland, for which limited trade in live animals and export of hunting trophies is permitted pursuant to CITES.

Conservation of Nature (IUCN) from 2012, there are approximately 140-210 Sumatran rhinos and 35-45 Javan rhinos remaining in the wild.<sup>44</sup> The last of the Vietnamese subspecies of the Javan rhino was shot in 2010 for its horn.<sup>45</sup> The Indian rhino, in contrast, is experiencing modest population growth, up to approximately 3,264 rhinos, due largely to strict protections by Indian, and more recently, Nepalese authorities. In the early 1900s, fewer than 200 Indian rhinos were believed to exist.

Despite redoubled conservation efforts initiated in the 1990s, surging demand in recent years for illegal rhino horn, particularly in Asian countries such as Vietnam, along with the corresponding increase in the involvement of organized international criminal syndicates in rhino horn smuggling, may imperil population gains made by African rhino species.<sup>46</sup> According to IUCN estimates from 2010, the African Black rhino population has increased to 4,880 since its nadir in 1995 of 2,410. The White rhino, whose population had been decimated to an estimated 20-50 surviving animals, has grown to approximately 20,165 in 2010.

Much of these African conservation gains are the result of initiatives in South Africa—home to some 40% of African Black rhinos and 90% of White rhinos—which have combined private sector conservation incentives with strong wildlife management, monitoring, and law enforcement.<sup>47</sup> Yet, 668 rhinos were illegally killed in 2012 in South Africa alone, a record since authorities first began tracking such information in 1990.<sup>48</sup> As of July 18, 2013, a total of 488 additional rhinos were reported poached in South Africa.<sup>49</sup> At this rate of killings, African rhino population growth is unlikely to be sustained. In other sub-regions of Africa, rhino conservation prospects are already dim. In 2011, the IUCN concluded that a subspecies of the Black rhino in West Africa went extinct and the number of Northern White rhinos (distinct from the South Africa-based species) has dwindled to single digits.<sup>50</sup>

Contemporary demand for rhino horn continues despite heightened rhino protection efforts, including GPS chipping and DNA tracking, as well as increased enforcement and penalties against perpetrators.<sup>51</sup> This surging demand originates primarily among consumers in Asia, who have reportedly driven the retail price of ground rhino horn to a height of as much as \$20,000 to \$30,000 per kilogram.<sup>52</sup> Such consumers seek rhino horn out as an ingredient in traditional

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<sup>44</sup> CITES, report of the Secretariat, *Rhinoceroses*, CoP16 Doc. 54.2 (rev. 1), Jan. 10, 2013.

<sup>45</sup> Sarah Brook et al. (WWF), *Extinction of the Javan Rhinoceros (Rhinoceros sondaicus) from Vietnam*, 2011.

<sup>46</sup> CITES, report of the Secretariat, *Rhinoceroses*, CoP16 Doc. 54.2 (rev. 1), Jan. 10, 2013; Margot Kiser, “The Economics of Extinction” *Newsweek*, Jan. 25, 2013; “Poachers Prevail,” *Economist*, May 12, 2012.

<sup>47</sup> Nigel Leader-Williams, “Regulation and Protection,” ch. 9 in Sara Oldfield, ed., *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003); Tom Milliken and Jo Shaw (TRAFFIC), *The South Africa—Viet Nam Rhino Horn Trade Nexus*, executive summary, 2012.

<sup>48</sup> South Africa Department of Environmental Affairs, “Minister Molewa Updates South Africans on the Rhino Situation and Measures to Thwart Poaching,” press release, Jan. 10, 2013; Tom Milliken and Jo Shaw (TRAFFIC), *The South Africa—Viet Nam Rhino Horn Trade Nexus*, executive summary, 2012.

<sup>49</sup> Government of South Africa, “Rhino Poaching Update,” press release, July 18, 2013.

<sup>50</sup> Margot Kiser, “The Economics of Extinction” *Newsweek*, Jan. 25, 2013.

<sup>51</sup> Mike Pflantz, “After Half-Century Absence, Black Rhinos Fly Home to Serengeti,” *Christian Science Monitor*, May 21, 2010; “Getting Horny—Zimbabwe,” *Economist*, Jul. 21, 2007.

<sup>52</sup> UNODC, *Environmental Crime*, fact sheet, 2012. Other estimates suggest that rhino horn has retailed at \$25,000 or \$30,000 per pound. Another source reported that middlemen typically pay \$3,500 per kilogram for rhino horn. See for example State Department (Hillary Rodham Clinton), “Remarks at the Partnership Meeting on Wildlife Trafficking,” Nov. 8, 2012; Sharon Begley et al., “Extinction Trade,” *Newsweek*, Mar. 10, 2008; Margot Kiser, “The Economics of Extinction,” *Newsweek*, Jan. 25, 2013.

remedies for fevers, headaches, and hangovers.<sup>53</sup> More recently, claims that rhino horn can cure cancer have further fueled demand.<sup>54</sup> Another consumer base for rhino horn emerged in Yemen, where ornate rhino-horn dagger handles have long been coveted among the elite.<sup>55</sup>

In total, one estimate indicates that more than 4,000 African rhino horns have been illegally sold in Asia between January 2009 and September 2012, amounting to some 12.6 tons of rhino horn available for purchase on the black market.<sup>56</sup> In contrast, some 3.1 tons of rhino horn were estimated to have been illegally sold between January 2006 and September 2009.<sup>57</sup>

Due in large part to its high black market prices, the illegal rhino horn trade has become one of the most structured wildlife crime activities, according to the CITES Secretariat. There are reportedly “clear indications” of highly organized, mobile, and well-financed criminal groups involved in both poaching and subsequent illegal trade of African rhino horn.<sup>58</sup> Observers suggest that criminal actors use sophisticated tools to poach rhinos, including helicopters, night-vision goggles, tranquilizer darts, and silenced heavy-caliber guns.<sup>59</sup> In addition to poaching, organized criminal groups have stolen rhino horns from government stocks, museums in Europe, private collections, antique dealers, auction houses, and taxidermists. Authorities in South Africa have documented evidence of suspected abuse of legal trophy hunting as a means to illicitly procure rhino horn for further black market sale.

## Eurasian Caviar

Sturgeon (*Acipenseriformes*) has long been coveted as a culinary delicacy, both for its meat and roe. Particularly popular are the roe from Beluga (*Huso huso*), Russian (*Acipenser gueldenstaedtii*), Stellate (*Acipenser stellatus*), and Ship (*Acipenser nudiiventris*) sturgeons that can be found in the Caspian and Black Sea basins and whose international trade is restricted under CITES.<sup>60</sup> Due to years of overfishing, illegal fishing, and a decline in the number of spawning sites due to habitat loss and degradation, wild populations of most species of sturgeon are projected to continue to decrease, some potentially resulting in extinction.

The continued rarity of the most prized species of sturgeon, despite recent developments to foster aquacultures and captive breeding, contributes to the extremely high prices for certain types of

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<sup>53</sup> Tom Milliken and Jo Shaw (TRAFFIC), *The South Africa—Viet Nam Rhino Horn Trade Nexus*, Executive Summary, 2012; Nigel Leader-Williams, “Regulation and Protection,” ch. 9 in Sara Oldfield, ed., *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003); Geoffrey Gettleman, “Coveting Horns, Ruthless Smugglers’ Rings Put Rhinos in the Cross Hairs,” *New York Times*, Jan. 1, 2013.

<sup>54</sup> Kristin Nowell (TRAFFIC), report prepared for the CITES Secretariat, *Assessment of Rhino Horn as a Traditional Medicine*, SC62 Doc. 47.2 annex (rev.2), Apr. 2012.

<sup>55</sup> “A Horny Headache,” *Economist*, Nov. 20, 2010.

<sup>56</sup> CITES, report of the Secretariat, *Rhinoceros*, CoP16 Doc. 54.2 (rev. 1), Jan. 10, 2013.

<sup>57</sup> CITES, *African and Asian Rhinoceroses—Status, Conservation and Trade*, CoP15 Doc. 45.1 (rev. 1), annex, Nov. 20, 2009.

<sup>58</sup> CITES, report of the Secretariat, *Rhinoceros*, CoP16 Doc. 54.2 (rev. 1), Jan. 10, 2013; TRAFFIC, “Rhinos in Crisis,” press release, Jan. 15, 2013; Geoffrey Gettleman, “Coveting Horns, Ruthless Smugglers’ Rings Put Rhinos in the Cross Hairs,” *New York Times*, Jan. 1, 2013.

<sup>59</sup> “A Horny Headache,” *Economist*, Nov. 20, 2010.

<sup>60</sup> Also threatened are species of sturgeon native to North America, which are protected both under CITES and domestic U.S. law.

caviar, which may retail for as much as \$2,000 per kilogram. These prices in turn have provided poachers, often linked with organized criminal groups involved with the global caviar trade, with an incentive to continue overfishing and illegally fishing.<sup>61</sup>

According to the United Nations, “no sector of the illegal fauna or flora trade has been criminalized to the extent of that of sturgeon and caviar.”<sup>62</sup> Major export countries have historically included Eurasian countries that border the Caspian and Black Seas, including Russia, Kazakhstan, Turkmenistan, Iran, Azerbaijan, Georgia, Turkey, Bulgaria, Romania, and Ukraine. Most of the caviar business is reportedly controlled by Russian organized crime, while demand is mostly driven by consumers in Western Europe, North America, and East Asia. In 1998, the U.S. Fish and Wildlife Service (FWS) reported that an estimated 50% of the international trade in caviar was illegal; other estimates suggest Russian criminal groups’ involvement in the caviar trade may have been higher.<sup>63</sup> In the mid-2000s, FWS investigations into the U.S. caviar trade revealed that 7 of the 10 major importers on the East Coast had been illegally importing millions of dollars’ worth of caviar annually.<sup>64</sup>

According to reports, a combination of factors appeared to have led to the criminalization of the global caviar trade in the mid-1990s, including increased prices, a surging demand that exceeded legal quotas for sturgeon exports, and the disruption of Soviet-era fishing regulations that created a governance and regulatory environment permissive to exploitation.<sup>65</sup> Soon after the fall of the Soviet Union, criminal networks surrounding the caviar trade emerged, composed of fishermen, local middlemen, regional suppliers, and international distributors. Criminals would also repackage and falsely label inferior varieties of caviar to sell at higher prices. Highlighting the lucrative nature of the trade, criminal territoriality, and protection of trafficking routes, criminal actors involved occasionally responded to seizures with displays of violence, reportedly bombing the homes of a local detachment of Russia border guards near the Caspian Sea in 1996 and attacking a Russian coast guard station in 2001 to illegally retrieve their confiscated fishing boats and nets.<sup>66</sup>

Declining sturgeon stocks combined with heightened levels of suspected sturgeon poaching inspired the international community in 1998 to regulate international trade of sturgeon and sturgeon products, including caviar, through CITES. Legal exports are still permissible for most species of sturgeon, but only when accompanied by appropriate CITES documentation. Some

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<sup>61</sup> TRAFFIC, “Black Gold,” fact sheet, 2009; Katalin Kecse-Nagy (TRAFFIC), *Trade in Sturgeon Caviar in Bulgaria and Romania*, May 2011.

<sup>62</sup> UNECOSOC, reports of the Secretary-General, *Illicit Trafficking in Protected Species of Wild Flora and Illicit Access to Genetic Resources*, E/CN.15/2003/8, Mar. 4, 2003, and *Progress Made in the Implementation of Economic and Social Council Resolution 2001/12 on Illicit Trafficking in Protected Species of Wild Flora and Fauna*, E/CN.15/2002/7, Feb. 26, 2002.

<sup>63</sup> U.S. Fish and Wildlife (FWS), “New Caviar Import Measures Protect Imperiled Sturgeon,” press release, Mar. 25, 1998; UNECOSOC, report of the Secretary-General, *Progress Made in the Implementation of Economic and Social Council Resolution 2001/12 on Illicit Trafficking in Protected Species of Wild Flora and Fauna*, E/CN.15/2002/7, Feb. 26, 2002.

<sup>64</sup> FWS Office of Law Enforcement, *Strategic Plan 2006-2010*.

<sup>65</sup> Lisa Speer et al. (Natural Resources Defense Council), *Roe to Ruin*, Dec. 2000; Maylynn Engler and Rob Parry-Jones (TRAFFIC), *Opportunity or Threat*, 2007.

<sup>66</sup> Tamara Makarenko, “Caspian Countries Fall Prey to ‘Caviar Mafia,’” *Jane’s Intelligence Review*, Jun. 27, 2001; Gavin Hayman and Duncan Brack (Royal Institute of International Affairs), *International Environmental Crime*, 2002; Simon Saradzhyan, “‘Caviar Mafia’ Invades Caspian Coast Guard Station,” *St. Petersburg Times*, Apr. 20, 2001; John M. Sellar, “International Illicit Trafficking in Wildlife,” *Police Chief* 74(6), Jun. 2007.

countries have also since introduced unilateral fishing and import bans or stringent quotas on particularly prized species of sturgeon and sturgeon products. In the United States, for example, the FWS suspended in 2005 import of and foreign commerce in beluga sturgeon caviar and meat from the Black Sea basin. Shifts toward aquaculture and captive breeding programs have also alleviated some of the pressure on wild sturgeon.

## **Bushmeat**

Bushmeat generally refers to the harvesting of wildlife for human consumption and its subsequent trafficking within or outside source countries. Bushmeat may include both common and internationally protected species, such as rodents, primates, antelopes, and pangolins. The hunting of such wildlife often takes place in contravention of domestic and international laws, including quarantine law and public health regulations. Many observers fear that the overhunting of such wildlife, particularly in parts of Africa, contributes to significant wildlife population declines, reductions in biodiversity, and dysfunctional ecosystems. According to FWS, unsustainable bushmeat hunting in Africa is considered the “single greatest threat to wildlife.”<sup>67</sup> It is often further exacerbated by the construction of new roads related in particular to logging and mining operations, which provides poachers with easy access to previously remote and undisturbed forests.<sup>68</sup>

Although the global volume of bushmeat consumption is not known, it is generally associated with consumption habits in Central and West Africa, where some 1 million metric tons of bushmeat are reportedly consumed on an annual basis.<sup>69</sup> Bushmeat is also commonplace in parts of Latin America and Southeast Asia. It is the primary source of protein in the diets of some 5 to 8 million people located in predominantly rural areas worldwide.<sup>70</sup> Bushmeat has also become a status symbol in certain urban and international markets as a cultural delicacy.<sup>71</sup> The globalization of trade and transnational movement of individuals are among frequently referenced factors that drive bushmeat smuggling. Expatriate immigrant populations originating from those regions are reportedly fueling international demand for bushmeat, which is thriving as a multi-million dollar illegal enterprise.<sup>72</sup>

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<sup>67</sup> FWS, *Bushmeat*, website, accessed Mar. 28, 2013, <http://www.fws.gov/international/wildlife-without-borders/global-program/bushmeat.html>.

<sup>68</sup> FWS, *Bushmeat*, website, accessed Mar. 28, 2013.

<sup>69</sup> Elizabeth L. Bennet et al., “Hunting for Consensus: Reconciling Bushmeat Harvest, Conservation, and Development Policy in West and Central Africa,” *Conservation Biology* 21(3), 2006, 884-887; FWS, *Bushmeat*, website, accessed Mar. 28, 2013.

<sup>70</sup> FWS, *Bushmeat*, website, accessed Mar. 28, 2013; Justin S. Brashares et al., “Economic and Geographic Drivers of Wildlife Consumption in Rural Africa,” *PNAS Early Edition*, Aug. 15, 2011, 1-6.

<sup>71</sup> FWS, *Bushmeat*, website, accessed Mar. 28, 2013; Panthera et al., *Illegal Hunting and the Bush-Meat Trade in Savanna Africa*, 2012; Mike Pflanz, “Small Game, Big Problem As Poaching Grows in Kenya,” *Christian Science Monitor*, Jan. 31, 2005; Emmanuel De Merode and Guy Cowlishaw, “Species Protection, the Changing Informal Economy, and the Politics of Access to Bushmeat Trade in the Democratic Republic of Congo,” *Conservation Biology* 20(4), 2006, 1262-1271.

<sup>72</sup> Evan Bowen-Jones, “Bushmeat: Traditional Regulation or Adaptation to Market Forces,” ch. 13 in Sara Oldfield, ed., *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003); Sharon Begley et al., “Cry of the Wild,” *Newsweek*, Aug. 6, 2007. The total value of the bushmeat trade was reportedly more than \$50 million globally, according to a congressional hearing held on July 11, 2002, by the House Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, entitled “The Developing Crisis Facing Wildlife Species Due to Bushmeat Consumption” (Serial No. 107-137).

Although field research has been limited, public health experts have identified international bushmeat smuggling as a potential vector for the transmission of emerging infectious diseases, which has historically been linked to the intermingling of wildlife and humans.<sup>73</sup> Some 75% of emerging infectious diseases in humans are reportedly of zoonotic origin, raising concerns that contact with and consumption of bushmeat could result in the transfer of potentially dangerous pathogens to humans.<sup>74</sup> According to the results of a recent pilot project conducted at international airports in the United States from 2008 to 2010, confiscated bushmeat samples were found to contain pathogens including retroviruses (e.g., simian foamy virus) and herpesviruses (e.g., cytomegalovirus and lymphocryptovirus).<sup>75</sup> This study demonstrated for the first time that the illegal bushmeat trade may be a direct conduit for disease transmission to the United States.

## Challenges

Despite ongoing international efforts to address illegal trade in wildlife, poaching of protected species and trafficking of their parts continues. Commonly cited challenges in responding to this persistent illicit activity include ongoing legal gaps, capacity and political will gaps, and continuing structural drivers.

- **Legal gaps.** Although CITES has been in effect for more than three decades, the implementation of CITES commitments by States Parties continues to be mixed. Moreover, substantial variations exist among countries regarding the regulation of domestic wildlife trade. This lack of consistency in the implementation of legal frameworks can be exploited by wildlife traffickers, who may actively seek out lax jurisdictions to traffic goods. Legal gaps may also indicate a lack of political will to correct and amend variations in the law. They may also highlight a lack of international policy consensus or prioritization on how, and how much, to curb wildlife trafficking.<sup>76</sup> For example, there remains a lack of international consensus of approaches on how best to address elephant ivory trafficking. Ongoing debates have centered on whether to establish a universal trade ban against all ivory sales, including potentially domestic sales, and what to do with existing government-stored stocks, including the possibility of authorizing future CITES-led international sale to select countries in Asia.
- **Capacity and political will gaps.** Even in cases where there is political will to address the problem of wildlife trafficking, some governments suffer from capability gaps, including insufficient personnel, expertise, training, funding, and equipment. Anecdotal reports indicate that in some cases, poachers possess far greater resources, capabilities, and firepower than park rangers who protect wildlife, sometimes unarmed.<sup>77</sup> As a cross-cutting issue, some contend that responses to wildlife crime may require not only effective natural resource

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<sup>73</sup> FWS, *Bushmeat*, website, accessed Mar. 28, 2013.

<sup>74</sup> General Accounting Office, *West Nile Virus Outbreak, Lessons for Public Health Preparedness*, GAO/HEHS-00-180, Sep. 2000.

<sup>75</sup> Kristine M. Smith et al., “Zoonotic Viruses Associated with Illegally Imported Wildlife Products,” *PLoS ONE* 7(1), Jan. 2012.

<sup>76</sup> See also Government Accountability Office, *International Convention and U.S. Laws Protect Wildlife Differently*, GAO-04-964, September 15, 2004.

<sup>77</sup> Elizabeth L. Bennett (opinion), “How to Stop Wildlife Poachers,” *New York Times*, May 25, 2012.

management practices, but specialized law enforcement and justice sector expertise to successfully investigate and prosecute wildlife crime cases. Moreover, regulating international wildlife trade has reportedly become more complex and resource intensive as the number of protected species has increased and as the criteria for identifying species have become more scientific, requiring in turn more resources for data gathering and reporting.<sup>78</sup>

- **Structural drivers.** To a large degree, the illegal wildlife trade continues to flourish due to complex socioeconomic and political conditions that are often beyond the scope of targeted international programs and agreements. Such structural conditions include conflict, corruption, poverty and the absence of livelihood alternatives, persistent demand for illicit wildlife products and a lack of public awareness of the consequences of such demand, as well as other environmental pressures that contribute to wildlife population losses (e.g., environmental degradation, habitat loss, and ecological fragmentation).<sup>79</sup>

## International Responses

To address illicit trade in endangered wildlife, the international community has established a global policy framework to regulate and sometimes ban exports of selected species. Domestic, bilateral, regional, and global efforts are intended to support international goals of sustainable conservation, effective resource management, and enforcement of relevant laws and regulations.

The flagship international mechanism to control wildlife trade is the 1975 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).<sup>80</sup> Through CITES, approximately 5,000 species of animals and 29,000 species of plants are subject to varying levels of trade restrictions, depending on the extent to which they are at risk of extinction. Among other activities, the Secretariat makes periodic recommendations that trade be suspended with certain countries found to be in violation of CITES commitments.<sup>81</sup> A total of 178 governments have committed to CITES, including the United States.

Although the scope of international initiatives for environmental conservation is vast, there are several international or regional efforts that are specifically geared toward combating the criminal aspects of wildlife trafficking, sharing law enforcement information for the purpose of criminal investigations and prosecutions, and building capacity among wildlife enforcement officials to detect and prevent illegal trade in wildlife.<sup>82</sup> Additionally, several high-level international

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<sup>78</sup> Ibid.

<sup>79</sup> Jeffrey Gettleman, “In Gabon, Lure of Ivory is Hard for Many to Resist,” *New York Times*, Dec. 26, 2012; Open Source Center, “East Africa—Struggling to Curb Ivory Poaching, Illicit Trafficking,” analysis, June 3, 2013, UNCLASSIFIED//FOUO.

<sup>80</sup> Other related international treaties that contribute to combating wildlife crime include the United Nations Convention on Transnational Organized Crime (UNTOC), which recognize serious and organized forms of wildlife and forest offenses as within its scope, the United Nations Convention Against Corruption (UNCAC), as well as the United Nations Convention on Biological Diversity.

<sup>81</sup> The CITES Secretariat also leads and supervises a variety of working groups and studies to understand illegal wildlife markets, including programs for Monitoring the Illegal Killing of Elephants, the Elephant Trade Information System, and the Ivory and Rhinoceros Enforcement Task Force.

<sup>82</sup> Illustrative initiatives include: the International Consortium on Combating Wildlife Crime; INTERPOL’s Ecomessage system, Environmental Crime Committee, and the National Environmental Security Task Force; the (continued...)



statements have been adopted in recent years, including by the United Nations and Asia-Pacific Economic Cooperation (APEC), which identify the issue of wildlife trafficking as a key global concern.<sup>83</sup>

## **U.S. Responses**

The United States addresses the international illegal wildlife trade through domestic enforcement and laws, as well as through foreign policy. U.S. efforts to prohibit aspects of wildlife trade originated with the Lacey Act of 1900 and have been enhanced through provisions in the Lacey Act Amendments of 1981, the Endangered Species Act of 1973, and other laws. Recently, increased awareness of wildlife trafficking as a potential problem has caused some observers and policymakers to question the efficacy of existing U.S. and international responses and consider new options for responding to such illicit activity.

### **Executive Order on Combating Wildlife Trafficking, 2013**

On July 1, 2013, President Barack Obama issued Executive Order 13648 on Combating Wildlife Trafficking. It identified wildlife trafficking as an escalating “international crisis” that it is in the national interest of the United States to address because of its role in “contributing to the illegal economy, fueling instability, and undermining security.”<sup>84</sup>

The President outlined four core objectives in responding to wildlife trafficking: (1) when requested, assist foreign governments in anti-trafficking activities; (2) promote the development and enforcement of effective wildlife trafficking laws, including prosecuting traffickers; (3) collaborate with the international community and partner organizations; and (4) reduce demand for illegally traded wildlife, both domestically and overseas.

The Executive Order also established a Presidential Task Force on Wildlife Trafficking, co-chaired by the Secretaries of State and Interior as well as the Attorney General. It directs the Task Force to meet within 60 days of the Executive Order’s issuance and develop and implement a National Strategy for Combating Wildlife Trafficking within 180 days. The Executive Order further specifies that the Task Force should review and recommend whether wildlife trafficking should be included in the implementation of the Obama Administration’s 2011 Strategy to Combat Transnational Organized Crime. Also within 180 days of issuance, the Executive Order

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(...continued)

World Customs Organization’s ENVIRONET system, Operation Cobra, Project Great Apes and Integrity, and the Green Customs Initiative; the World Bank’s regional Forest Law Enforcement and Governance programs, Global Tiger Initiative, and Global Partnership for Oceans; the EU’s Trade in Wildlife Information Exchange, Wildlife Trade Enforcement Group, Forest Law Enforcement, Governance, and Trade Action Plan, and bilateral Voluntary Partnership Agreements; as well as the Congo Basin Forest Partnership and the Asia Forest Partnership. See also Food and Agriculture Organization of the United Nations and International Tropical Timber Organization, *Best Practices for Improving Law Compliance in the Forestry Sector* 145, 2005.

<sup>83</sup> United Nations Economic and Social Council, resolution 2011/36, Crime Preventing and Criminal Justice Responses Against Illicit Trafficking in Endangered Species of Wild Fauna and Flora, Jul. 28, 2011; United Nations Conference on Sustainable Development (Rio +20), *The Future We Want*, outcome document, 2012; Asia-Pacific Economic Cooperation (APEC), 2012 Leaders’ Declaration, Sep. 2012.

<sup>84</sup> White House (Obama Administration), “Combating Wildlife Trafficking,” Executive Order 13648 of July 1, 2013, *Federal Register* 78(129), July 5, 2013, pp. 40621-40623.

requires that an Advisory Council on Wildlife Trafficking be established, composed of eight non-governmental members from the private and non-profit sectors.

Coinciding with the Executive Order's release, the Obama Administration announced that the State Department would provide \$10 million in anti-poaching training and technical assistance, including \$3 million each to South Africa and Kenya, as well as \$4 million for other countries in Sub-Saharan Africa.

## **U.S. Department of State's Strategy on Wildlife Trafficking, 2012**

In November 2012, the State Department and U.S. Agency for International Development (USAID) announced a revitalized effort to combat international wildlife trafficking.<sup>85</sup> Central to this renewed effort is a four-part strategy, unveiled by then-Secretary of State Hillary Clinton, to include:

- Enhanced diplomatic outreach to build foreign government support bilaterally and through multilateral mechanisms such as APEC, CITES, other UN bodies, INTERPOL, WCO, and the World Bank;
- Targeted public diplomacy campaigns to develop international awareness and, ultimately, reduce demand for illegal wildlife products;
- Continued international training, technical assistance, and cooperation to enhance wildlife law enforcement capabilities; and
- Expanded partnerships to connect governments, civil society, academia, and the private sector together in addressing wildlife crime issues.

As part of the November 2012 strategy, Administration officials also announced that the U.S. intelligence community has been tasked with providing an intelligence assessment on the national security consequences of illegal wildlife crime. Under Secretary of State for Economic Growth, Energy, and the Environment Robert D. Hormats intimated that such an evaluation may help to clarify links between wildlife crime, political instability, drug trafficking, weapons smuggling, corruption, and illicit finance. An intelligence assessment may also clarify the potential role that other agencies, including the Departments of Defense and the Treasury, could play in combating illegal wildlife crime.

## **Selected U.S. Agency Roles**

Key implementing agencies for U.S. initiatives against wildlife trafficking include the Department of Interior's Fish and Wildlife Service (FWS) as well as the State Department and USAID. FWS has multiple domestic and international responsibilities related to combating wildlife crime. The State Department and the U.S. Agency for International Development (USAID) lead a variety of intergovernmental and public diplomacy initiatives related to wildlife

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<sup>85</sup> State Department (Hillary Rodham Clinton), *Remarks at the Partnership Meeting on Wildlife Trafficking*, Nov. 8, 2012. The State Department's 2012 initiative against wildlife crime has drawn parallels to the Initiative Against Illegal Logging that was spearheaded by the George W. Bush Administration in 2003. See White House (George W. Bush), "President Bush Discusses New Initiative to Stop Illegal Logging," press release, July 28, 2003.

trafficking, including contributions to international organizations; bilateral foreign assistance for biodiversity, conservation, and law enforcement purposes; and various non-governmental partnerships. In addition to FWS, other agencies are involved in border enforcement and federal prosecutions of wildlife crimes. See text box below.

### **Border Enforcement and Wildlife Trafficking Prosecutions**

Several agencies are responsible for law enforcement and trade inspection involving wildlife goods imported into the United States, including the Department of Homeland Security's Customs and Border Protection (CBP) and the Department of Interior's FWS. CBP maintains the primary authority to inspect goods imported into the United States and vessels carrying goods into U.S. ports of entry. If wildlife goods are declared, they are generally referred to FWS, which is the primary agency responsible for inspecting wildlife shipments. In FY2012, a total of 143 FWS inspectors were located at 38 ports of entry and other locations to review shipments. Other agencies participate in wildlife inspections, including the Department of Commerce's National Oceanic and Atmospheric Administration, the Department of Agriculture's Animal and Plant Health Inspection Service, and the Department of Health and Human Services' Centers for Disease Control and Prevention.

Investigations initiated by law enforcement agents from FWS, NOAA, and other agencies related to the illegal wildlife trade are referred to the Department of Justice's Environment and Natural Resources Division, which may in turn prosecute individuals and organizations charged with violations related to wildlife trafficking. International traffickers may face charges from a wide range of applicable U.S. laws, including the Endangered Species Act (16 U.S.C. 1531-1543), Lacey Act (18 U.S.C. 42, 16 U.S.C. 3371-3378), Bald and Golden Eagle Protection Act (16 U.S.C. 668-668C), Marine Mammal Protection Act (16 U.S.C. 1361-1407), African Elephant Conservation Act (16 U.S.C. 4201-4245), Wild Bird Conservation Act (16 U.S.C. 4901), Rhinoceros and Tiger Conservation Act (16 U.S.C. 5301-5306), and Antarctic Conservation Act (16 U.S.C. 2401). Traffickers may also be charged with criminal statutes that prohibit money laundering, smuggling, conspiracy, tax fraud, and false statements, as well as violations of state laws.

## **Department of Interior and Fish and Wildlife Service**

The Department of Interior and its U.S. Fish and Wildlife Service (FWS) has multiple domestic and international responsibilities related to combating wildlife crime. Under the Endangered Species Act, FWS is the designated Scientific and Management Authority for implementing CITES provisions in the United States (16 U.S.C. 1537a). Its Division of Educational Outreach also conducts wildlife trade demand reduction and consumer awareness campaigns. Through its Office of Law Enforcement, FWS maintains a cadre of special agents and wildlife inspectors as well as a forensics laboratory to support state, federal, and international wildlife crime investigations.

As part of its efforts to respond to international wildlife trafficking, FWS has sought approval and funding to permanently deploy special agents to U.S. State Department embassy missions overseas in Asia, Africa, and South America. To this end, FWS anticipates the first such deployment of a special agent to Thailand to begin in FY2014; President Obama also announced in July 2013 that he will detail a FWS official to Tanzania to address wildlife trafficking.

FWS also provides international technical assistance and capacity building to foreign countries through its Wildlife Without Borders program and administers several species-specific grants programs, or conservation funds, which have been variously authorized by Congress through a series of acts, collectively referred to as the Multinational Species Conservation Acts.<sup>86</sup> These

<sup>86</sup> These include the African Elephant Conservation Act of 1988, the Rhino and Tiger Conservation Act of 1994, the Asian Elephant Conservation Act of 1997, the Great Ape Conservation Act of 2000, and the Marine Turtle Conservation Act of 2004. The Multinational Species Conservation Fund Semipostal Stamp Act of 2009 provides an additional fundraising mechanism for these FWS-administered conservation funds.

programs require host nation- or other partner-leveraged contributions, including cash funds and in-kind support. Such programs focus on African and Asian elephants, rhino, tigers, great apes, marine turtles, and other critically endangered animals, including amphibians. FWS also conducts regional initiatives focused on key regions or countries for environmental protection, including Africa, the Western Hemisphere, Mexico, Russia, and China.

Although these Wildlife Without Borders initiatives are broadly aimed toward environmental conservation goals, many projects specifically address the issue of combating wildlife trafficking.<sup>87</sup> For example, a Wildlife Without Borders project funded through the African Elephant Conservation Fund promotes cooperation between African and Southeast Asian wildlife and law enforcement agencies in order to detect and intercept illegally trafficked wildlife. Recent grants funded through the Asian Elephant Conservation Fund have supported, among other projects, law enforcement capacity building in Thailand and anti-poaching support in Indonesia. Through the Great Ape Conservation Fund and the Rhinoceros and Tiger Conservation Fund, Wildlife Without Borders has supported projects in Asia and Africa to combat the poaching of various species, such as orangutans, gibbons, and rhinos.

With donor funding from USAID, the State Department, and the Millennium Challenge Corporation, as well as international organizations, the Department of Interior implements the International Technical Assistance Program, which can be used for programming on endangered species conservation and wildlife law enforcement. Congress additionally authorizes FWS to receive directly certain amounts of aid funds for the Central Africa Regional Program for the Environment (CARPE), which addresses biodiversity and conservation goals in the Congo Basin; CARPE funds are also appropriated to USAID. Among other projects, CARPE funds have supported wildlife authorities in Central Africa to investigate and prosecute wildlife crimes.

## **U.S. Department of State and Agency for International Development**

The State Department supports a variety of intergovernmental and public diplomacy initiatives related to wildlife trafficking, including contributions to international organizations, such as CITES, UNODC, and the World Bank. The State Department also spearheads the Coalition Against Wildlife Trafficking (CAWT), which was initiated in 2005. CAWT is a voluntary partnership among governments and non-governmental entities to address wildlife trafficking issues. Linked to its overseas public awareness campaigns, the State Department administers a series of international rewards programs through which the U.S. government may provide financial incentives for tips and information that lead to the apprehension of major transnational criminal figures. Prior to 2013, this rewards program was limited to specific war criminals, narcotics kingpins, and terrorists. With the enactment of the *Department of State Rewards Program Update and Technical Corrections Act of 2012* (P.L. 112-283), the program was expanded to include transnational criminal figures—including potentially those involved in wildlife trafficking.<sup>88</sup>

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<sup>87</sup> In Africa, FWS reports that it awarded 122 grants in support of anti-poaching efforts from 2011 to 2012, totaling \$10.3 million in FWS funds and matched by \$14 million in additional leveraged funds. This total represents approximately 87% of total FWS support through the Multinational Species Conservation Funds and Wildlife Without Border—Africa. FWS response to CRS, March 22, 2013.

<sup>88</sup> According to S.Rept. 112-232 (Nov. 13, 2012), as reported by the Senate Foreign Relations Committee “[a]reas of (continued...) ”

Bilateral foreign assistance for biodiversity, conservation, and law enforcement purposes is administered by both the State Department and USAID.<sup>89</sup> Aid funds are primarily provided through State Foreign Operations appropriations, typically through the Development Assistance (DA) and Economic Support Fund (ESF) accounts. Some additional funding is provided through the State Department's International Narcotics Control and Law Enforcement (INCLE) account for police training, especially through the State Department's International Law Enforcement Academies (ILEAs) in Bangkok and Gabarone; in early 2013, U.S. officials reportedly doubled the frequency of training programs held on wildlife crime issues—from once a year to twice a year in ILEA Gabarone. Through USAID's global health program subaccounts, some funding is also allocated for addressing the potential role of wildlife in the emergence and international spread of new pathogens.

Significant aid initiatives have included USAID support to wildlife enforcement networks (WENs). Beginning in 2005, USAID's Regional Development Mission for Asia (USAID/RDMA) has provided support for the ASEAN Wildlife Enforcement Network (ASEAN-WEN). As of 2011, however, its efforts with ASEAN-WEN were consolidated into a broader program called ARREST (Asia's Regional Response to Endangered Species Trafficking). According to USAID, ARREST is intended to be a five-year, \$8 million program that will continue its support for wildlife enforcement capacity building, while also seeking to reduce consumer demand and strengthen regional cooperation for anti-trafficking. U.S. aid funds have also supported wildlife conservation in Central America and the Dominican Republic, including funding for the Central American Wildlife Enforcement Network (CAWEN). As part of the State Department's November 2012 announcement of an enhanced wildlife crime strategy, then-Secretary of State Hillary Clinton called for the creation of a global system of regional WENs and pledged \$100,000 to initiate such efforts.<sup>90</sup>

Concurrent with the State Department's 2012 wildlife crime strategy, USAID announced a new program focused on trans-regional wildlife trafficking called Wildlife Trafficking Response, Assessment, and Priority Setting (W-TRAPS). USAID also proposed the creation of a Technology Challenge on Wildlife Trafficking to engage scientists and entrepreneurs to develop novel technological solutions to combat wildlife trafficking. As part of USAID's broader biodiversity and conservation goals in the Congo Basin through its Central Africa Regional Mission (USAID/CAR), USAID conducts programs that address, in part, anti-poaching and anti-

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(...continued)

concern that would merit attention under the Rewards program would include transnational criminal activities such as violations of intellectual property rights, piracy, money laundering, trafficking in persons, arms trafficking, trafficking in illicit wildlife and wildlife parts, and cybercrime.”

<sup>89</sup> Specific references to wildlife protection can also be found in the Foreign Assistance Act of 1961 (FAA; P.L. 87-195, as amended). For example, Section 119 of the FAA authorizes the President to furnish assistance related to endangered species, notwithstanding Section 660 of the FAA (a foreign police training prohibition). Additionally, Congress enacted the Congo Basin Forest Partnership Act of 2004 (P.L. 108-200).

<sup>90</sup> State Department (Hillary Rodham Clinton), *Remarks at the Partnership Meeting on Wildlife Trafficking*, Nov. 8, 2012. The first WEN was established in 2005 and implemented through the Association of Southeast Asian Nations (ASEAN), called ASEAN-WEN. Others include the North American Wildlife Enforcement Group, EU Wildlife Trade Enforcement Group, Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora, Central American Wildlife Enforcement Network (CAWEN), and South Asia Wildlife Enforcement Network (SAWEN). In April 2012, the State Department, with funding from its Bureau for International Narcotics and Law Enforcement, organized a sub-regional workshop on “wildlife trafficking and dismantling transnational illicit networks” in Central Africa. At the workshop, participants committed to establishing a regional wildlife enforcement network in Central Africa.

bushmeat goals through Central Africa Regional Program for the Environment (CARPE), co-administered with FWS (see above).

## **Issues for Congress**

The U.S. Congress has played a role in evaluating and shaping U.S. policy to combat international wildlife trafficking. Over time, Congress has enacted a wide range of laws to authorize conservation programs, appropriate domestic and international funding for wildlife protection and natural resource capacity building, and target and dismantle wildlife trafficking operations. In recent years, Congress has also held hearings and events that have addressed the growing problem of wildlife crimes and raised key questions for next steps.<sup>91</sup> To this end, the 113<sup>th</sup> Congress is involved in addressing the illegal wildlife trade through oversight and proposed legislation. Briefly, selected issues for Congress may include the following:

### ***Wildlife Trafficking and U.S. National Security***

Some contend that the illegal wildlife trade could be considered a national security issue because of connections to militant organizations and terrorists, while others question the scope and extent of anecdotal allegations. In her capacity as Secretary of State, Hillary Clinton requested in 2012 that the U.S. intelligence community conduct a threat assessment that would determine whether wildlife trafficking constitutes a threat to U.S. national security interests. Such an evaluation could play a role in determining what level and types of resources are most appropriate in responding to wildlife crimes—and under what situations.

### ***Role of the U.S. Military in Anti-Poaching Responses***

There are ongoing debates regarding the potential role of the U.S. military in combating wildlife crimes. Some have warned of inherent risks associated with militarizing conservation programs, while others are seeking new authorities for the U.S. military to support anti-poaching activities overseas. In June 2013, the issue was raised in the context of the National Defense Authorization Act for Fiscal Year 2014 (H.R. 1960).<sup>92</sup> Some observers have additionally recommended that Congress withhold U.S. military aid to governments found to be actively directing, facilitating, or benefitting from wildlife trafficking.

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<sup>91</sup> House Natural Resources Committee, *Poaching American Security*, hearing, Serial No. 110-62, Mar. 5, 2008; House Natural Resources Committee, Subcommittee on Fisheries, Wildlife, and Oceans, *Impacts of U.S. Consumer Demand on the Illegal and Unsustainable Trade of Wildlife Products*, hearing, Serial No. 110-84, Sep. 16, 2008; Senate Foreign Relations Committee, *Ivory and Insecurity*, hearing, May 24, 2012; Bicameral International Conservation Caucus, *The Global Poaching Crisis*, event, Nov. 15, 2012.

<sup>92</sup> Rep. Garamendi offered an amendment to H.R. 1960, National Defense Authorization Act for Fiscal Year 2014, which sought to authorize the U.S. military to advise and assist anti-poaching authorities in Africa. Rep. Garamendi also offered directive report language requiring DOD to clarify whether its existing authorities pursuant to Section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (P.L. 109-163), as amended; Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81); or any other DOD authority may be used to address wildlife trafficking in Africa. Both efforts ultimately failed to be incorporated into H.R. 1960.

### ***Penalties for Committing Wildlife Crimes***

In April 2013, the United States and Peru jointly introduced a resolution at the U.N. Commission on Crime Prevention and Criminal Justice (CCPCJ) to classify wildlife trafficking as a “serious crime,” pursuant to the U.N. Convention on Transnational Organized Crime’s (UNTOC’s) definition. The resolution was adopted by the CCPCJ—and may translate into facilitating improved mutual legal assistance, asset seizure and forfeiture, and extraditions in response to wildlife crimes. In practice, however, many observers question whether governments consider wildlife trafficking a serious crime, which is defined by UNTOC as “an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.” Both internationally and in the United States, wildlife trafficking convictions do not necessarily result in such penalties.<sup>93</sup>

### ***Trade Sanctions and CITES Violations***

In the past, the 1971 Pelly Amendment to the Fishermen’s Protective Act of 1967 (22 U.S.C. 1978) has on occasion been used to identify and impose sanctions on countries directly or indirectly engaged in endangered species trade that undermines conservation goals.<sup>94</sup> Some advocates have recently urged the U.S. government to designate Vietnam pursuant to the Pelly Amendment for trade in prohibited rhino products.<sup>95</sup> The President, however, has imposed sanctions pursuant to the Pelly Amendment for egregious endangered species trade only once—in 1994 against Taiwan for trade in rhino horn and tiger parts and products—suggesting that the tool may be seen by some policymakers as too severe or otherwise impractical. Other observers, however, have urged for an expansion of punitive unilateral measures against non-cooperative foreign governments, such as restrictions on U.S. foreign assistance.<sup>96</sup>

### ***Environmental Provisions in Free Trade Agreements***

Although environmental issues have been considered in the context of major U.S. trade agreements since the early 1990s, the monitoring and enforcement of relevant environmental provisions has historically been limited. The Office of the U.S. Trade Representative has sought to address prior criticisms through such mechanisms as the 2007 Bipartisan Trade Deal and the inclusion of heightened environmental commitments, particularly against illegal logging, in the U.S.-Peru Trade Promotion Agreement (TPA).<sup>97</sup> Members of Congress may continue to monitor future environmental provisions in free trade negotiations, such as those currently ongoing for the Trans-Pacific Partnership and potentially with Europe, for their environmental provisions.<sup>98</sup>

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<sup>93</sup> See for example, David M. Halbfinger, “2 Manhattan Jewelers Admit Illegal Ivory Trading,” *New York Times*, July 12, 2012.

<sup>94</sup> Nigel Leader-Williams, “Regulation and Protection: Successes and Failures in Rhinoceros Conservation,” ch. 9 in Sara Oldfield, ed., *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003).

<sup>95</sup> EIA, *Vietnam’s Illegal Rhino Horn Trade*, Feb. 2013.

<sup>96</sup> David H. Barron (International Conservation Caucus Foundation), remarks before the Bicameral International Conservation Caucus, *The Global Poaching Crisis*, event, Nov. 15, 2012.

<sup>97</sup> Office of the United States Trade Representative, *Bipartisan Agreement on Trade Policy*, May 2007. See also EIA, “U.S. Government Requested to Use Free Trade Agreement to Take Action on Illegal Timber Exports from Peru,” press release, Apr. 19, 2012.

<sup>98</sup> See for example, “U.S., TPP Partners Working on Environmental Cooperation Language,” *Inside U.S. Trade*, Jan. 25, 2013.

### ***Tracking Illicit Poaching Assets***

Several financial policy tools are available to track stolen assets by foreign corrupt officials; freeze and block assets within U.S. jurisdiction of specially designated foreign nationals and entities; apply heightened regulatory measures to designated classes of international transactions, jurisdictions, or financial institutions; and take legal action to seize and forfeit criminal assets. Although several of these financial tools are specifically available to combat transnational organized crime (e.g., Executive Order 13581 and 31 U.S.C. 5318A), some observers indicate that they are rarely, if ever, used to combat wildlife trafficking.<sup>99</sup>

### ***Use of Anti-Crime and Anti-Terrorism Rewards Programs***

The Departments of State, Justice, and Defense, as well as FWS, manage rewards programs that offer financial incentives for the public to share tips and information that leads to the apprehension of wanted criminals and terrorists. One such program is the FWS-managed Lacey Act Rewards Account (16 U.S.C. 3375(d)), which, among other purposes, can be used to provide rewards for information leading to Lacey Act convictions. The newest addition to the U.S. government's rewards programs is the Transnational Organized Crime Rewards Program, which was created with the enactment of the *Department of State Rewards Program Update and Technical Corrections Act of 2012* (P.L. 112-283). As reported out of the Senate Foreign Relations Committee, Senators encouraged the State Department to apply the law to combat transnational criminal activities, including in particular to trafficking in illicit wildlife and wildlife parts.<sup>100</sup> It is not clear, however, how extensively or effectively these programs have been used for convicting wildlife traffickers.

### ***U.S. Anti-Poaching Assistance and Effectiveness***

Wildlife crime-related initiatives are often reported to Congress as bundled with funding data on broader environmental conservation and biodiversity projects. As a result it is often difficult to determine the amount of resources currently devoted to the problem as well as evaluate whether existing resources are appropriate, insufficient, or exaggerated. This may impede interagency coordination, donor coordination, and congressional oversight efforts. Further, news reports suggest that budgetary constraints have reduced the extent to which U.S. agencies can respond to wildlife crime issues.<sup>101</sup>

### ***FWS Representation at U.S. Embassies Overseas***

In its FY2014 congressional budget justification, FWS requested additional funding to hire five new senior special agent/attaché officer positions, to be located overseas at U.S. embassies. These

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<sup>99</sup> David H. Barron (International Conservation Caucus Foundation), remarks before the Bicameral International Conservation Caucus, *The Global Poaching Crisis*, event, Nov. 15, 2012. In his remarks, Barron stated that “current U.S. laws and regulations fail to adequately address the problem of shell corporations, through which illicit organizations are able to launder money gained from transnational crimes, including poaching and wildlife trafficking.” See also “Treat Illegal Wildlife Trade As a Serious Crime: CITES,” *Agence France Presse*, Jan. 24, 2013; WWF and TRAFFIC, *Rethinking Conventional Responses*, wildlife crime workshop, Nov. 15, 2012.

<sup>100</sup> S.Rept. 112-232 (Nov. 13, 2012).

<sup>101</sup> Juliet Eilperin, “Obama to Launch Major Wildlife Trafficking Initiative in Africa,” *Washington Post*, Jul. 1, 2013; Kathleen Hennessey, “In Tanzania, Obama Focuses on Partnerships,” *Los Angeles Times*, Jul. 2, 2013.



new positions would coordinate complex investigations in range, transit, intermediary, and end-market countries as well as identify and address training deficiencies in wildlife crime enforcement through capacity building and advisory efforts. In the past, calls for posting FWS agents overseas have been challenged by a lack of priority, resources, as well as physical space at U.S. missions abroad.<sup>102</sup> Early efforts in 2013 had been taken to post a FWS officer in Bangkok, Thailand, beginning in FY2014.<sup>103</sup> When President Obama announced the July 2013 Executive Order on wildlife trafficking, he directed FWS to permanently station a representative in Tanzania.

### ***U.S. Enforcement of Wildlife Trafficking-Related Laws***

According to FWS, the number of CITES-protected species has increased by more than 75% in the last 20 years.<sup>104</sup> Moreover, the 2008 Lacey Act amendments (16 U.S.C. 3372) exponentially expanded FWS mandate to cover not only CITES-protected plant species, but also any plant and plant products exported in violation of any foreign law. Some have questioned whether the increase in anti-trafficking laws and provisions, including in particular the requirement to enforce violations of foreign law, may overburden inspectors and investigators to the point of rendering such laws unenforceable.

## **Conclusion**

This report has explored the issue of international wildlife trafficking, including illustrative types of wildlife crime involving African elephants and rhinos, Eurasian sturgeon, and so-called bushmeat. It has also discussed a broad range of international and U.S. policy responses, including long-standing commitments through the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as well as newer announcements, such as the Obama Administration's July 2013 Executive Order on Combating Wildlife Trafficking.

Reports of escalating exploitation of protected wildlife, coupled with the emerging prominence of highly organized and well-equipped illicit actors in wildlife trafficking, suggest that policy challenges persist. Continuing questions for policymakers include whether existing policy responses are achieving sufficient progress or no longer fit the problem; whether available legal tools and authorities are over- or under-utilized to respond to wildlife trafficking; and whether new programs, resources, and authorities are warranted or feasible.<sup>105</sup>

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<sup>102</sup> See for example Steven R. Galster, testimony before the House Natural Resources Committee, *Poaching American Security*, hearing, Serial No. 110-62, Mar. 5, 2008.

<sup>103</sup> FWS discussion with CRS, June 7, 2013.

<sup>104</sup> FWS (Office of Law Enforcement), *Strategic Plan 2011-2015*, undated.

<sup>105</sup> Sara Oldfield, ed., "Introduction," *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003); Barmey Dickson, "What is the Goal of Regulating Wildlife Trade? Is Regulation A Good Way to Achieve this Goal?" ch. 2 in Sara Oldfield, ed., *The Trade in Wildlife* (Sterling, VA: Earthscan, 2003); Robert D. Hormats (State Department), International Conservation Caucus Foundation, remarks, "U.S. International Conservation Caucus Hearing," video, accessed Mar. 28, 2013, [http://iccfoundation.us/index.php?option=com\\_content&view=article&id=447&Itemid=369](http://iccfoundation.us/index.php?option=com_content&view=article&id=447&Itemid=369); World Bank and TRAFFIC, *What's Driving The Wildlife Trade?* Oct. 2008.

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