

# What Is the Role of Lawyers and Law Students in Preventing the Illegal Trade in Ivory and Rhino Horn?

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<Abstract>

International wildlife trade is a growing industry. Whether for charismatic megafauna like African elephants and white rhinos or little known creatures such as pangolins, wildlife trade is booming. The United Nations estimates the value of illegal wildlife trade, including illegal timber and fish trade, at more than USD 100 billion globally. The price of rhino horn can be as high as USD 66,139 per kilogram. This booming business is devastating to wildlife. In 2013, as many as 50,000 African elephants were killed—one every 10 to fifteen minutes—and more than 1,000 white rhinos were poached in South Africa alone. Wildlife trafficking is not only deadly for wildlife but it is also deadly for those on the front lines of wildlife enforcement, with at least 1,000 park rangers have been killed in the last decade.

Traditional Asian medicine, a lack of political will, and extreme poverty are all driving this trade. The involvement in this trade of organized crime, heavily funded and heavily armed, significantly hinders efforts to solve these problems. Yet, governments, non-governmental organizations, and citizens around the world are taking action to prevent the continuing destruction of species adversely affected by trade and exploitation for commercial purposes. They are working to reduce demand (for example, by destroying stockpiles), strengthen law enforcement efforts, dedicate more funds for conservation, and increase political will. Lawyers, law students, and law professors are among those working to help reduce wildlife trafficking. For example, the International Environmental Law Project (IELP), a legal clinic at Lewis & Clark Law School, has used a unique law in the United States known as the “Pelly Amendment” to request the United States government to impose trade sanctions against Vietnam for Vietnam’s failure to effectively enforce the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) with respect to rhino horn trade. IELP is also working to strengthen wildlife laws in countries around the world, because those laws often include such low penalties for violations of the law that they fail to deter wildlife crime. IELP also helps draft new rules for improving the effectiveness of CITES and prepares documents to help educate delegates about CITES and specific issues to be discussed at

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CITES meetings. As a result of these activities, students who receive training while in law school are strategically placed to get jobs in this field. In addition, by receiving training in international wildlife law, not only is a new generation of individuals being sensitized to the harm caused by wildlife trafficking, but the next generation of international environmental lawyers is being created. That, hopefully, will improve the prospects for wildlife everywhere.

Key words: Wildlife Trade, Poaching, Enforcement, Traditional Asian Medicine, Lawyers

- I. Trends in Wildlife Trafficking
- II. What Is Driving This Trade?
- III. So What Can Be Done?
- IV. So What Can Lawyers, Law Professors, and Law Students Do?
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## I. Trends in Wildlife Trafficking

International wildlife trade, sadly, is a growing industry. Whether for charismatic megafauna like African elephants and white rhinos or little known creatures such as pangolins, wildlife trade is booming. The United Nations estimates the value of illegal wildlife trade at USD 7 billion to 23 billion annually—but this estimate excludes fisheries and timber.<sup>1)</sup>

When we add fish and timber, the numbers become staggering. The value of illegal, unreported, and unregulated (IUU) fisheries catch is estimated at between USD 10 and 23 billion per year;<sup>2)</sup> the value of illegal trade in wood-based

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<sup>1)</sup> United Nations Environment Programme & INTERPOL, *The Environmental Crime Crisis – Threats to Sustainable Development from Illegal Exploitation and Trade in Wildlife and Forest Resources*, 23 (C. Nellemann et al eds. 2014) [hereinafter *The Environmental Crime Crisis*]; see also Jeremy Haken, *Transnational Crime In The Developing World* 11 (2011); Liana Sun Wyler & Pervaze A. Sheikh, *International Illegal Trade in Wildlife: Threats and U.S. Policy* 1 (CRS Report to Congress RL34395, July 23, 2013).

<sup>2)</sup> MRAG, *Towards Sustainable Fisheries Management: International Examples of Innovation* 57(2010).

products is around USD 30 to USD 100 billion globally.<sup>3)</sup>

This booming business, of course, is devastating to wildlife. In 2013, as many as 50,000 African elephants were killed<sup>4)</sup>— one every 10 to fifteen minutes. In just 12 years, between 2002 and 2013, 65% of Africa’s forest elephants were killed.<sup>5)</sup> This level of killing is unsustainable.<sup>6)</sup> In some countries, the rate of illegal elephant killing exceeds the rate of natural mortality.<sup>7)</sup> This killing, of course, is for ivory. 45 tonnes—99,000 pounds—of ivory was seized in 2013 alone.<sup>8)</sup> In Beijing, that ivory is worth USD2,205 per kilogram (USD1,500 per pound).<sup>9)</sup>

Poachers are also targeting rhinos, particularly in South Africa, for their valuable horn. In 2013, more than 1,000 white rhinos were poached in South Africa—up from just 10 in 2004.<sup>10)</sup>

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3) United Nations Environment Programme & INTERPOL, *Green Carbon, Black Trade: Illegal Logging, Tax Fraud and Laundering in the World's Tropical Forests: A Rapid Response Assessment* (Christian Nellemann & INTERPOL Environmental Crime Programme eds. 2012) [hereinafter *Green Carbon, Black Trade*]. About USD 17 billion of this illegal trade is from Southeast Asia and the Pacific alone. U.N. Office on Drugs and Crime, *Transnational Organized Crime in East Asia and the Pacific—A Threat Assessment* (2013).

4) Center for Conservation Biology, *Tracking Poached Ivory: Research Overview*, at <http://conservationbiology.uw.edu/research-programs/tracking-poached-ivory/>. Others put the rate of elephant killing between 22,000 and 25,000 per year. See UNEP and INTERPOL, *supra* note 1, at 32.

5) Fiona Maisels et al., *Devastating Decline of Forest Elephants in Central Africa*, *PLoS ONE* 8(3): e59469. doi:10.1371/journal.pone.0059469, with *Updated Forest Elephant Analysis, 2002-2013* (Feb. 11, 2014), at <http://www.plosone.org/annotation/listThread.action;jsessionid=B3141583C20B30CEA56FEF47060F1814?root=78501>.

6) See CITES Secretariat, IUCN/SSC African Elephant Specialist Group, & TRAFFIC, *Status of African Elephant Populations and Levels of Illegal Killing and the Illegal Trade in Ivory: A Report to the African Elephant Summit, 1* (2013) (stating that “The estimated poaching rate of African elephants in 2012 was 7.4 per cent; an unsustainably high level which currently exceeds natural population growth rates of around 5 per cent.”).

7) See CITES, *Monitoring the Illegal Killing of Elephants*, CoP16 Doc. 53.1, at 14 (2013) (showing that the proportion of elephants killed by poachers exceeds natural mortality in Mozambique).

8) Environmental Investigation Agency, *In Cold Blood: Combating Organised Wildlife Crime* (Feb. 2014).

9) Katherine Lawson & Alex Vines, *Global Impacts of the Illegal Wildlife Trade: The Costs of Crime, Insecurity and Institutional Erosion* (Chatham House, Feb. 2014).

Table: Rhinos Poached in South Africa: 2007 - 2013

Year	2007	2008	2009	2010	2011	2012	2013
No. poached	13	83	122	333	444	668	1004

The price of rhino horn makes ivory look like a good value; rhino horn can sell for USD66,139 per kilogram (USD45,000 per pound).<sup>11)</sup> Scientists think that South Africa's white rhino population, which represents about 95% of all white rhinos in Africa,<sup>12)</sup> may now be declining.<sup>13)</sup>

The demand for rhino horn appears to be increasing despite sky-high prices and dwindling numbers of rhinos. Increased demand for rhino horn in Vietnam,<sup>14)</sup> China, and Thailand is driving the poaching crisis and is well-documented.<sup>15)</sup> These countries have historically used rhino horn as an ingredient in traditional medicines as a treatment for fevers and convulsions.<sup>16)</sup> While some current demand in Vietnam continues for these uses, the recent emergence of rhino horn as a treatment for cancer and other life-threatening diseases has put increased pressure

<sup>10)</sup> South Africa, Department of Environmental Affairs, Press Release, Update on Rhino Poaching Statistics (17 January 2014 Update) (Jan. 17, 2014), at [https://www.environment.gov.za/mediarelease/rhinopoaching\\_statistics\\_17jan2014](https://www.environment.gov.za/mediarelease/rhinopoaching_statistics_17jan2014); World Wildlife Fund, Rhino poaching sees 7,000% increase in six years (Jan. 20, 2014), at [http://www.wwf.org.uk/wwf\\_articles.cfm?unewsid=6982](http://www.wwf.org.uk/wwf_articles.cfm?unewsid=6982).

<sup>11)</sup> Lawson & Vines, *supra* note 9, at viii.

<sup>12)</sup> Richard H. Emslie et al., African and Asian Rhinoceroses: Status, Conservation and Trade, CoP16 Doc. 54.2, at 1, Tbl. 1(2013).

<sup>13)</sup> See Louis Lucero II, *Experts Say Poaching Could Soon Lead to a Decline in the Rhino Population*, N.Y. Times (Nov. 22, 2013).

<sup>14)</sup> Tom Milliken & Jo Shaw, The South Africa - Viet Nam Rhino Horn Trade Nexus: A Deadly Combination of Institutionalized Lapses, Corrupt Wildlife Industry Professionals and Asian Crime Syndicates 14 (TRAFFIC, 2012), available at [www.traffic.org/species-reports/traffic\\_species\\_mammals66.pdf](http://www.traffic.org/species-reports/traffic_species_mammals66.pdf); see also World Wildlife Fund, Wildlife Crime Scorecard 17 (2012), available at [http://awsassets.panda.org/downloads/wwf\\_wildlife\\_crime\\_scorecard\\_report.pdf](http://awsassets.panda.org/downloads/wwf_wildlife_crime_scorecard_report.pdf) (stating that "it is Viet Nam that appears to be the major destination market" for rhino horn)[hereinafter WWF, Wildlife Crime Scorecard].

<sup>15)</sup> Milliken & Shaw, *supra* note 14, at 145.

<sup>16)</sup> See Kristin Nowell, Assessment of Rhino Horn as a Traditional Medicine, SC62 Doc. 47.2 Annex 2, 19, 25 (April 2012), available at <http://www.cites.org/eng/com/SC/62/E62-47-02-A.pdf>; Milliken & Shaw, The South Africa - Viet Nam Rhino Horn Trade Nexus, *supra* note 14, at 15.

on rhino horn suppliers.<sup>17)</sup> In fact, the myth that rhino horn can both prevent and cure cancer has prompted a significant increase in Vietnamese demand for illegal rhino horn imports.<sup>18)</sup> The horn's purported efficacy as a cure for cancer has been publicly debunked by several traditional medicine authorities, but it continues to be perpetuated by businesses selling rhino horn.<sup>19)</sup>

In addition, affluent Vietnamese have started to consume rhino horn recreationally.<sup>20)</sup> Among these individuals, the horn is most commonly consumed as a cure for hangovers,<sup>21)</sup> but an emerging group of male consumers also believes that the horn is an aphrodisiac and can enhance sexual performance.<sup>22)</sup> Affluent, non-traditional consumers, who revel in the extravagance associated with the consumption of such a rare and expensive product, may currently represent the greatest demand for rhino horn.<sup>23)</sup>

The carnage is not limited to elephants and rhinos, or to animals. Approximately 40,000 to 60,000 pangolins (scaly anteaters) were killed in 2011 alone.<sup>24)</sup> The price for a single animal is about USD 7,000.<sup>25)</sup> Loggers illegally cut an area of forest equivalent to the size of a football field every two seconds.<sup>26)</sup>

If all this sounds grim, it is. Wildlife trafficking is among the top five most

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<sup>17)</sup> Nowell, *supra* note 16, at 25.

<sup>18)</sup> *Id.* at 26.

<sup>19)</sup> *Id.* at 27.

<sup>20)</sup> CITES Secretariat, *Species Trade and Conservation—Rhinoceroses: Report of the Secretariat*, SC62 Doc. 47.2 at ¶ 6 (July 2012).

<sup>21)</sup> *Id.* at 1–2.

<sup>22)</sup> Milliken & Shaw, *supra* note 14, at 15.

<sup>23)</sup> *Id.*

<sup>24)</sup> Global Initiative against Transnational Organized Crime, *The Global Response to Transnational Organized Environmental Crime* 15 (2014).

<sup>25)</sup> Richard Conniff, *The Poaching Epidemic You Haven't Heard Of Yet* (November 8, 2013), available at: <http://www.takepart.com/article/2013/11/08/pangolin-poaching-epidemic-you-havent-heard-yet>. The French seized 110 pounds of scales worth an estimated \$100,000, putting the price per pound for scales alone at more than \$900. See Richard Conniff, *Poaching Pangolins: An Obscure Creature Faces Uncertain Future* (Sept. 19, 2013), available at: [http://e360.yale.edu/feature/poaching\\_pangolins\\_an\\_obscur\\_creature\\_faces\\_uncertain\\_future/2692/](http://e360.yale.edu/feature/poaching_pangolins_an_obscur_creature_faces_uncertain_future/2692/).

<sup>26)</sup> Marilyne Pereira Goncalves et al., *Justice for Forests: Improving Criminal Justice Efforts to Combat Illegal Logging*, vii (World Bank, 2012).

lucrative illicit trades in the world, alongside drug-smuggling, weaponsproliferation, counterfeit goods and human trafficking.<sup>27)</sup> In fact, those involved in wildlife trafficking often traffic in drugs and counterfeit goods.<sup>28)</sup>

And let's not forget the human cost. Wildlife trafficking is not only deadly for wildlife but it is deadly for those on the front lines of wildlife enforcement. In the last decade, at least 1,000 park rangers have been killed.<sup>29)</sup>

## II. What Is Driving This Trade?

A number of factors are driving this trade, including traditional Asian medicine, a lack of political will, and extreme poverty. None of these issues would be easy to address standing alone. Considered together, they pose serious challenges to efforts to conserve these species. Moreover, the involvement in this trade of organized crime, heavily funded and heavily armed, significantly compounds the problem.

### 1. Traditional Asian Medicine

Traditional Asian medicine is one of the most important factors driving this trade. Trade for pangolin scales and tiger parts, for example, is almost exclusively for traditional Asian medicine.<sup>30)</sup> Tigers are threatened with extinction, with fewer

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<sup>27)</sup> Council on Foreign Relations, Tracking the Traffickers: President Obama Against Poaching (July 15, 2013), at <http://blogs.cfr.org/campbell/2013/07/15/tracking-the-traffickers-president-obama-against-poaching/>.

<sup>28)</sup> The Environmental Crimes Crisis, *supra* note 1, at 90.

<sup>29)</sup> United Kingdom, London Conference on the Illegal Wildlife Trade 2014, Facts and Figures, at <https://www.gov.uk/government/topical-events/illegal-wildlife-trade-2014/about>.

<sup>30)</sup> See, e.g., Malini Shankar, *Environment India: Trade in Endangered Species Worries Activists*, Inter Press Service English News Wire (Oct. 13, 2008) (quoting Samir Sinha of TRAFFIC as saying “Although many species used in [traditional Asian medicine] are now protected by national and international laws, illegal trade and poaching have increased to crisis levels as [traditional Asian medicine’s] popularity has expanded over the last two decades.”), at <http://bigcatrescue.org/traditional-chinese-medicine-worries-tiger-leopard-activists/>. Habitat loss is also a factor leading to the decline of tiger populations. The Environmental Crimes Crisis, *supra* note 1, at 39.

than 2,500 breeding individuals.<sup>31)</sup> Yet, the driving force behind the exploitation of all tiger subspecies is the use of tiger parts and derivatives in traditional Asian medicine.<sup>32)</sup> For at least 2,500 years, Asian folklore has considered the tiger to have value as a medicine and as an aphrodisiac.<sup>33)</sup> Tiger parts are purported to cure a variety of ailments, including insomnia, rheumatism, epilepsy, convulsions, alcoholism, and laziness.<sup>34)</sup> Tiger bones are crushed into powder to produce tiger wine, the penis is ground as a soup ingredient, and the meat is eaten as a delicacy.<sup>35)</sup> A whole tiger is tremendously valuable with an average worth of more than USD 315,000 in China.<sup>36)</sup> Deeply ingrained cultural beliefs, increased personal wealth in Southeast Asia, and substantial economic incentives for poachers are contributing factors in keeping this market alive despite international trade bans of tiger parts and derivatives.

## 2. Increased Wealth

The rise of the middle class in Southeast Asia is also a significant driver of international trade, legal and illegal. It is fashionable in Vietnam, for example, to flaunt your wealth by ingesting rhino horn powder or using the powder as a hangover cure.<sup>37)</sup> In many key wildlife importing countries, wealth is rising and

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<sup>31)</sup> Douglas F. Williamson & Leigh A. Henry, Paper Tiger? The Role of the U.S. Captive Tiger Population in the Trade in Tiger Parts, 7 (TRAFFIC & World Wildlife Fund, 2008) (citing IUCN *The IUCN Red List of Endangered Species: Panthera tigris*, 2009.1 (2009)).

<sup>32)</sup> See Kristin Nowell & Xu Ling, Taming the Tiger Trade: China's Markets for Wild and Captive Tiger Products Since the 1993 Domestic Trade Ban<sup>43</sup> (TRAFFIC East Asia 2007) (stating that "[o]ne of the primary threats to their survival is illegal trade in bone, used for traditional medicines or for health tonics.").

<sup>33)</sup> *Id.*

<sup>34)</sup> Craig Kasnoff, *Tigers in Crisis: Information about Earth's Endangered Tigers*, available at: [http://tigersincrisis.com/traditional\\_medicine.htm](http://tigersincrisis.com/traditional_medicine.htm).

<sup>35)</sup> Jay E. Carey, *Improving the Efficacy of CITES by Providing the Proper Incentives to Protect Endangered Species*, 77 Wash. U.L.Q. 1291, 1302-1303 (1999).

<sup>36)</sup> Jane Macartney & Rhys Blakely, *Fears for Indian Tiger after Chinese Green Light for Sale of Animal Products*, The TimesOnline (2009) available at <http://www.timesonline.co.uk/tol/news/environment/article6819403.ece#cid=OTC-RSS&attr=3392178>.

<sup>37)</sup> Milliken & Shaw, *supra* note 14, at 15, 135.

consumers are spending some of their extra money on wildlife products for traditional Asian medicine, exotic pets (as in the case of great apes),<sup>38)</sup> or as a status symbol.

### 3. Extreme Poverty

Extreme poverty also plays a significant role.<sup>39)</sup> The West African lion has declined to about 400 animals, including fewer than 250 mature individuals of breeding age.<sup>40)</sup> Other large mammal species have declined an average of 85 percent in West Africa between 1970 and 2005, “mostly to feed the voracious demand of the bushmeat trade.”<sup>41)</sup> Of the 15 West Africa countries,<sup>42)</sup> twelve are Least Developed Countries.<sup>43)</sup> The problem is not limited to West Africa. In Mozambique, for example, a poorly paid ranger led poachers to a rhino for just USD 80.<sup>44)</sup>

<sup>38)</sup> The Environmental Crimes Crisis, *supra* note 1, at 29.

<sup>39)</sup> *Id.* at 13.

<sup>40)</sup> John R. Platt, “Shocking Study Finds Lions are Nearly Extinct in West Africa,” (Jan. 8, 2014) at <http://blogs.scientificamerican.com/extinction-countdown/2014/01/08/lions-extinct-west-africa/>.

<sup>41)</sup> *Id.*

<sup>42)</sup> Consistent with the current membership of the Economic Community of West African States (ECOWAS), West Africa includes the following fifteen countries: Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea-Bissau, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. UNCTAD, UN List of Least Developed Countries, at <http://unctad.org/en/pages/aldc/Least%20Developed%20Countries/UN-list-of-Least-Developed-Countries.aspx>.

<sup>43)</sup> Least developed countries describe the world’s poorest countries based on (1) a three-year average estimate of gross national income (under USD 750 for inclusion as an LDC), (2) human resources weakness relating to nutrition, health, education, and adult literacy, and (3) economic vulnerability due to instability of agricultural production, exports of goods and services and other factors. U.N. Conference on Trade and Development (UNCTAD), UN recognition of Least Developed Countries (LDC), <http://unctad.org/en/Pages/ALDC/Least%20Developed%20Countries/UN-recognition-of-LDCs.aspx>. Based on these factors, the following twelve West African countries meet and are considered LDCs: Benin, Burkina Faso, Cape Verde, Gambia, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Senegal, Sierra Leone and Togo.

<sup>44)</sup> Aislinn Laing, *Last Rhinos in Mozambique Killed by Poachers*, The Telegraph, April 30, 2013, available at: <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/mozam>



#### 4. Lack of Political Will

A lack of political will also contributes to the growing international trade in wildlife. Of the 178 Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES),<sup>45)</sup> a treaty that regulates international trade in species of conservation concern, 49 Parties have legislation that does not meet all the requirements for implementation of CITES; another 39 have legislation that does not meet the requirements for implementing CITES.<sup>46)</sup> The problem with legislation extends beyond wildlife trade laws: “Variable, contradictory, or weak legislation across countries and regions combined with pitiful rates of prosecution ensures sizable profits for the middlemen involved in the trade.”<sup>47)</sup> In many countries, pitiful rates of prosecution are combined with extremely low penalties for violations of wildlife crimes. For example, poaching elephants or rhinos in Mozambique may cost a poacher a mere USD 69,<sup>48)</sup> a trivial amount compared to the value of ivory or rhino horn.

#### 5. The Role of Organized Crime

Lastly, and perhaps most devastatingly, organized crime has assumed a much greater role in wildlife trafficking, and it has become much more sophisticated.

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bique/10028738/Lastrhinos-in-Mozambique-killed-by-poachers.html.

<sup>45)</sup> Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 UST 1087, 993 UNTS 243 (*signed* Mar. 3, 1973, *entered into force* Jul. 1, 1975), *available at* <http://www.cites.org/eng/disc/text.php>.

<sup>46)</sup> CITES, Status of Legislative Progress for Implementing CITES (Updated on Mar. 1, 2013), COP16 Doc. 28, Annex 2 (Rev. 1).

<sup>47)</sup> Lawson & Vines, *supra* note 9, at 9. *See also* U.N. Office on Drugs and Crime, The Globalization of Crime 9 (2010).

<sup>48)</sup> Hunting, importing, and exporting without a license are punishable by fines between 2,000,000 MT (approximately 69 USD) and 100,000,000 MT (approximately 3,472 USD). Library of Congress, Wildlife Trafficking and Poaching, *available at* [http://www.loc.gov/law/help/wildlife-poaching/mozambique.php#\\_ftn15](http://www.loc.gov/law/help/wildlife-poaching/mozambique.php#_ftn15) saying Law number 7 of December 20, 2005 adjusted the Mozambican currency establishing a conversion rate of 1000, which entered into force on January 1, 2006, which is how these amounts were determined.

Indeed, organized crime is now involved in “industrial scale” poaching,<sup>49)</sup> with crime syndicates threatening the environment, revenues from natural resources, state security, and sustainable development.<sup>50)</sup> The “rapidly rising” reach of organized crime now extends to “illegal logging, poaching and trafficking of a wide range of animals, illegal fisheries, illegal mining and dumping of toxic waste.”<sup>51)</sup>

For example, organized crime is involved in harvesting and distribution through large trans-oceanic shipments of endangered CITES-listed species such as rosewood and some species of mahogany.<sup>52)</sup> In a single week in 2013, poachers from Sudan and Chad with ties to the Janjaweed used automatic weapons to slaughter more than 86 elephants, including calves and 33 pregnant females.<sup>53)</sup> This is not an isolated incident:

Poachers in Africa are heavily armed and organized. In 2012, 650 elephants were killed in Bouba N’Djida National Park in Cameroon by Sudanese militia using machine guns. In DR-Congo, 22 dead elephants were found in Garamba National Park with a single bullet hole in the top of their heads. Authorities believe the Ugandan military and one of their helicopters have been involved.<sup>54)</sup>

As Chatham House explains, “[p]oaching on such a scale is not driven by opportunism or subsistence imperatives, but by armed non-state actors and organized groups with wider links.”<sup>55)</sup>

Not only are these criminal syndicates wiping out entire herds of animals over a short period of time, but they are also using increasingly sophisticated techniques. UNEP and INTERPOL outlined 30 key methods used by organized crime groups

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<sup>49)</sup> Lawson & Vines, *supra* note 9, at 6.

<sup>50)</sup> The Environmental Crimes Crisis, *supra* note 1, at 7.

<sup>51)</sup> *Id.*

<sup>52)</sup> *Id.* at 61.

<sup>53)</sup> *Id.*; Africa Wildlife Trust, Tusks Fund Terror—Elephant Killings Surge (June 25, 2013), at <http://africanwildlifetrust.org/category/africa-2/page/5/>.

<sup>54)</sup> IUCN et al., Fact Sheet: Elephant Poaching: Vanishing Giants, 1 (2013).

<sup>55)</sup> Lawson & Vines, *supra* note 9, at 6.

to procure and launder illegal timber. These include falsification of logging permits, bribes to obtain permits, logging beyond legally-operated concessions, hacking government websites to obtain or change electronic permits, and selling timber and wood originating from wild forests as plantation timber, often with government subsidies for plantations.<sup>56)</sup> They are also bringing increasingly sophisticated technology: helicopters, night vision goggles, and advanced weaponry.<sup>57)</sup>

## 6. A Deadly Combination

Some of these drivers are interconnected, creating a deadly combination. Poverty, corruption, and organized crime mix all too easily. Crime syndicates exploit rural people, who are desperately poor, for their knowledge of wildlife; crime syndicates also exploit poor, and poorly paid, enforcement officials working in inadequate bureaucracies.<sup>58)</sup> TRAFFIC reports that Asian operatives involved in the illegal rhino horn trade have exploited South Africa's "unusually high" levels of crime and institutional corruption to establish an extremely sophisticated criminal enterprise linking key demand countries such as Vietnam to South Africa.<sup>59)</sup>

The United Nations summed up the problems and challenges by pointing out that sub-Saharan Africa and Southeast Asia in particular, but other regions as well, face serious challenges to environmental protection, including a lack of effectively managed resources for law enforcement, few alternative livelihoods for rural people, long hunting traditions, periodic insurgencies and conflicts, weak border enforcement, and some enforcement officials who may find the economic potential of this market more attractive than their salary.<sup>60)</sup>

With problems such as these, slowing wildlife crime will be a great challenge.

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<sup>56)</sup> Green Carbon, Black Trade, *supra* note 3, at 6–7.

<sup>57)</sup> IUCN, *supra* note 54, at 1; WWF, African Rhino Poaching Crisis, at [http://wwf.panda.org/what\\_we\\_do/endangered\\_species/rhinoceros/african\\_rhinos/poaching\\_crisis\\_african\\_rhinos/](http://wwf.panda.org/what_we_do/endangered_species/rhinoceros/african_rhinos/poaching_crisis_african_rhinos/).

<sup>58)</sup> Lawson & Vines, *supra* note 9, at 7.

<sup>59)</sup> Milliken & Shaw, *supra* note 14, at 11–12.

<sup>60)</sup> The Globalization of Crime, *supra* note 39, at 9.

### III. So What Can Be Done?

The news is grim, but the situation is not without hope. Governments, non-governmental organizations, and citizens around the world are taking action to prevent the continuing destruction of elephants, rhinos, and other species adversely affected by trade and exploitation for commercial purposes. As described below, they are working to reduce demand, strengthen law enforcement efforts, dedicate more funds for conservation, and increase political will.

#### 1. Reduce or Destroy Demand

In January 2014, Chinese authorities destroyed more than six tonnes of confiscated ivory<sup>61)</sup> with the United States crushing another six tonnes.<sup>62)</sup> Belgium, Chad, France, Gabon, the Philippines, and Zambia have also crushed ivory stockpiles resulting from confiscations.<sup>63)</sup>

These crushes are not mere publicity stunts. Destroying ivory and other illegally-traded wildlife products demonstrates the commitment of governments to “combat poaching and illegal trade, and to arrest and prosecute people who engage in these activities,” which in turn creates “a strong disincentive to poachers and wildlife traffickers.”<sup>64)</sup>

We have seen that demand can be reduced when governments get serious about it by sending clear, unequivocal statements about the need to reduce demand for wildlife products. In China, the government has sent a mixed message. For example, while it has banned domestic trade in tiger parts,<sup>65)</sup> it has allowed

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<sup>61)</sup> Andrew C. Revkin, *China Follows U.S., Crushing Tons of Confiscated Ivory*, N.Y. Times (Jan. 6, 2014), at [http://dotearth.blogs.nytimes.com/2014/01/06/china-follows-u-s-crushing-tons-of-confiscated-ivory/?\\_php=true&\\_type=blogs&\\_r=0](http://dotearth.blogs.nytimes.com/2014/01/06/china-follows-u-s-crushing-tons-of-confiscated-ivory/?_php=true&_type=blogs&_r=0).

<sup>62)</sup> Andrew C. Revkin, *Crushing Tons of Ivory, Wildlife Service Sends Signal to Smugglers*, N.Y. Times (Nov. 15, 2013), at <http://dotearth.blogs.nytimes.com/2013/11/15/crushing-tons-of-ivory-wildlife-service-sends-signal-to-smugglers/>.

<sup>63)</sup> Christina Russo, *Belgium Crushes its Elephant Ivory As Europe Takes Harder Look at Wildlife Trafficking*, National Geographic (Apr. 9, 2014), at <http://news.nationalgeographic.com/news/2014/04/140409-elephant-ivory-trafficking-eu-brussels-ifaw-ivory-crushes-world/>.

<sup>64)</sup> U.S. Fish & Wildlife Service, *U.S. Ivory Crush, Questions & Answers 1* (Nov. 2013).

captive breeding of tigers to flourish. China now has more tigers in commercial captive breeding farms (more than 5,000)<sup>66)</sup> than there are tigers in the wild (between 3,000 and 3,900 individuals).<sup>67)</sup> Moreover, China has allowed the production of “bone strengthening wine” made from lion bones rather than tiger bones,<sup>68)</sup> and tiger wine is readily available for sale at China’s breeding facilities, with investigators finding openly advertised tiger wine for sale at many tiger breeding centers. At Qinhuangdao Wild Animal Park, Beidacang Tiger Wine is advertised by posters clearly claiming to contain tiger bone.<sup>69)</sup> The facility’s staff reported that the wine was created from the breeding facility’s own tigers and claimed to have an official government permit allowing production and sale of the wine.<sup>70)</sup> Tiger wine has also been advertised at other breeding centers such as the Qinhuangdao Wildlife Rescue Centre, Badaling Safari World, a wildlife park in Shanghai, and a tiger breeding center in Heilongjiang.<sup>71)</sup> Unsurprisingly, demand for tiger parts has not been reduced in China. In fact, in a survey of 1,880 residents from six Chinese cities in 2007, 43% admitted that they had consumed products alleged to contain tiger parts, even though 88% knew that buying and selling tiger products was illegal.<sup>72)</sup>

In contrast, in South Korea, demand for tiger parts and rhino horn has fallen because the government clearly banned their use<sup>73)</sup> and undertook efforts to

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<sup>65)</sup> See The Environmental Crimes Crisis, *supra* note 1, at 37–38 (reporting that China has banned domestic trade in tiger bones and derivatives).

<sup>66)</sup> Williamson & Henry, *supra* note 31, at 1 (reporting that “[a]s of the end of 2006, however, the estimated number of Tigers held in China’s commercial Tiger farms alone had increased to an estimated 5,000 as well, with an annual re-productive rate of more than 800 animals.”).

<sup>67)</sup> The Environmental Crimes Crisis, *supra* note 1, at 37–38.

<sup>68)</sup> Nowell & Ling, *supra* note 32, at 30–32.

<sup>69)</sup> EIA, Briefing: Availability of Tiger Bone Wine at Wild Animal Parks in China, 3 (last updated June 9, 2008), available at: [www.eia-international.org/files/reports/164-1.pdf](http://www.eia-international.org/files/reports/164-1.pdf).

<sup>70)</sup> *Id.* at 4.

<sup>71)</sup> *Id.* See also Nowell & Ling, *supra* note 32, at 30.

<sup>72)</sup> The Environmental Crimes Crisis, *supra* note 1, at 39. Brian Gratwicke, et al, *Attitudes Toward Consumption and Conservation of Tigers in China*, PLoS ONE 3(7): e2544. doi:10.1371/journal.pone.0002544(2008), at <http://www.plosone.org/article/info%3Adoi%2F10.1371%2Fjournal.pone.0002544>.

develop alternatives.<sup>74)</sup> Campaigns to reduce consumption of shark fin soup in China appear to be reducing demand.<sup>75)</sup> Demand for rhino horn used for traditional curved daggers, known as jambiyas, has declined in Yemen.<sup>76)</sup>

## 2. Improve Law Enforcement

Given the international nature of most of this trade, better sharing of information and coordination of law enforcement efforts are needed. The United Nations General Assembly, for example, has emphasized that “coordinated action is critical to eliminate corruption and disrupt the illicit networks that drive and enable trafficking in wildlife, timber and timber products, harvested in contravention of national laws.”<sup>77)</sup> The UN Economic and Social Council also encouraged Member States to make illicit trafficking in protected species of wild fauna and flora involving organized criminal groups “a serious crime” to increase prison terms for those engaged in illicit trafficking in protected species of wild fauna and flora.<sup>78)</sup>

To that end, five UN bodies<sup>79)</sup> have banded together to create the International

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<sup>73)</sup> Lawson & Vines, *supra* note 9, at 11.

<sup>74)</sup> Sue Kang & Marcus Phipps, *A Question of Attitude: South Korea's Traditional Medicine Practitioners and Wildlife Conservation*, v (TRAFFIC East Asia, 2003).

<sup>75)</sup> WildAid, WildAid's Campaign Helps Reduce Shark Fin Demand, (Feb. 6, 2013), at <http://www.wildaid.org/news/wildaids-campaign-helps-reduce-shark-fin-demand>.

<sup>76)</sup> Lucy Vigne & Esmond Martin, *Demand for Rhino Horn Declines in Yemen*, 47 *Oryx* 323 (2013), at <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=8956445>.

<sup>77)</sup> UN General Assembly Resolution 68/193, *Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in Particular Its Technical Cooperation Capacity*, A/RES/68/193 (Feb. 14, 2014). It also called on UN members to “strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter transnational organized crime effectively.” *Id.* at ¶ 11.

<sup>78)</sup> ECOSOC Resolution 2013/40, *Crime Prevention and Criminal Justice Responses to Illicit Trafficking in Protected Species of Wild Fauna and Flora*, E/RES/2013/40 (Oct. 17, 2013). The phrase “serious crime” has a special meaning under article 2, paragraph (b), of the United Nations Convention against Transnational Organized Crime: “conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty.” Convention against Transnational Organized Crime, 2225 UNTS 209, Nov. 15, 2000 (entered into force Sept. 29, 2003).

<sup>79)</sup> ICCWC comprises the CITES Secretariat, INTERPOL, the United Nations Office on

Consortium on Combating Wildlife Crime (ICCWC). ICCWC coordinates support to national wildlife law enforcement agencies and sub-regional and regional enforcement networks.<sup>80)</sup> Working with the wildlife law enforcement community, ICCWC's goal "is to usher in a new era where perpetrators of serious wildlife crimes will face a formidable and coordinated response, rather than the present situation where the risk of detection and punishment is all too low."<sup>81)</sup> Created in November 2010,<sup>82)</sup> ICCWC is still a recent effort and whether it will succeed remains unknown. However, it shows the international community's commitment to reducing poaching and illegal trade.

### 3. Increase Funding

Obviously, far more funding is needed to achieve the goals of ICCWC and conservationists to reduce wildlife crime significantly. To that end, the United Kingdom has announced a £10 million grant to support efforts to tackle the illegal wildlife trade in ivory and rhino horn, which will be used to reduce poaching incentives by improving economic opportunities and promoting good governance, providing training and support to agencies addressing the illegal wildlife trade, and raising awareness of the illegal trade in wildlife.<sup>83)</sup>

The United States has also pledged USD 10 million to curb illegal trafficking and help stabilize parts of Africa plagued by insurgency.<sup>84)</sup> It also issued a "Call to Action" in 2012 against wildlife trafficking<sup>85)</sup> and in 2013 launched President

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Drugs and Crime (UNODC), the World Bank, and the World Customs Organization (WCO). The CITES Secretariat chairs the alliance.

<sup>80)</sup> CITES, Information Note, The International Consortium on Combating Wildlife Crime, at <http://www.cites.org/eng/prog/iccwc.php>.

<sup>81)</sup> *Id.*

<sup>82)</sup> INTERPOL, The International Consortium on Combating Wildlife Crime, at <http://www.interpol.int/Crime-areas/Environmental-crime/International-Consortium-on-Combating-Wildlife-Crime>.

<sup>83)</sup> Lawson & Vines, *supra* note 9, at 14.

<sup>84)</sup> *Id.*

<sup>85)</sup> In her call to action, Secretary of State Hillary Clinton stated: the Secretary identified a four-part strategy for addressing the global problem of wildlife trafficking. First, the United States is working with leaders from around the world to

Obama's Executive Order 13648 on Combating Wildlife Trafficking, which identifies wildlife trafficking as "an international crisis that continues to escalate," fuels instability, and undermines security.<sup>86)</sup> As such, the Executive Order calls on the United States to promulgate new rules and regulations and provide technical and financial assistance to other countries in order "to enhance domestic efforts to combat wildlife trafficking, to assist foreign nations in building capacity to combat wildlife trafficking, and to assist in combating transnational organized crime."<sup>87)</sup>

#### 4. Increase Political Will

The lack of political will remains a significant obstacle to reducing demand for wildlife products and improving wildlife enforcement.<sup>88)</sup> Events like the ivory crushes and the increased wildlife enforcement efforts mentioned above indicate that governments are committing more political capital to enforcing and prosecuting wildlife laws.

Other events also suggest a greater political commitment to reversing increases in wildlife trafficking. For example, the United Kingdom hosted a conference in February 2014, emphasizing wildlife crime relating to elephants, rhinos, and tigers,

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develop a global consensus on wildlife protection. Second, the Department of State is spearheading a global outreach campaign on wildlife trafficking, to launch December 4th on Wildlife Conservation Day. Third, Secretary Clinton called for a global system of regional wildlife enforcement networks, pledging \$100,000 and building on the more than \$24 million that USAID has already committed to the effort over the past five years to combat wildlife trade. Finally, Secretary Clinton asked the intelligence community to produce an assessment of the impact of large-scale wildlife trafficking on our security interests.

U.S. Dep't of State, Press Release, Secretary Clinton Hosts Wildlife Trafficking and Conservation: A Call to Action (Nov. 8, 2012), at <http://www.state.gov/r/pa/prs/ps/2012/11/200355.htm>.

<sup>86)</sup> Executive Order 13648, Combating Wildlife Trafficking, §1(July 01, 2013 ), at <http://www.whitehouse.gov/the-press-office/2013/07/01/executive-order-combating-wildlife-trafficking>.

<sup>87)</sup> *Id.*

<sup>88)</sup> *See, e.g.*, European Commission, Commission Summary – Key Outcomes of the Expert Conference on the EU Approach against Wildlife Trafficking (2014), (stating that "[a]s a priority, it was considered crucial to generate within the EU (and globally) awareness and political will at higher level to treat wildlife trafficking as a serious problem."), available at: [ec.europa.eu/environment/cites/pdf/summary\\_outcome.pdf](http://ec.europa.eu/environment/cites/pdf/summary_outcome.pdf).



with the goals of (1) strengthening law enforcement and the criminal justice system, (2) reducing demand for illegal wildlife products, and (3) supporting the development of sustainable livelihoods for communities affected by illegal wildlife trade.<sup>89)</sup> The conference ended with participants adopting the London Declaration on Illegal Wildlife Trade.<sup>90)</sup>

The declaration is, as one might expect, a broad ranging document calling on governments to support the livelihoods of the rural poor, amend legislation to make poaching and wildlife trafficking “serious crimes” under the UN Convention against Transnational Organized Crime, and strengthen cross-border co-ordination and support for regional wildlife law enforcement networks.<sup>91)</sup> The provisions garnering the most attention, however, call on governments to:

- continue the existing international ban on commercial trade in elephant ivory;
- destroy stockpiles of rhino horn and ivory; and
- renounce the use of products within governments from species threatened with extinction.<sup>92)</sup>

That 50 governments would sign such a declaration is extremely welcome, particularly because it comes on the heels of campaignsto legalize trade in rhino horn<sup>93)</sup> and elephant ivory.<sup>94)</sup> Moreover, some governments that signed the London Declaration, such as Botswana, have previously advocated successfully for trade in

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<sup>89)</sup> United Kingdom, London Conference on the Illegal Wildlife Trade 2014, The Aim of the Conference, at <https://www.gov.uk/government/topical-events/illegal-wildlife-trade-2014/about>.

<sup>90)</sup> London Declaration on Illegal Wildlife Trade, at <https://www.gov.uk/government/publications/declaration-london-conference-on-the-illegal-wildlife-trade>.

<sup>91)</sup> *Id.* at §§ VIII, XVI, XVIII.

<sup>92)</sup> *Id.* at §§ I, II, III.

<sup>93)</sup> See, e.g., Biggs, et al., *Legal Trade of Africa’s Rhino Horns*, 339 *Science* 1038, 1038 (2013).

<sup>94)</sup> See, e.g., R.B. Martin et al., *Decision-making Mechanisms and Necessary Conditions for a Future Trade in African Elephant Ivory*, in CITES SC62 Doc. 46.4, at Appendix (May 24, 2012).

ivory.<sup>95)</sup> Perhaps the tide is turning, and we are beginning to see the kind of political will needed to protect species from illegal killing and trade.

#### IV. So What Can Lawyers, Law Professors, and Law Students Do?

In addition to the governmental initiatives described above, individuals, law students, and law professors can do many things to help reduce wildlife trafficking. Indeed, one of the most important things that citizens can do is encourage governments to take action. By way of illustration, this section describes some efforts to combat wildlife trafficking undertaken by the International Environmental Law Project (IELP), a legal clinic at Lewis & Clark Law School.<sup>96)</sup> In IELP, the only on-campus legal clinic dedicated to international environmental law, law students work with law professors on a variety of efforts to prevent and reduce poaching and illegal trade, at both the national and international level.

##### 1. Petition for Compliance with International Environmental Law—Citizen Enforcement through the Pelly Amendment

In the United States, a lawyer would typically seek to protect wildlife through a statute such as the Endangered Species Act,<sup>97)</sup> which prohibits the “take,” import, and export of threatened and endangered species.<sup>98)</sup> International environmental

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<sup>95)</sup> The CITES Parties most recently adopted Botswana’s proposal for international trade in ivory in 2007. CITES, Summary Record of the Sixth Plenary Session of the Fourteenth Meeting of the Conference of the Parties, CoP14 Plen. 6 (Rev. 1), at 7 (2007) (reporting that the Parties adopted Proposal 4, which as a joint proposal of Botswana and Namibia to allow trade in ivory and other African elephant specimens). Based on this decision, Botswana was able to sell its ivory in 2008. CITES, Press Release, Ivory Auctions Raise 15 million USD for Elephant Conservation (Nov. 7, 2008), available at: [http://www.cites.org/eng/news/pr/2008/081107\\_ivory.shtml](http://www.cites.org/eng/news/pr/2008/081107_ivory.shtml).

<sup>96)</sup> International Environmental Law Project, at [http://law.lclark.edu/clinics/international\\_environmental\\_law\\_project/](http://law.lclark.edu/clinics/international_environmental_law_project/).

<sup>97)</sup> U.S. Endangered Species Act, 16 U.S.C. §§1531–1344.

<sup>98)</sup> *Id.* at § 1538(a)(1).

lawyers, however, look to a unique law called the Pelly Amendment to the Fishermen's Protective Act.<sup>99)</sup> The Pelly Amendment allows citizens to petition the Secretary of Interior (or the Secretary of Commerce for marine species) seeking certification that nationals of a foreign country are diminishing the effectiveness of an international program designed to protect fisheries or endangered or threatened species. Under the Pelly Amendment, the Secretary of Interior may determine "that nationals of a foreign country, directly or indirectly are . . . engaging in trade or taking which diminishes the effectiveness of any international program for endangered or threatened species."<sup>100)</sup> If the Secretary makes this determination, the Secretary "shall certify such fact to the President."<sup>101)</sup> Upon receipt of such certification, the President may direct the Secretary of the Treasury to prohibit the importation into the United States of any product from the offending country for any duration, provided that the restrictions are consistent with the General Agreement on Tariffs and Trade and other trade agreements.<sup>102)</sup>

IELP has prepared Pelly Petitions for clients on a range of species. For example, IELP prepared a petition alleging that Vietnamese nationals were diminishing the effectiveness of CITES because of their role in fueling poaching in South Africa.<sup>103)</sup> In the petition, IELP showed that demand for rhino hornin

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<sup>99)</sup> 22 U.S.C. §1978, *as amended* Pub. L. No. 95-376, 92 Stat. 714 (Sept. 18, 1978).

<sup>100)</sup> *Id.* at § 1978(a)(1) - (2). More specifically, The Secretary of Interior or Secretary of Commerce must determine that nationals of a foreign country, directly or indirectly, are (a) conducting fishing operations in a manner or under circumstances which diminish the effectiveness of an international fishery conservation program, or (b) engaging in trade or taking which diminishes the effectiveness of any international program for endangered or threatened species.*Id.*

<sup>101)</sup> *Id.* at § 1978(a)(2).

<sup>102)</sup> *Id.* at § 1978(a)(4). More specifically, this provision allows the President to bar imports into the United States "of any products from the offending country for any duration as the President determines appropriate and to the extent that such prohibition is sanctioned by the World Trade Organization (as defined in section 3501 (8) of title 19) or the multilateral trade agreements (as defined in section 3501 (4) of title 19)."However, the relevant provisions of the World Trade Organization and other multilateral trade agreements are those found in the provisions of the GATT. The President must also notify Congress of any action taken within 60 days of certification. *Id.* at § 1978(b).

<sup>103)</sup> A summary of the Pelly Petition against Vietnam can be found in Environmental Investigation Agency, *Vietnam's Illegal Rhino Horn Trade: Undermining the Effectiveness*

Vietnam is rising, that Vietnam nationals are involved in poaching in South Africa, and that the Vietnamese government has failed to implement its CITES obligations. In some cases, Vietnam has refused to implement the recommendations of the CITES Parties or even respond to requests for information from the Parties. In fact, Vietnamese CITES officials continue to deny the role of Vietnam and its nationals in the illegal rhino horn trade,<sup>104)</sup> statements that defy all reports to the contrary. As described in the Petition, Vietnam is believed to be driving the “rapacious illegal trade in rhino horn”<sup>105)</sup> with Vietnamese nationals at the center of the illegal trade. As TRAFFIC has stated:

[F]or nearly a decade [Vietnam] has been the paramount destination for a resurgent illegal commerce out of Africa, especially from South Africa, where Vietnamese criminal operatives have become firmly embedded in the trade.<sup>106)</sup>

Despite the numerous reports of Vietnamese nationals’ involvement in the illegal trade, and arrests and prosecutions of Vietnamese nationals in the United States,<sup>107)</sup>

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*of CITES*(Feb. 26, 2013), available at <http://eia-global.org/news-media/vietnam-illegal-rhino-horn-trade-undermining-the-effectiveness-of-cites>. In June 2014, IELP’s most recent Pelly Petition was submitted to the U.S. Fish and Wildlife Service by the Environmental Investigation Agency and the International Rhino Foundation. This petition alleges that Mozambique is diminishing the effectiveness of CITES with respect to rhinos and elephants. For more information about this petition, see Environmental Investigation Agency, *Petition to Certify Mozambique as Diminishing the Effectiveness of CITES* (June 27, 2014), at <http://eia-global.org/news-media/petition-to-certify-mozambique-as-diminishing-the-effectiveness-of-cites>.

<sup>104)</sup> See e.g., Vietnam Environment Administration, *Rhino Horn Claim Unfounded*, Sept. 4, 2012, available at <http://vea.gov.vn/en/news/news/Pages/Rhino-horn-claim-unfounded.aspx>. This press release quotes Do Quang Tung, Vietnam’s CITES Deputy Director, as saying “Vietnam could not be the main market for South African rhino horn, not even close.” *Id.* It also claims that Vietnam is not a market country for rhino horn but rather a transit country for rhino horn destined for another country. *Id.* See also Asia News Network, *Vietnam Denies Being Main Rhino Horn Market* (Aug. 27, 2012), available at <http://www.thejakartapost.com/news/2012/08/27/vietnamdeniesbeing-main-rhino-horn-market.html>.

<sup>105)</sup> Milliken & Shaw, *supra* note 14, at 14.

<sup>106)</sup> *Id.*

South Africa, and elsewhere, Vietnam itself has reportedly not seized a single illegally imported rhino horn or prosecuted a single individual for illegal trade since 2008.<sup>108)</sup> Vietnam has clearly turned a blind eye to its own involvement. Indeed, Vietnam has failed to provide the CITES Parties with information concerning its stocks of rhino horn, as well as other information requested by the Parties. Vietnam's continued flouting of its international responsibilities is devastating rhino conservation efforts everywhere but particularly in South Africa where 2,116 rhinos have been poached in the last three years,<sup>109)</sup> primarily for trade to Vietnam. The involvement of Vietnamese nationals in the illegal trade is so transparent that South Africa has adopted new rules that prohibit the issuance of rhino hunting permits to Vietnamese nationals.<sup>110)</sup> Since submission of the Pelly Petition, Vietnam has improved its legislation, increased its enforcement of rhino horn trade, and taken other action to address its role in the rhino horn trade.<sup>111)</sup>

Significantly, the law students in IELP did most of the research and writing of the petition. They can, thus, take some credit for the improving situation in Vietnam. IELP's professors ensure that the work of the students is accurate, persuasive, and well written. Nonetheless, students do the vast majority of the research, writing, and editing of such petitions.

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<sup>107)</sup> Kerry Sheriden, *U.S. Rhino Horn Trafficking Draws Motley Profiteers*, AFP, May 10, 2012, available at: <http://www.allvoices.com/news/12126350-us-rhino-horn-trafficking-draws-motley-profiteers>.

<sup>108)</sup> Milliken & Shaw, *supra* note 14, at 141, 144.

<sup>109)</sup> Update on Rhino Poaching Statistics, *supra* note 10.

<sup>110)</sup> See Franz Wild, *South Africa Bars Vietnam Hunters as Rhino Poaching Surges*, Bloomberg News, (Apr. 5, 2012), available at: <http://www.bloomberg.com/news/2012-04-05/south-africa-bars-vietnam-hunters-as-rhino-poaching-surges-1-.html>.

<sup>111)</sup> CITES, Viet Nam's Compliance with Resolution Conf. 9.14 (Rev.CoP15) on the Conservation of and Trade in African and Asian Rhinoceroses, SC65 Doc. 43.2, Annex 1 (2014), available at <http://www.cites.org/com/sc/65/index.php>. Vietnam's report, however, suggests that Vietnam still has not prosecuted anyone for violating wildlife and trade laws. Nonetheless, Vietnam has "set in motion a political momentum to combat illegal wildlife trade, which has significantly contributed to tangible progress in its efforts to implement measures to combat illegal rhinoceros horn trade more effectively." CITES, Report of the Secretariat, SC65 Doc. 43.2, para. 50 (2014), available at <http://www.cites.org/com/sc/65/index.php>.

## 2. Strengthen Wildlife Laws

Even strong laws, like the U.S. Endangered Species Act (ESA) which generally bans international trade in and possession of rhino horn, tiger parts, and elephant ivory,<sup>112)</sup> may include exceptions that weaken the law and that make enforcement and prosecution more difficult. The ESA, for example, includes an exception that allows trade in ivory that was acquired prior to the enactment of the ESA.<sup>113)</sup> These exceptions make it very difficult for wildlife enforcement officials and prosecutors to distinguish, for example, ivory that has been legitimately acquired from ivory that has been illegally obtained.

Like China, the United States has a large number of tigers in captivity, perhaps as many as 5,000.<sup>114)</sup> Regulatory gaps in the ESA and other laws have created loopholes that could undermine the efforts of the United States to control illegal international and domestic trade in tiger parts. Due to exceptions in the ESA and other laws, owners of captive tigers are not required to report that they own tigers because these tigers are hybrids.<sup>115)</sup> Because most tigers in captivity are hybrids, they fall within this exception.<sup>116)</sup> Without a reporting requirement, the United States is unable to determine who has, or might be trading in, tigers and tiger parts.

To eliminate this loophole, IELP prepared a report, on behalf of its client the World Wildlife Fund, describing how the United States could implement a reporting requirement.<sup>117)</sup> Based on this work, legislation has been introduced to require reporting of tiger ownership and to prohibit ownership of tigers except by

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<sup>112)</sup> 16 U.S.C. § 1540.

<sup>113)</sup> 16 U.S.C. § 1540(f).

<sup>114)</sup> Williamson & Henry, *supra* note 31, at 1.

<sup>115)</sup> 50 C.F.R. § 17.3. These regulations describe hybrid tigers as “generic” or inter-subspecific cross tigers.

<sup>116)</sup> Williamson & Henry, *supra* note 31, at 44.

<sup>117)</sup> International Environmental Law Project, *Tracking Tigers: Draft Legislation for a Tiger-tracking Database* (Oct. 19, 2010) (on file with author). For more information on the campaign of the World Wildlife Fund, see World Wildlife Fund, *More Tigers in American Backyards than in the Wild*, at <https://www.worldwildlife.org/stories/more-tigers-in-american-backyards-than-in-the-wild>.

qualified institutions, such as zoos and sanctuaries.<sup>118)</sup>

Concerning ivory, in 2014 the United States proposed, and is in the process of enacting, new rules and regulations to ban commercial imports of antique ivory as well as elements of domestic ivory trade.<sup>119)</sup> While IELP was not involved in the effort to implement these ivory-related changes, other nongovernmental organizations were, and it is work that students could get involved in. Students could undertake the background research to show that “antique” ivory is commonly sold in markets or on eBay and by online retailers. Students could also prepare the regulatory language needed to enact the changes.

IELP is involved in a process to improve wildlife protection and CITES implementing legislation in foreign countries, particularly with respect to penalties. In many countries, penalties for poaching or engaging in illegal trade are very low. In Mozambique, for example, poaching is considered to be either a minor transgression or an administrative offense.<sup>120)</sup> Mozambique’s Forestry and Wildlife Law of 1999 and the Regulation of Forestry and Wildlife Decree of 2002 make it illegal to hunt, import, or export forest and wildlife resources without a license or contrary to legally established conditions.<sup>121)</sup> Until recently, these violations were punishable by fines between 2,000,000 MT (approximately 69 USD) and 100,000,000 MT (approximately 3,472 USD).<sup>122)</sup> Mozambique has made just 14

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<sup>118)</sup> H.R.1998 - Big Cats and Public Safety Protection Act, 113th Congress (2013-2014), available at <https://beta.congress.gov/bill/113th-congress/house-bill/1998>.

<sup>119)</sup> For more information on pending changes to U.S. law and regulations, see <http://www.fws.gov/international/travel-and-trade/ivory-ban-questions-and-answers.html>.

<sup>120)</sup> Jinty Jackson, *Elephant Poachers Plague Mozambique*, Voice of America (Apr. 23, 2013), available at <http://www.voanews.com/content/elephant-poachers-plague-mozambique/1647285.html>.

<sup>121)</sup> Gareth Mauck, *Wildlife Legislation in Sub-Saharan Africa*, available at <http://conservationaction.co.za/wp-content/uploads/2013/11/Wildlife-Legislation-in-SS-Africa-Nov-13.pdf> at 44 (summarizing Articles 41(1)(c) and (d) of the Forestry and Wildlife Law).

<sup>122)</sup> *Id.* See also Library of Congress, *Wildlife Trafficking and Poaching*, available at [http://www.loc.gov/law/help/wildlife-poaching/mozambique.php#\\_ftn15](http://www.loc.gov/law/help/wildlife-poaching/mozambique.php#_ftn15) (stating that Law number 7 of December 20, adjusted the Mozambican currency establishing a conversion rate of 1000, which entered into force on January 1, 2006. The Mozambican figures are taken from a law adopted prior to this adjustment, so the conversions to USD have been adjusted accordingly.). Mozambique reported to CITES in 2014 that its fines have been increased tenfold. CITES, *Rhinoceros: Report of the Working Group*, SC65 Doc.

arrests in 2012 and 43 in 2013 for wildlife violations relating to rhinos, but it has collected only 3% of the fines from violators.<sup>123)</sup>

Clearly these penalty amounts are too low to be effective deterrents when compared to the profits earned from illegal trade in elephant ivory and rhino horn. Ivory sells for anywhere between 700 USD and 7,000 USD per kilogram, and rhino horn fetches between 35,000 USD and 95,000 USD per kilogram.<sup>124)</sup>

Mozambique is not the only country with penalties too low to deter wildlife crime. It merely illustrates a larger problem. Thus, in the context of a campaign to protect pangolins, IELP is working with groups in Asia and Africa to draft new legislation that increases penalties. Students will research the laws of other countries, which we will then use to advocate for stronger laws.

### 3. Draft and Propose New Rules at CITES Meetings

Students in IELP also assist with drafting new rules for implementation of CITES (and other multilateral environmental agreements). Through a coalition called the Species Survival Network,<sup>125)</sup> IELP identifies priorities for new CITES rules. The professors in IELP then work with students to prepare draft resolutions for improved implementation of CITES. For example, in preparation for the last meeting of the Parties to CITES, students drafted a resolution for pangolin conservation and amendments to an existing resolution on rhino conservation. In

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43.1,¶14 (2014).

<sup>123)</sup> CITES, Rhinoceros: Report of the Working Group, SC65 Doc. 43.1,¶14 (2014).

<sup>124)</sup> See Franz Wild, *Mozambique's Chissano Starts Campaign to End Poaching*, Bloomberg Sustainability, Nov. 5, 2013 available at <http://www.bloomberg.com/news/2013-11-05/mozambique-s-chissano-starts-campaign-to-end-poaching.html> (stating that “rhino horn can sell for as much as USD 95,000 a kilo”); see also All Africa, *Mozambique: Police Seize Seven Rhino Horns*, Dec. 18, 2013, available at <http://allafrica.com/stories/201312190477.html> (last visited Mar. 7, 2014) (stating that rhino horn sells for USD 65,000 a kilo); see also Sharon Van Wyk, *Death In China, One Dollar in Africa—The Irony of Ivory Poaching Penalties*, Daily Maverick (Oct. 22, 2013), available at <http://www.dailymaverick.co.za/article/2013-10-22-death-in-china-one-dollar-in-africa-the-irony-of-ivory-poaching-penalties/#.UyqEXNyQaf0> stating, ivory can have a black market price of up to USD 7,000.

<sup>125)</sup> Species Survival Network, at [www.ssn.org](http://www.ssn.org).



these two cases, we were not able to find a government to sponsor the proposals. The students' work was not wasted, however. We transformed the pangolin proposal into a simpler request directing Asian range States to report to the CITES Standing Committee on illegal trade in pangolins, which the Parties adopted.<sup>126)</sup> Based on these reports and other information, the CITES Parties in July 2014 created a new working group to address conservation and trade in pangolins.<sup>127)</sup> The resolution on rhinos became part of the larger discussions on rhino conservation, with IELP attorneys using the information to advise range States.

#### 4. Educate Delegates

Students in IELP help educate delegates about CITES and specific issues to be discussed at CITES meetings. For example, IELP students prepared a guide to CITES issues to help delegates understand the elements of CITES and how CITES meetings operate.<sup>128)</sup> IELP students also prepared a number of fact sheets on a range of issues that IELP and SSN considered most important. They used these fact sheets to educate delegates about these issues. This is challenging work for students; they are naturally fearful of approaching government delegates, many of whom have participated in numerous CITES meetings. Nonetheless, most IELP students have performed this work successfully after receiving training before participation in the meeting.

Because international environmental law frequently evolves slowly, sometimes the

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<sup>126)</sup> CITES, Decision 16.41 (2013) directs "range States for Asian pangolin species are requested to compile information on the conservation of and illegal trade in Asian pangolins, and their efforts to address such trade, and to report at the 65th meeting of Standing Committee, subject to available resources for the purpose." CITES, Decision 16.42 (2013) directs the Standing Committee, at its 65th meeting, to "review the information provided by Asian pangolin range States and develop recommendations, as appropriate, to address the illegal trade in pangolin species and report at the 17th meeting of the Conference of the Parties."

<sup>127)</sup> CITES, Enforcement Matters, SC65 Com. 8 (2014), available at <http://www.cites.org/eng/com/sc/65/com/index.php>.

<sup>128)</sup> International Fund for Animal Welfare, *The CITES Pocket Guide* (2013). See also Erica Lyman & Chris Wold, *A CITES Reference manual* (2013), at [www.ssn.org/Meetings/cop/cop16/CITES\\_RefGuide.pdf](http://www.ssn.org/Meetings/cop/cop16/CITES_RefGuide.pdf).

work of students becomes part of a multi-year effort. As a consequence, students might only participate in one aspect of an issue during the semester or two that they participate in IELP. This is not any different from domestic environmental litigation, however, in which a student may help prepare a single motion or brief of litigation that takes years to resolve.

## 5. Stop Efforts to Legalize Trade in Ivory and Rhino Horn

Legalization of products from highly endangered elephants and rhinos has become, to use an apt adage, the elephant in the china shop: Can legalization of ivory and rhino horn stifle the black market and reduce poaching? South Africa, the host government for the next meeting of the CITES Parties, has openly advocated for legalizing trade in rhino horn.<sup>129)</sup> Indeed, South Africa has publicly opposed those aspects of the London Declaration regarding non-use of species, such as rhinos, even if done to curb poaching.<sup>130)</sup> South Africa and others supporting legalization do not believe that increased funding, law enforcement, and political will are sufficient to stem the tide of illegal poaching and trade.

Legalization advocates ground their arguments in economics. Some economists argue that demand for rhino horn and other endangered species is price inelastic—that is, changes in price have a relatively small effect on demand for the product; consequently, they argue that illegal trade will actually increase as supply is restricted by trade bans, thereby attracting organized crime.<sup>131)</sup> In light of escalating rhino poaching and the involvement of organized crime in rhino horn trade, they argue that “[t]he only remaining option is a carefully regulated legal trade based on the humane and renewable harvesting of horn from live white

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<sup>129)</sup> South Africa Department of Environmental Affairs, *The Viability of Legalising Trade in Rhino Horn in South Africa* (2014).

<sup>130)</sup> Republic of South Africa, Department of Environmental Affairs, Press Release, Minister Edna Molewa Welcomes Some of the Provisions of the London Declaration on Illegal Wildlife Trade (Feb. 18, 2014), at [https://www.environment.gov.za/mediarelease/molewa\\_london\\_declaration](https://www.environment.gov.za/mediarelease/molewa_london_declaration).

<sup>131)</sup> Ivo Vegter, *East Africa: On the Horn of a Dilemma*, AllAfrica (Feb. 1 2014) (quoting economist Michael ‘t Sas-Rolfes), at <http://allafrica.com/stories/201402031345.html?viewall=1>.

rhinos.”<sup>132</sup>) By shaving horn from the 5,000 or so white rhinos on private lands, they argue that “[a] legal trade could simultaneously supply horns, fund rhino protection, and provide an incentive for their sustainable use and long-term survival.”<sup>133</sup>)

So how can a legal clinic help on this economic issue? As with other legal issues, we are helping to get out the message that the economic argument is flawed for several reasons. First, proponents of trade claim that the legal market will reduce prices and thus reduce the incentive to poach.<sup>134</sup>) However, it is likely that illegal traders will kill more rhinos to make up for lost profits if prices do decline.<sup>135</sup>) More fundamentally, a small drop in price is unlikely to deter organized crime syndicates, which trade in multiple illegal products.<sup>136</sup>)

Second, supporters believe that demand can be met with a growing population of rhinos.<sup>137</sup>) Yet, demand could actually increase if legalization destigmatizes use, as occurred with the babirusa (*Babirusa babyroussa*), a kind of wild pig.<sup>138</sup>) Moreover, new uses and rising wealth may increase demand, as has been the case with rhino horn use in Vietnam.<sup>139</sup>) Significantly, proponents have used demand data that does not account for the sharp rise in demand in Vietnam.<sup>140</sup>)

We also need to ask the following question: Can we grow enough rhino horn

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<sup>132</sup>) See Kate Wong, Ban Elephant Ivory, Legalize Rhino Horn?(Mar. 2, 2013)(quoting from the arguments of Duan Biggs et al.), at <http://blogs.scientificamerican.com/observations/2013/03/02/ban-elephant-ivory-legalize-rhino-horn/>.

<sup>133</sup>) *Id.*

<sup>134</sup>) Biggs, et al., *supra* note 94, at 1038; Michael 't Sas-Rolfes, *Who Will Save the Wild Tiger*, 10 (PS-12 PERC Pol’y Ser., 1998), available at <http://perc.org/articles/who-will-save-wild-tiger-no-12>.

<sup>135</sup>) Biggs, et al., *supra* note 94, at 1038; Michael 't Sas-Rolfes, *Who Will Save the Wild Tiger*, 10 (PS-12 PERC Pol’y Ser., 1998)

<sup>136</sup>) Alejandro Nadal, Economic Analysis of Legal Trade in Endangered Species, 13–17 (paper presented at the International Wildlife Trafficking: Solutions to a Global Crisis United for Wildlife and Zoological Society of London (ZSL), February 2014).

<sup>137</sup>) Biggs, et al., *supra* note 94, at 1038.

<sup>138</sup>) See Wiersema, *supra* note 136, at 245.

<sup>139</sup>) See Tom Milliken & Jo Shaw, *supra* note 14, at 9.

<sup>140</sup>) Biggs, et al., *supra* note 94, at 1038 (noting that their analysis uses “speculative estimates of the demand for horn” based on data from 2009 and earlier; in other words, their analysis occurred prior to the huge increase in demand from Vietnam).

for the market by farming rhinos; is there sufficient supply? The idea has some appeal because many rhinos are already on private game farms in South Africa. However, the answer to the question is likely no. Rhino horn grows very slowly, a rate of about two inches per year.<sup>141)</sup> Demand is much higher than that, driving the “rapacious illegal trade in rhino horn.”<sup>142)</sup> In fact, demand appears to be insatiable in Vietnam and China for rhino horn as a recreational drug, a bogus cancer treatment, and a desire to flaunt wealth, among other things.<sup>143)</sup> With the rise of the Asian middle class, the problem perhaps will only get worse.

Third, supporters of legalization note that enforcement of trade bans has been expensive.<sup>144)</sup> While legalization could provide needed resources to law enforcement efforts, it is unlikely to reduce enforcement costs. Indeed, law enforcement may become more difficult and more expensive to enforce as customs and other officials try to distinguish legal from illegal products. Vast amounts of evidence show that traders launder illegal products through legal markets.<sup>145)</sup> Consequently, the burden on prosecutors to show that a wildlife specimen is illegal will most likely increase with the introduction of any legal market.

Fourth, proponents have argued that dehorning costs about USD 20 per rhino, but others have put the cost at USD 775 or more.<sup>146)</sup> If these higher figures are accurate, then legalizing trade will not recover the massive cost of dehorning

<sup>141)</sup> D.J. Pienaar, et al., *Horn Growth Rates of Free-ranging White and Black Rhinoceros*, 34 *Koedoe: African Protected Area Conservation and Science* 97, 98–99 (1991), at <http://www.koedoe.co.za/index.php/koedoe/article/view/426>.

<sup>142)</sup> Milliken & Shaw, *supra* note 14, at 14.

<sup>143)</sup> *Id.* at 14–16.

<sup>144)</sup> ’t Sas-Rolfes, *supra* note 135, at 10.

<sup>145)</sup> See, e.g., Green Carbon, *Black Trade*, *supra* note 3, at 6 (stating that “illegal logging has moved from direct illegal logging to more advanced methods of concealment and timber laundering.”).

<sup>146)</sup> Some estimates put the cost at about 8,000 South Africa Rand per animal (roughly USD 775 dollars in December 2013), but with the cost falling if animals are dehorned as part of the same operation. Peter A. Lindsey & Andrew Taylor, *A Study on the Dehorning of African Rhinoceros as a Tool to Reduce the Risk of Poaching* §8.1 (2011) (stating that “[d]uring surveys, respondents estimated that dehorning costs R7,785 (USUSD 973) ± 640 per rhino.”). If one assumes a dehorning cost of USD 970 per rhino, dehorning South Africa’s white rhino population of roughly 20,000 individuals would cost USD 19.4 million.

20,000 rhinos.

Fifth, dehorning rhinos may devalue South Africa's tourist trade if visitors are less willing to pay for expensive trips to see dehorned rhinos.<sup>147)</sup> This is a cost that economists have not included in their calculations.<sup>148)</sup>

Sixth, it is not at all clear that dehorning or farming poachers will deter poachers. Poachers finding a dehorned rhino may kill it anyway so that they do not waste time the next time they are on the hunt for rhino horn.<sup>149)</sup> They may also kill the rhino because the remaining horn inside the rhino's skull may still have significant value.<sup>150)</sup>

Seventh, rhinos very likely need their horns.<sup>151)</sup> Mothers, in particular, may need their horns to keep hyenas and lions away from their young.<sup>152)</sup>

As the international conservation community moves towards the next meeting of the Parties in South Africa in 2016, IELP and its students will advise other organizations and governments on strategy and prepare fact sheets and other educational materials to ensure that a legal, commercial trade in rhino horn is not allowed.

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<sup>147)</sup> When rhinos were dehorned in Hwange National Park, international tourists complained, "possibly due to some of the negative publicity that was generated about the dehorning process in the country at the time." *Id.* at § 8.4.

<sup>148)</sup> *See, e.g.,* Biggs, et al., *supra* note 94 (not taking these costs into account).

<sup>149)</sup> One organization, Save the Wild, reports that in Hwange National Park, Zimbabwe during the early 1990s, the majority of dehorned rhinos were killed just 12-18 months after being dehorned. In Zimbabwe's Save Valley Conservancy, six newly dehorned rhinos were poached during January-August 2011 (one rhino was killed within 24 hours and another within five days of being dehorned). Save the Wild, De-horning, at [http://www.savetherhino.org/rhino\\_info/issues\\_for\\_debate/de-horning](http://www.savetherhino.org/rhino_info/issues_for_debate/de-horning). In Chiredzi River Conservancy, where all rhinos were dehorned, rhinos were "virtually eradicated by poachers (during 2003-2007)." Lindsey & Taylor, *supra* note 147, at § 10.2.

<sup>150)</sup> Biggs, et al., *supra* note 94, at 1038.

<sup>151)</sup> Lindsey & Taylor, *supra* note 147, at § 9.2 (reporting that rhinos use their horns for defending territories; defending calves from other rhinos; maternal care; defending rhino calves from predators; and foraging, digging for water, breaking branches, reaching branches, and removing bark.).

<sup>152)</sup> *See id.* at § 9.2.2 (discussing the debate over whether dehorning leads to increases in predation on rhino calves).

## V. Conclusion

The major trends in wildlife trafficking are very alarming. However, action to combat poaching and illegal trade at the national and international level is now occurring at levels not seen before. Moreover, many activities can be performed in a law school environment by students, provided that they are properly supervised. Through IELP, students have drafted resolutions to change the rules of trade. They have educated delegates through publications and direct advocacy at meetings of the Parties to CITES. Using U.S. law, they have also prepared petitions on behalf of clients to certify that nationals of particular countries are diminishing the effectiveness of CITES (and other multilateral environmental agreements). The practice of international environmental law differs tremendously from a domestic environmental law practice. As a result, students who receive training while in law school are strategically placed to get jobs in this field. In addition, by receiving training in international wildlife law, not only is a new generation of individuals being sensitized to the harm caused by wildlife trafficking, but the next generation of international environmental lawyers is being created. That, hopefully, will improve the prospects for wildlife everywhere.

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<국문초록>

**코끼리상아 및 코뿔소 불법거래방지를 위해 변호사와  
법학도의 역할은 무엇인가?**

Prof. Chris Wold\*

국제적 야생동물거래산업은 성장하고 있다. 아프리카 코끼리, 흰코뿔소, 혹은 잘 알려지지 않은 친산갑 같은 강력한 거대동물도 그 거래가 폭증하고 있다. 유엔자료에 따르면 불법벌채, 어류무역을 포함하여 불법야생무역 규모는 전지구적으로 1000억 달러 이상이라고 추산된다. 코뿔소 뿔의 가격은 1kg당 USD 66,139이다. 이렇듯 증가한 산업은 야생동물을 파괴하고 있다. 2013년에는, 5만 마리의 아프리카 코끼리가 죽었으며 (이는 매 15분마다 1마리의 희생을 의미한다), 남아프리카에 서만 1000마리 이상의 흰코뿔소가 밀렵되었다. 밀렵은 야생동물뿐 아니라 야생보호 종사자들에게도 큰 위협이다. 지난 10년 동안 적어도 1,000명 이상의 공원직원이 밀렵에 의해 살해되었다.

아시아의 전통의학, 정치적 의지부족, 극도의 빈곤은 국제밀렵산업팽창의 원인이다. 막대한 자금력과 무기를 소지한 범죄조직이 연루되어, 밀렵거래는 그 해결이 더욱 어려워졌다. 그러나, 세계 각처의 정부, NGO단체, 시민들은 상업적 목적의 밀렵과 거래로 인한 코끼리, 코뿔소, 기타 생물의 계속되는 죽음과 착취를 막기 위해 조치를 취하고 있다. 그들은 수요를 줄이고(예를들어, 비축량 줄이기), 법적 규제를 강화하며, 보존을 위한 기금을 강화하고, 정치적 의지를 고취시키기 위해 노력한다. 또한 변호사, 로스쿨 학생, 법률 전문가는 야생동물 밀매를 감소시키는 일을 한다. 일례로, IELP(루이스 앤 클락 로스쿨의 국제환경법률 클리닉)은 미국에서 소위 “Pelly Amendment”라 알려진 특별한 법률을 활용하여 미국정부가 “야생동식종의 국제거래에 관한 협약(CITES)”에 의거하여 코뿔소코의 밀렵 및 밀매를 단속하지 않은 베트남에 무역제재를 가할 것을 청원하고 있다. 또한 IELP는 전세계의 국내 야생동식물법을 강화시키기 위해 일한다. 현행법들은 종종 법 위반시 처벌이 미약하여 야생동식물에 대한 범죄를 억제하는데 미약하기 때문이다. 또한 IELP는 CITES 회의에 참여하여, CITES의 효율성 향상을 위한 새로운 법을 작성하거나,

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CITES 회의에서 논의되고 있는 CITES와 논쟁사안에 대하여 대표단의 이해를 돕기 위한 문서를 준비한다. 이러한 활동의 결과, 로스쿨에서 훈련을 받는 학생들은 관련분야에 취직하는데 전략적으로 유리한 위치에 있게 된다. 로스쿨의 이러한 클리닉 활동은 단순히 국제밀렵문제에 관심을 갖는 개인을 양성하는 데 그치는 것이 아니라 새로운 세대의 국제환경법 변호사를 양성하는데 일조한다. 이러한 활동이 궁극적으로 야생동식물들의 미래를 밝히는데 일조하기를 희망한다.

주제어: 야생생물거래, 밀렵, 집행, 전통적아시아의학, 변호사