

# Client Alert

International Trade & Litigation Practice Group

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## Executive Branch Launches Plan to Combat Wildlife Trafficking

On February 11, 2015, one year to the day after the President issued the *National Strategy for Combatting Wildlife Trafficking*, the Departments of Justice, State, and the Interior released an **implementation plan** for the *Strategy*. The implementation plan affirms the government's commitment to working with the private sector to combat wildlife trafficking, which has escalated over the last decade into an urgent conservation and national security threat. The government recognizes that like other forms of illegal trafficking, wildlife trafficking fuels organized crime and official corruption, destabilizing governments and undermining economic development.

To prevent illegal wildlife products from entering the supply chain, the implementation plan calls for, among other things, increased trade enforcement; new support for developing technologies; strengthened trade laws; and the formation of public-private partnerships in affected industries, including e-commerce and transportation.

### From Strategic Vision to a Roadmap: Fighting Wildlife Trafficking

Wildlife trafficking has become a hot-button issue in the last several years. Record high demand for wildlife products drives a growing and highly profitable criminal industry and funds armed groups and government corruption. This undermines security around the globe and threatens to drive some of the world's most iconic species into extinction. An estimated \$70-213 billion dollars in wildlife trafficking and related environmental crime takes place each year.

In response to the significant threats posed by wildlife trafficking, on February 11, 2014, President Obama issued the *National Strategy for Combating Wildlife Trafficking*. The *Strategy* set forth three overarching strategic priorities for fighting wildlife trafficking: (1) strengthening enforcement; (2) reducing demand for illegally traded wildlife; and (3) building international partnerships and commitments. The *Strategy* also affirmed the government's intention to work with private industry, foreign governments, local communities, and nongovernmental organizations in pursuing these priorities.

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On February 11, 2015, the government released its implementation plan for the strategic priorities, outlining 24 steps it intends to take. For example, in terms of strengthening enforcement, the plan announces that the government will be modifying certain trade restrictions, including: eliminating broad administrative exceptions to the 1989 African Elephant Conservation Act (AECA) moratorium on the commercial importation of antique ivory; clarifying the definition of “antique” under the AECA; revising the Endangered Species Act African elephant special (4d) rule (50 CFR 17.40(e)) that allows ivory to be traded in otherwise prohibited ways; and clarifying the “use-after-import” provisions of the U.S. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regulations. The U.S. government also plans to work with the CITES Secretariat and its foreign partners to ensure that CITES Parties have appropriate domestic measures to implement the treaty, including deterring illegal trade, confiscating and disposing of illegally traded specimens, prosecuting violations, and forfeiting illicit proceeds.

In addition, the government will be encouraging the development of a range of technologies. These new technologies will help to identify poaching hotspots and share information about trafficking routes; detect and identify illegally traded wildlife; identify illegal seafood products; improve tracking of wildlife trafficking supply chains; and investigate internet-based activities. Notably, the government also will increase coordination between the Intelligence Community and law enforcement agencies by, for example, institutionalizing mechanisms for information sharing.

To reduce demand for illicitly traded wildlife products, the government plans to work with the private sector, including online retailers and members of the transportation and tourism industries, in order to raise awareness and educate consumers about the broader impacts and risks of buying or selling illegal wildlife products. The government likewise plans to work with e-commerce marketplaces to ensure that e-commerce platforms are not used for illegal wildlife-product trade.

The government also intends to expand international and domestic cooperation, in part through the use of existing and future free trade agreements (FTA), including the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), and through other trade-related initiatives, such as Trade and Investment Framework Agreements (TIFAs) and bilateral dialogues. Similarly, the government will seek to develop concrete actions to further bilateral cooperation with China, as well as expand collaborative efforts in the context of the U.S.-China Strategic and Economic Dialogue.

Finally, the government plans to partner with business leaders to develop a range of industry-specific measures. These include developing new approaches for addressing illegal sales through online auction sites; best practices for the transportation industry; commitments from members of the tourism sector to educate their customers; and best practices to prevent illegal wildlife products from entering the supply chain.



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