

Using Every Tool to Protect the World's Wildlife: How the U.S. Pelly Amendment can help stop poaching



Many wildlife species across the globe are threatened by a global poaching epidemic. The U.S. Pelly Amendment is a powerful tool to hold nations accountable for their roles in wildlife poaching and endangered species trafficking.

What is the Pelly Amendment?

The “[Pelly Amendment](#),” or Section 8 of the United States’ Fishermen’s Protective Act of 1967 (22 U.S.C. § 1978) enables the United States to hold nations accountable for undermining an international species conservation program, such as the Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES) or International Whaling Commission (IWC). It authorizes the President of the United States to implement trade sanctions for wildlife products if the Secretary of the Interior or the Secretary of Commerce certifies 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.” The Pelly Amendment was amended in 1978 to include all wildlife products.

How does the Pelly process work?

Anyone can submit a petition to either the Secretary of the Interior or the Secretary of Commerce requesting a review pursuant to the Pelly Amendment. The petition is reviewed by the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to determine whether a nation’s citizens are diminishing the effectiveness of international species conservation programs or fisheries management. If such a determination is made, then the Secretary will certify the petition to the President and submit a list of recommended actions, which can include diplomatic sanctions or suspension of trade in wildlife products.

Following the certification, the President has 60 days to issue any actions and decide whether or not to impose trade sanctions. The Secretary of the Interior or Commerce is required to review actively certified nations to determine if certification is still valid and if further action is needed.

What impact can the Pelly Amendment have?

A Pelly certification sends a strong signal of concern internationally and brings greater attention to threatened species. By imposing trade or even diplomatic sanctions, the Pelly Amendment offers a powerful tool to prompt a nation to take steps that increase enforcement of existing wildlife laws, or to create stronger domestic legislation protecting a species.

Case Study: How the Pelly Helped Shut Down Taiwan’s Rhino Horn Trade

In the late 1970s and 1980s, rhino populations in Africa were being wiped out by poachers to feed the demand for their horns. In 1992, U.S. NGOs filed a Pelly Petition to certify Taiwan, China, South Korea, and Yemen for diminishing the effectiveness of CITES for trade in rhino horn (later amended to include trade in tiger parts). EIA investigations revealed Taiwan as the worst culprit in the trade.

The Secretary of the Interior certified Taiwan and China under the Pelly Amendment in 1993, and in 1994 President Clinton applied wildlife trade sanctions against Taiwan. The sanctions had an immediate impact: the Taiwanese government took steps to enforce its own domestic ban on the trade and China’s State Council quickly announced a ban on trade in rhino and tiger parts. After just two years of increased efforts in Taiwan and China, the trade in rhino horn virtually disappeared and rhino populations recovered. In 1995 the U.S. government lifted the sanctions, and in 1997 Taiwan’s certification was terminated. Ultimately certification of Taiwan forced a clear change in a nation’s behavior, replacing apathy with dramatic action that shut down the market for rhino horn in just a few years.

What about the Pelly Amendment today?

Today the world faces an incredibly dire poaching crisis – wildlife species are being obliterated. Up against an increasingly organized and criminal industry worth \$8-10 billion annually, it is of vital importance that the United States exert leadership and use all tools available to hold nations directly or indirectly engaged in wildlife trafficking accountable.

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The Environmental Investigation Agency (EIA) is an NGO based in Washington, DC and London, UK that investigates and campaigns against a wide range of environmental crimes including illegal wildlife trade, illegal logging, hazardous waste and trade in climate and ozone-altering chemicals.