



DEPARTMENT of the INTERIOR

news release

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ADMINISTRATION MOVES TO HALT INTERNATIONAL TRADE IN TIGER AND RHINO PARTS

Interior Secretary Bruce Babbitt today announced that the Clinton Administration has taken steps intended to halt the international trade of tiger bone and rhinoceros horn.

The action, in accordance with the Pelly Amendment, is designed to encourage change in the policies of Taiwan and the Peoples's Republic of China, which engage in the trading of parts and products from the two species. Both species are in danger of extinction and are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

"The killing of these grand creatures continues unabated today, even though they are clearly on the brink of extinction," said Interior Secretary Bruce Babbitt. "The Pelly Amendment requires us to address this destructive trade, and we have done so."

Under the terms of the Pelly Amendment to the Fishermen's Protective Act of 1967, the Secretary of the Interior is required to certify whether nationals of a foreign country are engaged in trade that diminishes the effectiveness of any international conservation program for an endangered or threatened species, such as CITES.

On June 1, Secretary Babbitt sent letters to officials in Taiwan and the Peoples Republic of China, informing them of the Department's findings and of his intentions to certify both nations under the Pelly Amendment. The letter gave both nations 30 days to provide substantive information to warrant reconsideration of the U.S. Fish and Wildlife Service findings. After the 30 days, absent findings to the contrary, the Department intends to certify them under the Pelly Amendment. This could ultimately lead to a Presidential decision on trade sanctions against them.

News reports indicate the Chinese Government has announced rhino horns and tiger bones will no longer be legal in Chinese traditional medicines. The reports said the government made it illegal to buy, sell, trade or transport rhino horns and tiger bones, and it gave manufacturers six months to sell medicine already produced with the parts or products of rhinos and tigers.

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"We're encouraged by the apparent shift by the Chinese government," said Secretary Babbitt. "But it must commit to full implementation of resolutions adopted by CITES countries which call for strong enforcement and the destruction of existing stockpiles of rhino horns."

Destroying stockpiles is the swiftest means of controlling the international trade, and makes it much more difficult for poachers to discreetly sell harvested animal parts on an international market.

The Department of the Interior actions were initiated in response to a resolution adopted at a June 1992 CITES meeting calling for an end to the rhino trade. The Department subsequently received a petition pursuant to the Pelly Amendment from the World Wildlife Fund and the National Wildlife Federation. The action was expanded beyond rhino horns because the U.S. Fish and Wildlife Service had been monitoring the Asian trade in tiger bone as well as the trade in rhinoceros products at the time the petition was received.

This is the first time ever that the Department has threatened certification without being prompted by a petition. In addition, it is only the second time the Department of the Interior has acted under its Pelly Amendment authority in the 20 years since the passage of CITES.

The petition also targeted the Republic of Korea and the Republic of Yemen. Since the petition was filed in November, both of these governments have announced plans to accede to CITES and have taken affirmative steps to close down their domestic rhino trade. As a result, the Department is withholding Pelly Amendment certification of these two countries at this time, but their actions are being closely monitored by the Fish and Wildlife Service, which must report back to the Secretary within 30 days on their progress.



FISH & WILDLIFE SERVICE

Facts

U.S. Department of the Interior

OVERVIEW OF THE PELLY AMENDMENT

Major Provisions: The Pelly Amendment to the Fishermen's Protective Act of 1967, 22 U.S.C. 1978, as amended, states that when the Secretary of the Interior determines 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 Secretary making such finding shall certify such fact to the President. The Secretary of the Interior is required to certify a country that is engaged in trade determined to be diminishing the effectiveness of the Convention on International Trade in Endangered Species (CITES). The trade does not have to be in violation of an international convention or a country's domestic legislation in order to constitute "diminishing the effectiveness"; the test is the actual trade or taking.

Definitions: An international program is defined as any ban, restriction, regulation, or other measure in effect pursuant to a multilateral agreement in force with respect to the United States, the purpose of which is to protect endangered or threatened species of animals. International program as defined includes CITES, and CITES was the main focus of the wildlife provisions of the Pelly Amendment. Therefore, if the Secretary determines that the actions of a country's nationals are undermining CITES' efforts to protect endangered or threatened species, that country shall be certified.

History: Since 1974, the Department of Commerce has certified foreign countries more than 20 times, most for diminishing the effectiveness of the International Convention for the Regulation of Whaling, which created the International Whaling Commission (IWC). Although sanctions have never been imposed by the President, Pelly certifications and the threat of sanctions have been effective negotiating and diplomatic tools, particularly in bringing countries into compliance with the IWC and the international moratorium on commercial whaling.

In 1991, the Department of the Interior certified Japan after a review of the sea turtle trade.

After Certification: Upon receipt of a Pelly certification, the President may direct the Secretary of the Treasury to prohibit the importation into the United States of wildlife products originating in the offending country. The President is required to notify Congress of any action taken pursuant to a Pelly Amendment certification. The President has complete discretion over the imposition of any Pelly Amendment sanctions, and as such Pelly Amendment certification can and has served as an important diplomatic negotiating tool. The actions of the Secretary are less discretionary, in that he is required to certify the countries found to be diminishing the effectiveness of the international program.