

POLICY BRIEF

Citizens' Guide to Initiative 1401, trafficking of animal species threatened with extinction

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Key Findings

1. *Initiative 1401 would add state penalties for illegal trade in endangered animal parts, but supporters need to be careful they do not end up undermining effective market-based alternatives that lead to long-term solutions.*
2. *The Initiative would add two new state-level penalties, for trafficking in items worth less than \$250, and for trafficking in items worth more than that amount.*
3. *The enforcement intent is to “eliminate markets and profits,” but sponsors admit demand for illegal animal products is growing anyway.*
4. *Voluntary, market-based approaches have the advantage of seeking to reduce poverty and of being embraced by local communities.*
5. *A market-based approach to conservation has been used to protect rhinos in Africa and sea turtles in Central America.*
6. *Initiative 1401 does not have to be at odds with successful and promising approaches, and it should not be used to damage efforts that respect the economic needs of local people who can be responsible stewards of endangered animals.*

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It is often said that, “well begun is half done.” A ballot initiative before Washington voters this fall can be a good step in fighting the illegal trade in commercial products taken from the bodies of endangered species like rhinos, elephants and sea turtles.

Initiative 1401 would add state penalties to the existing national and international penalties for this illicit trade. Solving the larger problem of poaching, the market for these animal parts and the role poverty plays in supporting the trade will require a larger, complementary approach that avoids the mistakes of a 1920s, prohibition-type approach. Initiative 1401 can be complementary to that effort, but supporters need to take care that they do not end up undermining these effective alternatives that lead to a long-term solution. The penalties Initiative 1401 would impose are, by themselves, not enough.

The Initiative, called Save Animals Facing Extinction, would make it illegal to traffic parts of an “elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark, or ray” listed as endangered or vulnerable in international systems.¹ The Initiative would impose two tiers of penalties for violations, with a person guilty of a gross misdemeanor if caught trafficking items in Washington state worth less than \$250, while a person caught trafficking in items worth more than that amount would be guilty of a class C felony.

Advocates of the Initiative note that the ports of Seattle and Tacoma are major potential entry points for the illegal international animal trade.² In its endorsement of the initiative, *The Seattle Times* notes, “...since 2010 the U.S. Fish and Wildlife Service confiscated more than 50 elephant products entering Washington, in addition to parts of tigers, leopards and other animals.”³ The initiative would add state penalties to the other penalties that already exist for the illicit animal trade.

1 Secretary of the State of Washington, “Initiative 1401 - AN ACT Relating to the trafficking of animal species threatened with extinction,” at http://sos.wa.gov/_assets/elections/initiatives/FinalText_784.pdf, accessed October 1, 2015.

2 “Save Animals Facing Extinction,” *The Impact*, quoting Sam Wasser, Director of the Center for Conservation Biology at the University of Washington, at <http://saveanimalsfacingextinction.org/the-impact/>, accessed October 1, 2015.

3 “Wash. voters should support I-1401, taking lead to stop poaching,” *The Seattle Times*, editorial, June 21, 2015, at <http://www.seattletimes.com/opinion/editorials/wash-voters-should-support-i-1401-taking-lead-to-stop-poaching/>, accessed October 1, 2015.

A range of groups have endorsed the initiative, including the Point Defiance Zoo, the Woodland Park Zoo, the Seattle Aquarium, the Mainstream Republicans of Washington and the Washington State Democratic Party.⁴

One concern is the prominent endorsement by the head of the Humane Society of the United States, Wayne Pacelle. Pacelle has made a number of comments that can only be considered odd, including his saying that, “I don’t love animals or think they are cute,” and saying that he equates “speciesism - the belief that one’s species is superior to all others - with racism and sexism.”⁵

The Humane Society of the United States (HSUS) has also been heavily criticized for spending only one percent of its budget on animal shelters, despite fundraising campaigns that prominently feature photos of shelter animals.⁶ Taking a high-profile role in this initiative is the typical approach for executives at HSUS, to associate themselves with an issue that has widespread popular support, while at the same time pushing a larger political and cultural agenda that is on the extreme fringe.⁷

Adding tools to prevent and punish trade that is harming endangered species makes it more difficult to profit from poaching and the illegal sale of endangered animal parts. The approach of removing or reducing the economic incentive to poach these animals is sound, but there is a larger debate about the proper way to save endangered species like rhinos and sea turtles.

The intent section of the initiative argues its goal is to “eliminate markets and profits,” but the authors admit demand is growing for these products despite dramatic efforts to eliminate demand.⁸ The problem with using law-enforcement to cut supply while demand is rising is that it drives prices up, ironically increasing the incentive for criminals to accept the risk of engaging in illegal activity. Much as prohibition in the 1920s did not end alcohol sales in the U.S. because demand did not disappear, the risk of focusing primarily on stopping the trade in animal parts is that it may be a losing battle.

This is one reason Brian Seasholes, who worked in Zimbabwe on natural resource issues, is concerned about the tone of the initiative, which focuses on a

4 Save Animals Facing Extinction, “Endorsements,” at <http://saveanimalsfacingextinction.org/endorsements/>, accessed October 1, 2015.

5 “Sabotaging Animal Rights for Deer Hunt,” Yale Daily News, Number 48, November 10, 1986, at <http://digital.library.yale.edu/cdm/compoundobject/collection/yale-ydn/id/160699/rec/1>, accessed October 1, 2015, and “Humane Society of the U.S. CEO: ‘I don’t love animals,’” Humane Watch, July 11, 2013, at Humane Watch at <http://www.humanewatch.org/humane-society-of-the-u-s-ceo-i-dont-love-animals/>, accessed October 1, 2015.

6 “HSUS Shelter Spending in Your State,” Humane Watch, February 9, 2015, at <http://www.humanewatch.org/how-much-does-hsus-give-to-shelters-in-your-state-the-answer-may-shock-you/>, accessed October 1, 2015.

7 The Humane Society of the USA is not associated with Humane Societies in Washington state. The author is the owner of two rescue dogs, and strongly supports the work of local humane societies.

8 Text of Initiative 1401, at http://sos.wa.gov/_assets/elections/initiatives/FinalText_784.pdf.

prohibition-style approach. He worries it ignores the underlying cause of poaching: poverty. By taking the focus away from this issue, Seasholes argues, “wildlife populations and habitat will continue to shrink and be increasingly confined to ‘islands’ of state protected areas.”

Instead, he argues that creating a legal and sustainable market for rhino horns and other goods, “creates value, which in turn creates incentives for poor rural people to conserve wildlife.” For people living in poverty, penalties may provide little disincentive to earning what can be significant incomes. Seasholes is not alone in this opinion.

As we wrote in 2013, many people believe we should provide a legitimate way to meet demand for rhino horns – one that undermines the illicit market and provides an incentive to increase the population.⁹ The National Public Radio (NPR) program Planet Money has an excellent news report that highlights an effort to harvest rhino horns in a way that does not harm the animal.¹⁰ NPR interviewed one man who grew up in the Kruger National Park in South Africa and who expresses a view similar to that of Seasholes.

He laments that, “The military-grade equipment — drones, tracking chips, thermal scopes — deployed to protect wildlife against poachers hasn’t prevented transcontinental cartels from slaughtering rhinos across Africa to supply a black market.” The rewards are so high, stopping the poaching is extremely difficult.

Alternatively, there is a proposal to harvest the horns from rhinos, which grow back, and to put them on the market legally. The hope is that breeding can increase the population while increasing supply and driving down the prices of horns, thus reducing profits from illegal trade and poaching. Such an approach recognizes, but does not condone, the market for rhino horn, and provides income for poor South Africans who might be tempted by the rewards offered by poachers.

While this market-based approach is only being considered in the case of rhinos, it has already had success in protecting the eggs of endangered sea turtles.

Wendy Purnell works with the Property and Environment Research Center (PERC), promoting market-based solutions to difficult environmental problems. Before joining PERC, she spent years working in Nicaragua, finding ways to protect sea turtle eggs from local residents who prized them and earned a living by selling the precious eggs.

9 “Some Fourth of July Environmental Reading,” by Todd Myers, Washington Policy Center, July 3, 2013, at <http://www.washingtonpolicy.org/blog/post/some-fourth-july-environmental-reading>, accessed October 1, 2015.

10 “Can Economics Save the African Rhino?”, by Gregory Warner, Planet Money, National Public Radio, May 15, 2013, at <http://www.npr.org/sections/money/2013/05/15/184135826/can-economics-save-the-african-rhino>, accessed October 1, 2015.

Writing for Washington Policy Center earlier this year, Purnell noted that turtles are also valuable due to “international demand for their decorative shells.”¹¹ As in South Africa, there was a heavy military presence designed to prevent poaching of the turtles and eggs. She wrote:

“During arribada season, when thousands of turtles come ashore to nest, armed Nicaraguan soldiers patrol mass nesting beaches. Despite the military presence, poachers make their way to the beach under cover of darkness.

“They gather eggs for sale on the local market where a single sea turtle nest (80-120 eggs, depending on the species) will fetch more than a month’s wages for subsistence farmers and fishermen. Given strong financial incentives to harvest eggs, and the government’s inability to enforce the law, sea turtle poaching remains a traditional way of life.”¹²

High risks and strong penalties were unsuccessful, so Paso Pacifico, the organization Purnell worked with, tried a market-based approach to conservation. Rather than focus on penalties, Paso Pacifico trained “turtle rangers” who reduced the economic incentives to poach. “Paso Pacifico’s rangers don’t carry guns, they simply pay more than local restaurants do,” noted Purnell.

Such market-based approaches not only have the advantage of success, they are more likely to be embraced by the local community, rather than being perceived as imposed from the outside by wealthy Westerners who care more about wildlife than people struggling with poverty every day.¹³

The approach of Initiative 1401 does not have to be at odds with these successful and promising approaches. In the United States we allow legal hunting while punishing poaching of wild game. Penalties for unsustainable poaching and trafficking of endangered animals are part of the larger effort to save these rare and magnificent animals.

If, however, the initiative’s sponsors see eliminating markets as the singular approach to protecting these species— rather than harnessing them to increase populations and undermine the illicit market – it will damage efforts that have already been successful and which respect the economic needs of those who can be responsible stewards of these animals.

11 “How Free-Market Environmental Solutions Are Helping Nicaragua’s Sea Turtles,” by Wendy Purnell, Washington Policy Center, April 23, 2015, at <http://www.washingtonpolicy.org/blog/post/how-free-market-environmental-solutions-are-helping-nicaraguas-sea-turtles>, accessed October 1, 2015.

12 Ibid.

13 “In Zimbabwe We Don’t Cry for Lions,” by Goodwell Nzou, *The New York Times*, August 4, 2015, at http://www.nytimes.com/2015/08/05/opinion/in-zimbabwe-we-dont-cry-for-lions.html?_r=1, accessed October 1, 2015.

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