



TIME FOR ACTION

End the criminality and corruption
fuelling wildlife crime



ACKNOWLEDGEMENTS

November 2016

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This report was produced by
the Environmental Investigation Agency (EIA).

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EIA wishes to thank the Rufford Foundation.

Report design: www.designsolutions.me.uk



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INTRODUCTION

In February 2014, senior representatives of 41 countries and the European Union adopted the London Declaration on Illegal Wildlife Trade, committing to tackle this multi-billion dollar transnational crime.

Similar commitments were reiterated a year later in the Kasane Statement and the second follow-on conference is due to take place on November 17-18, 2016 in Hanoi, where it is likely that a third international statement will be adopted.¹

While the London Declaration symbolises the growing political momentum to discuss illegal wildlife trade, many of its commitments have yet to be translated into meaningful action. Indeed, almost all of the London Declaration commitments have been made elsewhere in the past. Meanwhile, the current scale of poaching and illegal wildlife trade is alarming, with trafficking in many species reaching unprecedented levels.

In 2014, drawing on more than three decades of experience in tackling wildlife and forest crime, EIA embarked on an evaluation of the significant challenges, best-practice and progress made (although not necessarily directly attributable to the London Declaration) by some of the key countries which adopted it. These were namely Botswana, China, Kenya, Laos, Malawi,

Mozambique, Nepal, Tanzania, Uganda, the UK, the US and Vietnam. Countries which did not initially adopt the Declaration but which nevertheless play an important role in illegal wildlife trade such as India, South Africa and Thailand (hereafter all 15 are collectively referred to as 'IWT countries').

As a part of its evaluation, EIA developed a set of "indicators of implementation" to use as independent benchmarks. This was produced prior to the publication of the Indicator Framework for Wildlife and Forest Crime by the International Consortium on Combating Wildlife Crime (ICWC), a collaborative effort of five inter-governmental organisations.² There is, however, some cross-over in the two sets of indicators and EIA believes the ICWC indicators are a valuable tool to assess the effectiveness of law enforcement responses to wildlife crime.

The methodology used by EIA involved extensive desk-based research of publicly available information and outreach to key stakeholders, where

possible. EIA also monitored trade levels of key species with a focus on tigers and other Asian big cats, elephants, rhinos, pangolins, helmeted hornbill and totoaba. Thousands of records of seizures, arrests and prosecutions have been analysed to produce seven interactive maps on wildlife trade, available on our website: <https://eia-international.org/>³

This report summarises the key findings of our preliminary assessment and reiterates recommendations which should be made a priority for time-bound implementation. Our assessment indicates that the basic legislation and institutional framework to combat wildlife crime does exist, although there remain critical gaps in the response of key governments.

There is no time to waste – the international community is well aware of the actions needed to end the illegal wildlife trade and now is the time for action.

**Environmental Investigation Agency
November 2016**

The London Conference on Illegal Wildlife Trade was the first of a series of high level events to raise the profile of the issues concerning wildlife crime.



OVERVIEW OF ILLEGAL WILDLIFE TRADE

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“... a trade that has reached such unprecedented levels of killing and related violence that it now poses a grave threat not only to the survival of some of the world’s most treasured species, but also to economic and political stability in many areas around the world.”

- The Prince of Wales and Duke of Cambridge describing the impact of illegal wildlife trade (February 2014)

Illegal natural resource exploitation is growing at a rate 2-3 times that of the global economy and has become the world’s fourth biggest crime sector, valued at \$91-260 billion annually.⁴ Illegal wildlife trade makes up a small but significant part of this sector, having a devastating impact on some of the planet’s most endangered species and valued at between \$7 -23 billion a year.⁵ The trade is enabled by criminality and corruption and is fuelled in part by demand for some wildlife products by the growing aspirational middle-class in China and South-East Asia.⁶ Illegal wildlife trade continues to grow due to the high profits involved coupled with minimal risk.

The consequences of illegal wildlife trade are far-reaching – it fuels conflict, undermines governance and economic stability and exploits communities. It jeopardises the United Nations Sustainable Development Goals whilst simultaneously threatening the very existence of a wide range of wildlife species and the ecosystems in which they live.⁷

For over two decades, governments have signed several international legal agreements, adopted numerous resolutions and articulated many species-specific commitments and action plans related to combating illegal trade.⁸ But words have not become action quickly enough. It is in this climate that the Declaration of the London Conference on the Illegal Wildlife Trade was adopted in February 2014. While there have been notable efforts over the past two years exemplifying what is needed to tackle the illegal wildlife trade, they have been inconsistent. Many species threatened by trade are still being trafficked and are more endangered today than two years ago. Since the London Declaration was adopted, records collated by EIA show there has been no respite in the scale of the trade in a number of key species. For example current levels of totoaba poaching in the Gulf of California is not only driving totoaba towards extinction but if it continues it will almost certainly see the extinction of the world’s smallest porpoise, the vaquita, within a decade.⁹

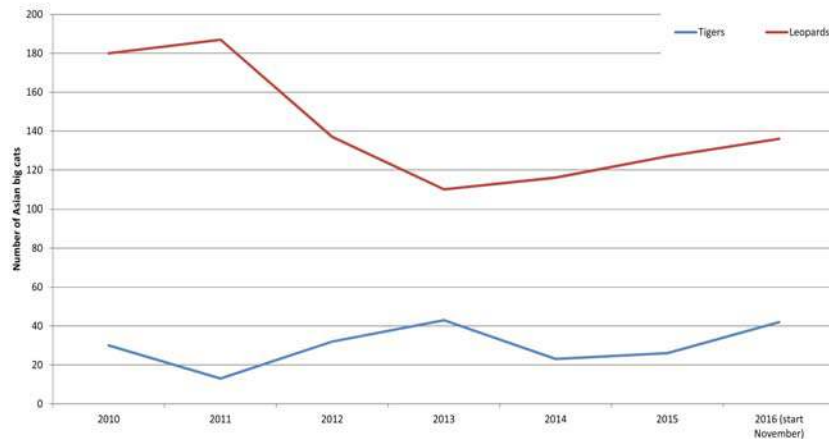


FIGURE 1: ASIAN BIG CATS POACHED AND SEIZED IN INDIA, 2010-2016 YEAR TO DATE

In India, more tigers were poached in the first six months of 2016 than in the entirety of 2015.¹⁰ Cambodia, China, Laos and Vietnam have virtually lost any viable populations of wild tigers and there are still fewer than 4,000 wild tigers.¹¹ Since 2000 until 2016 YTD, over 4,600 leopards have been recorded seized and poached, with 77 per cent of these in India.¹² By November 2016, globally the number of dead leopards 146 exceeds that of the previous year 145.¹³ Snow leopards are also threatened by trade as demonstrated by a large seizure of 17 snow leopard skins in October 2016 in Tibet Autonomous Region of China.¹⁴

Source: Wildlife Protection Society of India (WPSI) www.wpsi-india.org/EIA compiled

FIGURE 2: NUMBER OF "LARGE-SCALE" IVORY SEIZURES (SEIZURES WEIGHING 500 KG OR ABOVE)

The results of the Great Elephant Census published in August 2016 found that African savanna elephants are declining at 8% each year due to poaching. Since 2010 until 2016 YTD, over 200 tonnes of ivory has been intercepted worldwide, equivalent to ivory from over 30,000 dead elephants. In 2013, the number and weight of ivory recovered from large-scale seizures peaked.

Source: Publicly-reported, EIA-compiled

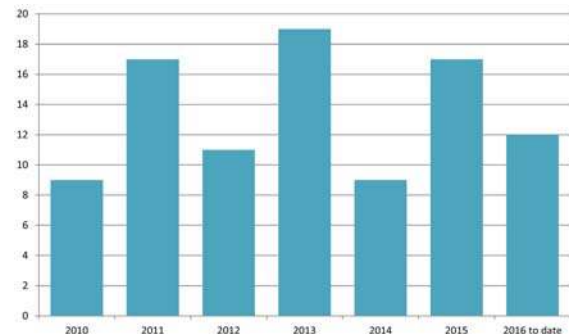


FIGURE 3: SEIZURES OF PANGOLIN SCALES IN CHINA INCLUDING HONG KONG, 2000-2016 YEAR TO DATE

In a five week period in 2016, over 13 tonnes of pangolin scales were seized in Hong Kong. Since 2000, an estimated one million pangolins have been illegally traded.¹⁵

Source: Publicly-reported, EIA-compiled

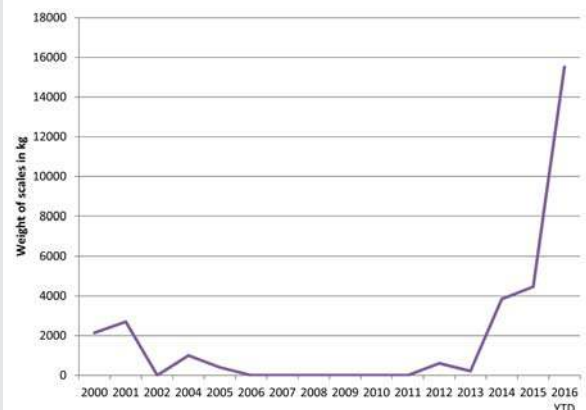
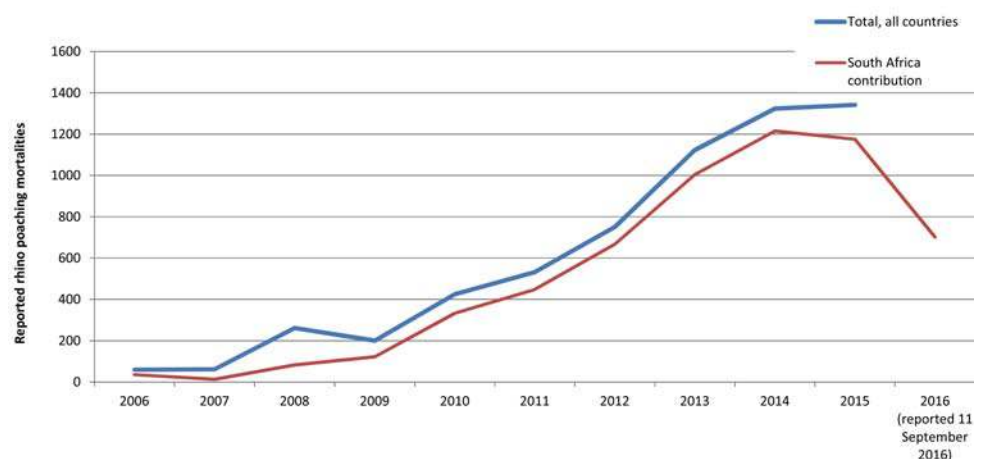


FIGURE 4: REPORTED AFRICAN RHINO POACHING MORTALITIES

Rhino poaching, although down marginally from 2014 to 2015 in South Africa and India, increased continent-wide in Africa in 2015; meanwhile, poaching of rhinos continues in India.¹⁶

Sources: AfrSG, TRAFFIC, CITES Rhino Working Group in collaboration with Range States, in CoP 17 Doc 68. Annex 5; South Africa 2016 reported by Department of Environmental Affairs South Africa



ENSURING EFFECTIVE LEGAL FRAMEWORKS AND DETERRENTS



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Under the London Declaration, Governments committed to:

Indicators selected by EIA to assess implementation (note that not all indicators could be fully evaluated due to limited publicly available information)

MAKE poaching and wildlife trafficking “serious crimes” as defined under the UN Convention against Transnational Organised Crime (UNTOC)

Penalties prescribed in national legislation reflects that wildlife crime is a “serious crime” as per UNTOC

STRENGTHEN the legal framework and facilitate law enforcement to combat illegal wildlife trade

Weaknesses in legislation are addressed
Charges filed under ancillary legislation
INTERPOL Red and Purple Notices are issued
Participation in INTERPOL operations results in arrests

IMPOSE effective deterrent penalties including through the enforcement of legislation on money laundering, asset recovery and corruption

Increase in prosecution and convictions including individuals higher up the trade chain
Appropriate penalties imposed including recovery of proceeds of crime
Guidance adopted on using non-wildlife specific legislation
EIA investigations document increased deterrent due to enforcement

RAISE awareness in the judicial sector about the seriousness of wildlife crime

Sentencing guidelines regarding wildlife crime adopted
Database of wildlife crime cases are established
Environmental judiciary networks are established
Initiatives launched to raise awareness of judiciary and prosecutors

USE mechanisms under UNTOC and UN Convention Against Corruption (UNCAC) to facilitate better international cooperation

Mutual legal assistance requested
Report to UNTOC, UNCAC, UN Commission on Crime Prevention and Criminal Justice (CCPCJ) on actions taken to treat wildlife crime as serious crime

ZERO TOLERANCE of corruption and money laundering associated with wildlife trafficking

Transparency International Corruption Perceptions Index score
Corruption associated with wildlife crime is criminalised
Wildlife crime is designated a predicate offence to money laundering
Mechanisms for reporting corruption institutionalised
Wildlife crime is on the portfolio of national anti-corruption units
Corruption cases associated with wildlife trafficking are publicised



© Mari Park/EIA



TREATING WILDLIFE CRIME AS A “SERIOUS CRIME”

All 15 IWT countries are Parties to UNTOC. “Serious crimes” are defined under UNTOC as those where relevant national laws prescribe a maximum of at least four years imprisonment or a more serious penalty. Almost all 15 countries have adopted legislation which treats wildlife crime as a “serious crime”, with some exceptions. For example, although mainland Tanzania has such legislation in place, legislation of the semi-autonomous region of Zanzibar does not, a serious concern in light of the key role played by Zanzibar in large-scale ivory trafficking.¹⁷

Between mainland China and Hong Kong, there is a large discrepancy in sentences applicable for similar offences.¹⁸ While mainland China prescribes custodial sentences up to life imprisonment for wildlife trafficking, Hong Kong has a maximum jail term of two years for a similar offence.¹⁹

Under Mozambique’s new Conservation Law (2014), offences against “protected animals” are subject to the highest penalties which are consistent with the UNTOC definition of serious crime. But the species protected remain undefined, creating uncertainty, and such penalties also appear to apply only to poaching offences and not wildlife trafficking.

Malawi’s current principal wildlife legislation provides weak sentences for wildlife crime which do not meet the UNTOC standard. Proposed legislative amendments which are expected to be adopted in the near future include harsher sentences for wildlife crimes (up to 30 years imprisonment).

LACK OF PROTECTION FOR NON-NATIVE SPECIES

Lack of protection for non-native species under national legislation poses a challenge for effective enforcement to tackle international wildlife trade and is a threat to numerous species, by impeding enforcement authorities from investigating and holding accountable those perpetuating the trade. For example, although it is encouraging that Thailand has amended its law to include the African elephant under the Wildlife Animal Preservation and Protection Act, such protection has not been extended to other non-native CITES-listed species commonly found in trade (including some listed on CITES Appendix I). This has compelled enforcement personnel to seek use of other legislation such as Customs law for rhino horn trafficking.²⁰ Other countries including Indonesia and Nepal, have similar problems in existing legislation.²¹



TOP:

Ivory seized in Hong Kong in 2003 and ivory openly available for sale in China. There were at least 11 large-scale ivory seizures in Hong Kong between 2010 and June 2016 indicating that Hong Kong plays a key role in wildlife trafficking. However Hong Kong is yet to amend its law to treat wildlife crime as a “serious crime” per UNTOC standards.

ABOVE:

A repeat offender and Asian big cat trader encountered by EIA during investigations in China on five occasions in 2006, 2008, 2009, 2011 and 2012. China’s laws have a major loophole – while illegal trade is criminalised, possession of illegal wildlife products is not.

FAILURE TO CRIMINALISE “POSSESSION”

Some IWT countries such as China²² and Uganda²³ have failed to criminalise possession of illegal wildlife products. In Uganda, a proposed new wildlife bill seeks to address this problem; however, in China, which only recently amended its wildlife law, this major loophole continues to exist and is a serious concern. For example, in 2013 an investigation of a government official who received a tiger skin as a “gift” was unsuccessful because no payment was made and no offence recognised, making prosecution impossible.²⁴

REVERSING THE “HIGH PROFIT/LOW RISK” NATURE OF WILDLIFE CRIME

Despite all 15 IWT countries now having legislation enabling judiciary and prosecutors to pursue more severe sentencing under applicable legislation, cases in which deterrent penalties are imposed are uncommon. Many of those prosecuted for offences in contravention of wildlife legislation escape with fines that are meagre in comparison to the profits accrued.

For example, Laos' Wildlife and Aquatic Law of 2007 prescribes penalties of up to five years imprisonment for the illegal import or export of wildlife; however, until 2015 not a single custodial sentence was imposed in relation to wildlife crime offences.²⁵ In Malawi, two brothers arrested for transporting 781 elephant tusks were found guilty in 2015 but were merely required to pay a fine of MK2.5 million (\$5,000) each, which they reportedly paid in cash.²⁶

Vietnam plays a significant role in wildlife trafficking. Despite the existing maximum sentence of seven years, a 2014 study found that a third of

defendants were sentenced to prison terms and the average sentence was 24 months.²⁷ The same study commented that none of the “subjects of prosecution could be classified as major figures in any of the known criminal networks engaged in smuggling and trade of tigers, rhino horn or ivory.”²⁸

There have been some examples of so-called ‘deterrent’ sentences: in Kenya, ivory smuggling kingpin Feisal Ali Mohammed was sentenced to 20 years imprisonment and a Ksh20 million fine in July 2016.²⁹ The case represented the first conviction of a high-level trafficker in Kenya and other cases remain pending in Kenya courts.³⁰ In China, in 2016, 32 people in Zhejiang Province were jailed for up to 13 years for trafficking in wildlife, including pangolins.³¹

Using ancillary legislation, specifically that addressing corruption and money laundering, enables a range of laws and deterrent penalties to be applied for wildlife crimes. This includes the recovery of proceeds of crime which can eliminate the high profits associated with wildlife trafficking. For example, in January 2016, the UK Proceeds of Crime Act was used for the first time in a wildlife crime case in London, when a conviction for illegally importing and selling parts of primates and leopards from Indonesia on eBay included forfeiture of the proceeds of the crime.³⁵

Adoption of appropriate guidelines for filing charges under non-wildlife specific legislation as well as the adoption of sentencing guidelines for wildlife crime can serve as effective tools to guide investigators, prosecutors and judges to secure meaningful trial outcomes. Only a few of the IWT countries have made any progress in this regard. In the US, wildlife sentencing is guided by the US Sentencing Guidelines.³⁶ Kenya has developed a ‘points to prove’ guidance for the investigation and prosecution of wildlife related offences including money laundering and corruption. In March 2015, India's Wildlife Crime Control Bureau issued an advisory providing guidance on the use of the Prevention of Money Laundering Act (2002) for wildlife offences.³⁷

Publicly accessible databases of wildlife crime cases are limited and this is a major challenge in assessing successful prosecutions. In India, the State of Maharashtra published several judgments of trial courts for cases registered between 1995 and 2014. A study of these

BELOW:

Tanzania sentenced four Chinese nationals to 20 years imprisonment for rhino horn smuggling³² and two other Chinese nationals to 30 years imprisonment for the possession of 706 elephant tusks, plus five years for attempted bribery.³³ However, although Tanzania appears to have improved some court processes, with several cases concluded in the past year including cases involving its own citizens, a number of ongoing prosecutions relating to past major ivory trafficking cases continue to languish in courts.³⁴



conducted by the Wildlife Protection Society of India (WPSI) recorded a success rate of less than 12 per cent for prosecution of wildlife cases, pointing to serious gaps in investigation and prosecution efforts.³⁸ WildlifeDirect, an NGO based in Kenya, has collected data on wildlife crime cases by dispatching “courtroom monitors” to various courts across Kenya resulting in the publication of two reports in 2014 and 2016 with valuable information on progress being made on wildlife trials.³⁹ The most recent report found that the proportion of convicted persons given jail sentences without the option of a fine remained very low at six per cent.

TACKLING CORRUPTION

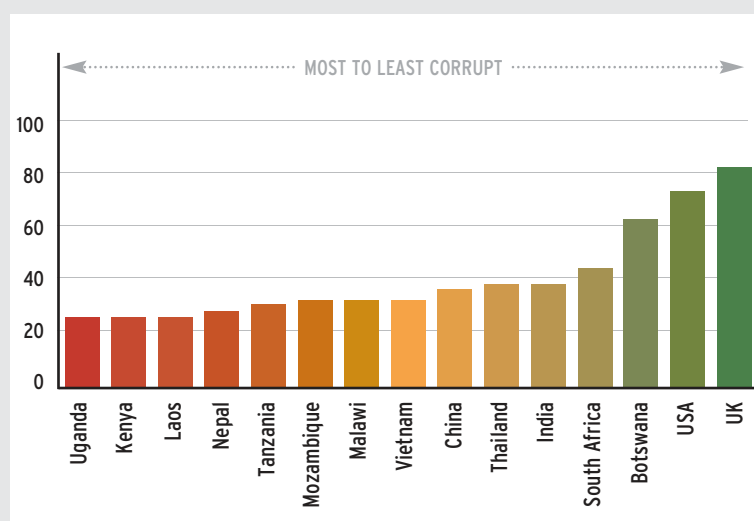
Although governments committed to “zero tolerance” of corruption under the London Declaration, this commitment largely remains on paper. Corruption is a severe impediment in tackling wildlife trafficking. For example, EIA investigations have documented how corrupt government officials fuel trade in ivory and tiger parts and products.⁴⁷

On a scale of zero (highly corrupt) to 100 (very clean), 12 of the 15 IWT countries (80 per cent) had a score of less than 50, indicating high levels of corruption according to the Transparency International Corruption Perceptions Index; only Botswana, the US and UK scored over 50.⁴⁸ In Malawi, Nepal, Tanzania and Thailand there has been an increase in the perceived level of public sector corruption since 2014.

Whilst all 15 countries have legislation criminalising corruption and dedicated units for combatting corruption, prosecution of corruption related to wildlife trafficking have not been widely publicised and the perception of pervasive corruption is widespread amongst traders. In Vietnam a recent ivory seizure involved the reported attempted bribe of \$22,400^{48a} after a truck driver was stopped with over half a tonne of ivory. Such instances indicate traffickers rely upon corruption to reduce detection. Some cases of arrests for corruption associated with wildlife crime have been documented. For example, in February 2016, four Kenyan police officers were arrested in a government-owned vehicle in Nairobi attempting to sell 5 kg of ivory;⁴⁹ it is not known whether these corrupt officer have been convicted.

FIGURE 5:
Corruption is a major impediment to tackling wildlife crime.
12 of the 15 IWT countries have high levels of corruption.

Source: <https://www.transparency.org/cpi2015/#results-table>



MEASURES ADOPTED IN KENYA TO EXPEDITE PROSECUTION

Kenya's Wildlife Conservation and Management Act (WCMA) came into effect in January 2014⁴⁰ and has significantly improved the legislative framework for tackling wildlife crime, including an increase in the prescribed penalties.

The new law has led to an increase in the imposition of more severe penalties for wildlife offences.⁴¹ However, the high minimum sentences under the new law have resulted in an increase in not-guilty pleas and therefore the number of trials, placing an increased burden on judges, prosecutors and investigators.⁴² The WCMA is currently being amended to address these concerns.

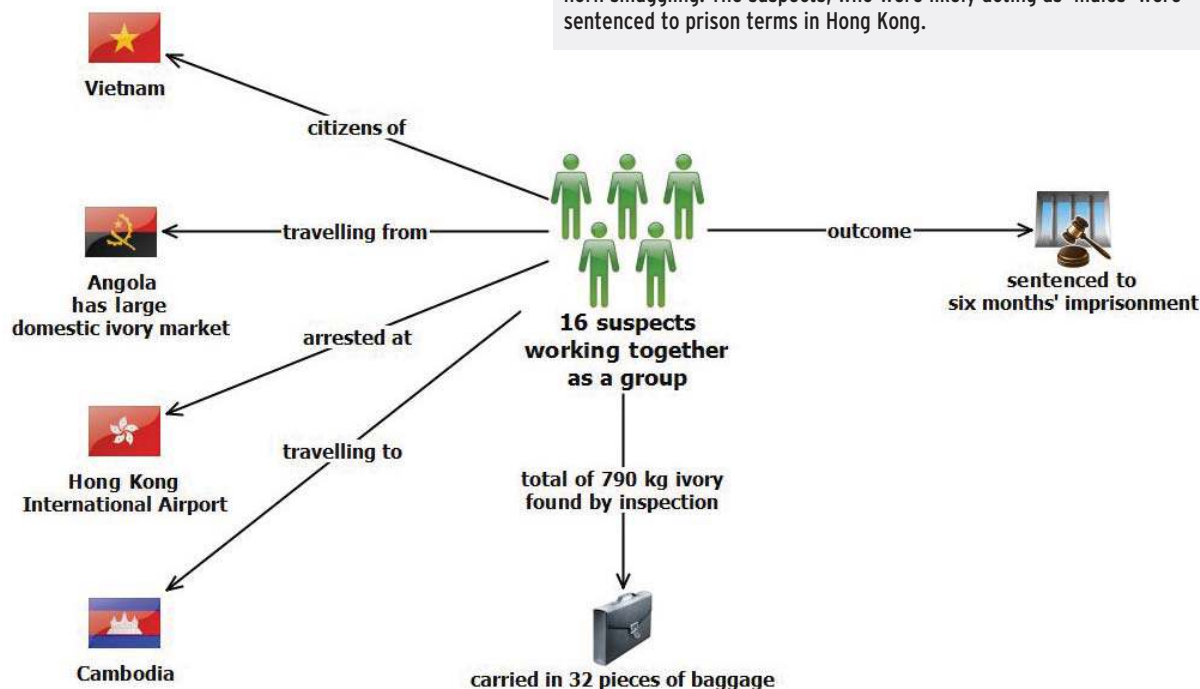
In 2012, the Office of the Director of Public Prosecutions (ODPP) set up the Wildlife Prosecution Unit (WPU) which specialises in prosecuting wildlife cases. WPU prosecutors are now stationed in all courts across the country.⁴³ The number of magistrates and mobile courts has also increased.⁴⁴ Kenya's ODPP also work closely with the canine unit in the Nairobi JK International Airport and with other agencies to expedite prosecution of wildlife crime in the world's first “airport court”

Jomo Kenyatta International Airport has the world's first “airport court”⁴⁵ empowered to adjudicate over specific offences, including wildlife trafficking offences, which has resulted in an increase in convictions for wildlife trafficking.⁴⁶

STRENGTHENING LAW ENFORCEMENT

ORGANISED CRIMINAL GROUPS FUELLING ILLEGAL WILDLIFE TRADE⁵⁰

In June 2014, Customs officers at Hong Kong's airport found a significant quantity of ivory in the baggage of Vietnamese nationals travelling from Africa to Asia. The case involved a group of suspects working together, smuggling a large quantity of goods internationally. It is just one example of Vietnamese nationals involved in ivory and rhino horn smuggling. The suspects, who were likely acting as 'mules' were sentenced to prison terms in Hong Kong.



Under the London Declaration, Governments committed to:

Indicators of implementation selected by EIA

(note that not all indicators could be fully evaluated due to limited publicly available information)

IMPROVE inter-agency national collaboration including through multi-agency enforcement units dedicated to combating wildlife crime

Operational multi-agency enforcement units are in place, and include personnel from police, Customs, prosecutors, INTERPOL NCB and other agencies and experts as required
Wildlife crime is on the portfolio of national financial investigation and anti-corruption units
ICCWC Wildlife and Forest Crime Analytic Toolkit is used

Nominal wildlife criminal information is integrated into existing national police databases or centralised databases

EMPLOY specialised investigative techniques and tools used to combat other forms of transnational organised crime

Specialised detection and investigation techniques are deployed
INTERPOL NCBs and Customs have dedicated wildlife crime investigators and analysts
Wildlife crime is on the agenda of international trade and cooperation fora
Online trade in wildlife is investigated

INCREASE capacity and budget of law enforcement

Wildlife crime is on the curricula of police, Customs and prosecutors
Budgets for wildlife crime law enforcement are increased
Codes of conduct/ standard operating procedures are circulated
Innovative patrolling strategies and technology are adopted

IMPROVE regional and international cooperation to tackle wildlife trafficking

Professional law enforcement officers participate in intergovernmental meetings on wildlife crime
Intelligence is shared through INTERPOL I24/7 and WCO-CEN
Wildlife crime data is submitted to the UNODC
UNODC is requested to establish Border Liaison Offices
Relevant information is included in reports to CITES

ESTABLISHMENT OF NATIONAL MULTI-AGENCY UNITS OR MECHANISMS

All 15 countries have set up or are developing national multi-agency enforcement units and/or mechanisms to address wildlife crime and trafficking; however, where such units are established these are often not full-time bodies and in some cases also lack participation from key agencies. For example, engagement by agencies such as the Environmental Police, Customs and prosecutors is unclear under Laos' multi-agency enforcement mechanism called Lao-WEN.

Effective multi-agency units have played an important role in increasing arrests and prosecutions in some of the IWT countries. For example, in Tanzania, the involvement of the multi-agency National and Transnational Serious Crimes Investigation Unit (NTSCIU) has resulted in successful prosecution and sentencing of several individuals involved in ivory trafficking.⁵¹

USE OF SPECIALISED DETECTION AND INVESTIGATION TECHNIQUES

Specialised detection and investigation techniques include the use of canine detection units, controlled deliveries and forensic and financial investigations. Such techniques have the potential to provide deep insight into the illicit wildlife trade chains and enable the collection of robust evidence for a successful prosecution. While lack of capacity and know-how to use such techniques may pose a challenge for agencies traditionally mandated with wildlife protection, police and financial investigation units can offer valuable assistance.

Canine detection units are commonly associated with the detection of drugs but are also being deployed to detect wildlife trafficking and in anti-poaching operations in IWT countries such as India,⁵² Tanzania,⁵³ Uganda,⁵⁴ Kenya,⁵⁵ mainland China and Hong Kong,⁵⁶ the US⁵⁷ and South Africa.⁵⁸

The use of controlled deliveries in combatting wildlife trafficking does not appear to be very common but has occurred, for example: between Hong Kong and the US involving the

smuggling of North American Wood turtles, resulting in the seizure of \$100,000 and the conviction of two offenders to 6.5 years imprisonment,⁵⁹ and between Customs authorities in the UK and China resulting in two people being jailed for six years for ivory smuggling.⁶⁰ Botswana and South Africa have also collaborated in a controlled delivery operation in relation to trafficking in exotic spiders.⁶¹ One obstacle to controlled deliveries is that legislation may not allow them, or that the legal mandate is unclear, as is the case in Malawi and Vietnam.⁶²

Forensic evidence has been successfully used to secure convictions in some wildlife crime cases, such as in September 2014 in South Africa in a major ivory trade case.⁶³ However, opportunities continue to be lost in the proper application of forensic techniques. For example, South Africa supplied Vietnam with DNA forensic kits to enable it to collect rhino horn samples and return them for analysis and possible use in prosecution. The samples do not appear to have been provided by Vietnam and South Africa has raised concerns about the chain of custody for the samples to be admissible as evidence in court.⁶⁴

DNA analysis of seized ivory samples yields important insights into the origin of the ivory, yet despite a CITES Decision requesting all CITES Parties to collect such samples from large scale seizures ($\geq 500\text{kg}$), the number of countries doing so remains low.⁶⁵ Since 2000, large ivory seizures have

BELOW:

A full forensic examination of seized wildlife can generate vital information not just about the specimens in trade but also about the people involved in wildlife crimes.

BOTTOM:

Mobile scanner in use in Uganda. Due to the organised nature of the illegal wildlife trade use of specialised detection techniques are crucial to help identify trafficked wildlife parts and products and aid investigation of the perpetrators of the illegal trade.





ABOVE:
Online auction for Totoaba maw. The scale and extent of illegal wildlife trade conducted online has increased drastically in recent years. Governments must address online sales of illegal wildlife parts and products.

“Given the scale and breadth of such trafficking activities fostered by expanding crime networks, profits, and weak criminal sanctions, enhancing cooperation between all concerned stakeholders will make it possible to put an end to the unprecedented development of this type of crime that has worldwide repercussions.”

INTERPOL President Mireille Ballestrazzi at the London Conference on Illegal Wildlife Trade (February 2014)

taken place in most of the 15 IWT countries including the UK, the US, Mozambique, Malawi, Tanzania, Kenya and Uganda.⁶⁶

Other techniques can be also used to investigate the source of specimens in trade. India has compiled an near-comprehensive tiger stripe pattern database of over 2,000 wild tigers from India, Nepal and Bangladesh. This database can be used to identify tigers found in trade from their unique coat pattern.⁶⁷ Recently adopted CITES recommendations request all Parties that make seizures of tiger skins and carcasses to share images of these seized products with relevant agencies to enable identification of the origin of the tigers found in trade. As of October 2016, it appears only Nepal has provided photographs of seized tiger skins for cross-referencing to Indian law enforcement. Since 2014, of the 15 IWT countries, six (China, Laos, Nepal, Thailand, UK and Vietnam) have made seizures of at least 34 tiger skins and 85 carcasses.

All 15 countries have financial intelligence units (FIUs) but some FIUs have a limited mandate or may not treat wildlife crime as a priority. Evidence of financial investigations being used in wildlife trafficking investigations remains limited but some IWT countries have made a degree of progress in this regard; in 2014, Thailand’s Anti-Money Laundering Office (AMLO) issued 10 written orders on freezing or seizing assets related to illegal exploitation of natural resources. It was also reported that it had frozen assets equivalent to

over US\$36 million from a group linked to trafficking tigers, pangolins and rosewood, including assets of Daoreung Chaimas, alleged to be one of South-East Asia’s biggest tiger traders.⁶⁸ In 2016, however, in this case the court order on the asset recovery was reportedly revoked.⁶⁹

ONLINE WILDLIFE TRADE MONITORING

Illegal wildlife trade has become more pervasive, with traders offering products on a wide variety of e-commerce websites, online auction sites and social media, using the vast networks of global logistic companies to deliver the products.⁷⁰ Indeed, a 2016 study found little evidence of illegal wildlife trade on the ‘dark web’, likely because lax enforcement on the mainstream web renders such obfuscation unnecessary and wildlife products are openly sold online.⁷¹ It is crucial that governments not only monitor the scale of trade online but also investigate the individuals and companies involved in such trade. For example, following collaboration between UK and Indonesian enforcement authorities, in January 2016 a British national was jailed for 14 months for selling parts of endangered monkeys and leopards from Indonesia on eBay.⁷²

Promisingly India, China and the USA have all engaged the private sector with the view to closely monitor and remove advertisements for wildlife parts and products for sale on a number of online platforms.⁷³

IMPROVING INTERNATIONAL CO-OPERATION

All 15 IWT countries are members of INTERPOL and the WCO and are also part of regional wildlife enforcement networks. Further, all 15 are Parties to UNTOC, UNCAC and CITES. Further bilateral and multilateral agreements have been adopted to improve enforcement co-operation.

Despite these commitments and the availability of existing channels to facilitate co-operation, lack of effective international co-operation across source, transit and destination countries remains a critical challenge.



EFFECTIVE MULTI-AGENCY CO-OPERATION AT THE NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

In the US, Operation Pongo which started in 2013 involved a large number of agencies including the US Fish and Wildlife Service, the US State Department and the Multnomah County Sheriff's Office.⁷⁴

The operation resulted in the conviction of two Malaysian nationals in 2015: they were sentenced to six months imprisonment and fines totalling \$25,000 for trafficking in orangutan and helmeted hornbill skulls among other wildlife products.

In India, in collaboration with several enforcement agencies from across the country including INTERPOL, an international pangolin smuggling syndicate was busted resulting in the arrest of 82 individuals.⁷⁵

In September 2016, after an investigation spanning 16 months and with close collaboration between the Lusaka Agreement Task Force (LATF), INTERPOL, Democratic Republic of Congo (DRC), Thailand, Vietnam, Singapore, Kenya, and Republic of Congo, two senior government officials and two senior shipping company officers were arrested in DRC for ivory trafficking.⁷⁶

Following collaboration between the Kenya Wildlife Service and the Embassy of China in Kenya, Chinese police officers were dispatched from China to investigate and arrest a Chinese national running an ivory carving factory in Nairobi. The suspect was extradited to China and jailed for 13 years.⁷⁷



© African Pangolin Working Group

ERADICATING THE MARKET



Under the London Declaration, Governments committed to:

Indicators of implementation selected by EIA (note that not all indicators could be fully evaluated due to limited publicly available information)

RAISE awareness and change behaviour of relevant stakeholders to eradicate demand and supply for illegal wildlife products

Relevant legislation and policy prohibit domestic and international trade in parts and products (including captive sourced) of key species such as elephants, Asian big cats, rhino and pangolin
Stricter domestic measures are adopted to prohibit trade in pre-convention specimens
Public notices targeting known consumer groups are issued in local language
Independent NGO input considered in developing demand-reduction campaigns
Donor governments provide funding
Government implements measures to engage industry and private sector
Change in behaviour or other action is documented

SUPPORT prohibition of commercial international trade in ivory

Support a total ban on ivory trade and end discussions on future trade

INVENTORY and destroy stockpiles of seized wildlife

Government publishes information on stockpiles
Stockpile inventory methods are transparent and include the use of DNA
Relevant information on stockpiles is communicated to appropriate countries and intergovernmental bodies
Stockpiles are destroyed
The sale or auction of seized wildlife specimens is prohibited

IMPLEMENT measures to ensure that legal trade does not facilitate illegal trade

EIA does not support legal trade in some species that are currently subject to high levels of illegal trade. EIA investigations and research provide examples of adverse impacts of parallel legal trade.

OPPOSE the use of misleading, exaggerated or inaccurate information, where this could stimulate poaching, trafficking or demand

EIA believes that this action is unclear in its scope and intent and is also a cause for concern as it may be used to gag independent comment.

CLOSURE OF PARALLEL LEGAL MARKETS

Working towards zero demand is essential to complementing efforts towards zero poaching. Zero demand can only be achieved through the closure of parallel legal markets particularly for wildlife species that continue to be seriously threatened by trade. However, the London Declaration narrowly focuses only on eradicating demand for illegal wildlife products – although trade and possession of illegal wildlife products should first and foremost be tackled as an enforcement matter.

As Parties to CITES, all 15 IWT countries recently committed to close domestic ivory markets.⁸³ Legal domestic markets for ivory in mainland China,⁸⁴ Hong Kong,⁸⁵ Japan,⁸⁶ Thailand⁸⁷ and Laos⁸⁸ continue to exist and these countries have also been implicated in illegal trade. Two of the largest ivory consumers, the US and China, committed to complete bans on ivory but only the US has acted and China has yet to announce a timeline for implementation.⁸⁹

In addition, the EU is one of the largest exporters of ivory in the world, with ‘antique’ ivory shipped from countries such as the UK and Germany to Asian and other markets.⁹⁰ Despite repeated commitments to do so, the UK has yet to take concrete measures to close its domestic ivory market,⁹¹ in spite of recent reports that its legal antique trade is being used to launder illegal ivory.⁹²

The primary markets for pangolin products are found in East Asia and South-East Asia. It was only in May 2015 that Vietnam prohibited the sale of pangolin scales under health insurance schemes, while China continues to allow legal domestic trade in pangolin scales.⁹³

Laos allows trade in second generation captive-bred tigers and their parts and products. EIA investigations in northern Laos have documented the sale of skins of wild tigers from across Asia and sold alongside products derived from farmed tigers.⁹⁴ Laos recently announced its intention to phase out its tiger farms, which is a positive development; it is now important to ensure this commitment is implemented.⁹⁵

PARALLEL LEGAL DOMESTIC MARKET FOR WILDLIFE IN CHINA UNDERMINES DEMAND-REDUCTION AND ENFORCEMENT EFFORTS

In 2015, although China announced its intention to close its domestic ivory market, notwithstanding a lack of time-bound commitments, parallel markets in other key species threatened by trade persist with Government support.

China continues to issue annual quotas of approximately 26.6 tonnes of pangolin scales for medicinal use, which far surpasses total CITES-sanctioned imports, thus raising questions about the origin and legality of these products.⁷⁸

EIA investigations in China have documented a legal trade in tiger skins sourced from captive tigers and have shown how the licensing system is open to abuse. Indeed, China has reported that it is unaware of how many permits have been issued for legal trade in captive-bred tiger products.⁷⁹ Such a legal trade in captive tiger parts and products contradicts a CITES decision which states that tigers should not be bred for trade.



China's permitting system is used for legal domestic trade in ivory, tiger skins (see image on opposite page) from captive tiger and several other wildlife products. This system is wide open to abuse and enables laundering of illegal wildlife products.

The Government had an opportunity to close this loophole during a recent law revision process, but instead formally enshrined the licensing system under the newly revised Wildlife Protection Law, effective from January 2017. Under the new law, captive and wild populations of endangered species are subject to differing levels of protection and commercial trade in captive-sourced specimens is also allowed, posing a serious enforcement challenge and undermining demand-reduction efforts. Trade from captive breeding facilities offer opportunities for laundering.^{79a}

Parallel legal markets undermine demand-reduction efforts. For example, the Government of China has launched several campaigns to raise awareness about wildlife trade.⁸⁰ But by failing to close its domestic parallel legal markets, China is sending mixed messages to consumers. It has also failed to adequately tackle open illegal wildlife trade in border markets in Laos and Myanmar, which cater almost exclusively to Chinese buyers.⁸¹

Careful profiling of key consumer groups and identification of their motivations is vital to the success of demand-reduction campaigns. For example, previous NGO campaigns in China, carried out in collaboration with the Government, have targeted the traditional medicine community even though research and EIA investigations indicate current consumers include military, business and political elites.⁸²



The wrong kind of wildlife tourism: At the Golden Triangle Special Economic Zone in Laos, wildlife products are openly sold catering primarily to Chinese tourists. Here products sourced from wild tigers are sold alongside products sourced from captive tigers.

© EIA and ENV

STOCKPILES

BELOW:

Bones of captive-bred tigers are held in private stockpiles across China. Skins are labelled and sold as luxury taxidermy, stimulating desire for tiger products.

BOTTOM:

Stockpiles of wildlife parts and products that are no longer required for investigation, prosecution or training purposes should be destroyed as routine best practice after conducting a full inventory.



© Belinda Wright WPSI

Of the 15 countries, very few have conducted a thorough inventory of wildlife product stockpiles. In one exception, Kenya destroyed its entire stockpile of 137.67 tonnes of ivory and 1.35 tonnes of rhino horn after conducting an inventory.⁹⁶

Numerous instances of loss or theft from such stockpiles demonstrate the risk of leakage into illegal markets. Since 2000, several of the 15 IWT countries have had thefts of government-owned ivory, with known incidents in Botswana, Mozambique, Tanzania, Uganda, Kenya, China and the UK.⁹⁷

There has been a concerted effort to destroy ivory stockpiles, with at least 22 ivory stockpile destructions since 2014 these include in China, India, Kenya, Malawi, Mozambique, Thailand and the US.⁹⁸ It is unclear whether these took place after proper inventorying and forensic analysis.

In addition to ivory, stockpiles of other wildlife should also be destroyed as routine best practice. India has destroyed tiger, pangolin and rhino products⁹⁹ while Kenya, Mozambique and the US recently destroyed rhino horns.¹⁰⁰ Vietnam committed to

inventorying and destroying its ivory and rhino horn stockpiles under the Prime Minister's directive of 2014 but has yet to do so although there are plans to destroy some of Vietnam's ivory and rhino horn stockpiles in November 2016.¹⁰¹

DEMAND-REDUCTION AND ENGAGING THE PRIVATE SECTOR

Successful reduction in demand for wildlife products should be seen as a combination of strong legislation that prohibits trade in such products, effective enforcement measures, targeted consumer behaviour change measures and public awareness-raising campaigns. A large number of awareness raising campaigns and initiative to engage the private sector have been conducted. However many of these initiatives rely heavily on the involvement of NGOs rather than being government driven. Further such awareness raising campaigns often concentrate on demand for ivory and rhino horn and demand-reduction campaigns addressing the consumption of other heavily traded species such as tigers and pangolins have not been widely addressed

Follow up monitoring and evaluation of the success of these demand reduction campaigns is a critical challenge.

Engaging the private sector, especially transport and logistic companies, is key as highlighted by the Buckingham Palace Declaration of the United for Wildlife Transport Task Force in 2016. This declaration recommends tackling illegal wildlife trade with improved detection methods, raising awareness amongst staff and facilitating better channels of communication to aid and increase detection and seizures.

Some progress has been made in engaging the private sector. For example, Chinese government officials attended two workshops in May 2014 and October 2015, at which traditional medicine companies renounced the use of illegally sourced endangered plants and animals.

Such efforts should be further supported and complemented by government directives unambiguously denouncing the use of parts and products derived from endangered species.



© David Sheldrick Wildlife Trust

CONCLUSION AND RECOMMENDATIONS

EIA regards strategies that win allies among local communities and engage the private sector in demand reduction as critically important. For the purpose of this review, and given the organisation's experience in tackling wildlife and forest crime, EIA has focused on the legislative, enforcement and criminal justice response to such crimes.

All 15 IWT countries have (in place) some basic infrastructure and capacity to investigate and prosecute those implicated in the wildlife trade chain and to ensure meaningful penalties are imposed to reverse the high-profit/low-risk nature of wildlife crime, including the recovery of proceeds of crime. Failure to tackle the criminality, corruption and weak governance associated with wildlife crime, combined with imprudent laws in some countries which facilitates wildlife trade, has accelerated the decline of many wildlife species.

All governments are fully aware of the actions needed to stop wildlife crime based on previous commitments. This exercise by EIA reinforces the need for governments and donors to adopt a meaningful monitoring and evaluation framework. In relation to measuring progress in the law enforcement and criminal justice response, EIA recommends the ICCWC Indicator Framework for Combating Wildlife and Forest Crime.

As a matter of urgency, the Heads of State and heads of key government agencies must issue directives assigning political and financial resources to combat wildlife crime, resulting in the following priority actions:

ENSURING EFFECTIVE LEGAL FRAMEWORKS AND DETERRENTS

- a national enforcement strategy is developed with time-bound actions and actively implemented by all relevant agencies
- relevant laws are amended to address legislative loopholes and strengthen investigation and prosecution of wildlife crime
- clearly defined sentencing guidelines are adopted for offenders convicted of wildlife crime
- wildlife crime is included in the institutional training programmes and curricula of all law enforcement and judicial agencies
- courts to digitise concluded case records and make accessible for analysis
- wildlife crime is prosecuted under a combination of relevant national laws which carry the highest penalties, including organised crime and anti-money laundering laws
- proactive and strategic investigations are used to target key individuals, groups and places in the wildlife trade chain
- anti-corruption units and other relevant agencies investigate and prosecute government officials, as well as individuals and business associated with corrupt practices, in relation to wildlife crime
- existing mechanisms are actively used for sharing intelligence and strengthening international co-operation, including mechanisms under INTERPOL, WCO, UNTOC and UNCAC
- comprehensive annual illegal trade reports are regularly submitted to the CITES Secretariat in the prescribed format; the next report is due on October 31, 2017

STRENGTHENING LAW ENFORCEMENT

- national multi-agency cooperation mechanisms are strengthened to ensure active engagement occurs routinely, involves all relevant enforcement agencies including finance and tax authorities, prosecutors and judiciary, and results in effective joint operations
- sufficient funds and resources are made available for effectively combating wildlife crime throughout the trade chain, including the creation of a national central database of criminal information, the use of specialised detection and investigation techniques and improvements in prosecutorial capacity

ERADICATING THE MARKET

- closure of parallel legal domestic markets for wildlife species significantly threatened by trade such as tigers, elephants, pangolins and rhinos
- inventory and destruction of stockpiles of wildlife parts and products no longer required for enforcement purposes; at the very least, seized stocks should be destroyed as a matter of routine
- research into the key drivers and motivations for consumer demand is commissioned and support is provided for the implementation of professional, targeted demand-reduction campaigns, with regular review of their impact

ANNEXES





BOTSWANA

BOTSWANA

PARTY TO CITES (1978) | UNTOC (2002) | UNCAC (2011) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | WILDLIFE ENFORCEMENT NETWORK – SOUTHERN AFRICA (NOT YET OPERATIONAL)

SOURCE

LOW PUBLICLY
REPORTED
SEIZURES
SINCE 2010

IVORY



SOURCE • TRANSIT

23.06 kg
IN/LINKED
TO BOTSWANA
SINCE 2010

RHINO



WORLD'S LARGEST ELEPHANT POPULATION

352 271 ELEPHANTS IN AFRICA

130 451 ELEPHANTS
IN BOTSWANA

37% AFRICAN ELEPHANT
POPULATION

DEPT WILDLIFE & NATIONAL PARKS BUDGET

400% INCREASE
IN PARKS BUDGET

US\$3m



2012

US\$12m



2016

BOTSWANA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit



ABOVE: ELEPHANTS ARE SEEKING REFUGE IN BOTSWANA FROM POACHING © DARYL & SHARNA BALFOUR 2006

the Department's Anti-Poaching Unit had been increased to BWP130m, from BWP32m when he joined in 2012.

- In 2015, it was reported that Botswana's **Financial Intelligence Agency**, responsible for collation, analysis and dissemination of information relating to suspicious financial activity, was fully operational and working in collaboration with DWNP and other agencies.
- The DWNP has established a **Tourism Intelligence Unit** dedicated to combatting wildlife crime.
- A **National Anti-Poaching Task Team** exists to improve collaboration between enforcement agencies and devise a joint mechanism for combating wildlife crime.
- In June 2014, Botswana hosted a UNODC-led workshop entitled 'Recovering the Proceeds from Wildlife and Timber Crimes – African and Asian Experiences'. Botswana also hosted

a Regional Anti-Money Laundering Workshop, involving relevant agencies from 20 countries to discuss financial investigation techniques in the context of international wildlife trade. However, there is insufficient publicly available information to determine whether seizures of **proceeds of crime** have taken place since 2014.

- Botswana is a member of the **Wildlife Enforcement Network of Southern Africa** (WEN-SA), which is not yet operational.
- It was reported in June 2015 that Botswana would sign an **MoU with Kenya** regarding co-operation in combatting illegal wildlife trade.
- Applying the **ICCWC Wildlife and Forest Crime Analytic Toolkit** is a positive step towards identifying the gaps and actions required to strengthen the criminal justice response to wildlife crime; it is now important to ensure that information is made publicly available on progress made in implementing the recommendations arising from the Toolkit process.

MAIN OBSERVATIONS

- The budget for Botswana's Department of Wildlife and National Parks (DWNP) has reportedly been increased in order to hire additional personnel, build capacity among law enforcement and procure anti-poaching equipment. In August 2016, Minister of Environment, Wildlife and Tourism Tshekedi Khama announced that the annual budget for

BOTSWANA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

63/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- Botswana has **no centralised database recording prosecutions and court cases** relating to wildlife crime.
- Botswana's primary wildlife legislation is the **Wildlife Conservation and National Parks Act 1992 (WCNPA)**. Under this Act, the following penalties are stipulated: seven years imprisonment and a fine of BWP10,000 (US\$950) for hunting or capture of a protected species and for importing, exporting, re-exporting or transporting through Botswana any wildlife item without a permit and five years imprisonment and a fine of BWP5,000 for selling or processing unlawfully obtained wildlife items. Stronger penalties are stipulated for cases relating to rhinos or elephants.
- According to a recent study, the DWNP does not have powers of prosecution; **issues have been raised regarding cooperation between the DWNP and prosecutors** and there are no official protocols in place

(Jayanathan, S. 2016). The study also highlights the need for increased awareness-raising initiatives among prosecutors and the judiciary, particularly regarding penalty guidelines and use of ancillary legislation which could be utilised for stronger sentences.

- The **Proceeds of Serious Crime Act 1990 does not include environmental crime as a predicate offence**. There appears to be little concrete evidence regarding the implementation and effectiveness of Botswana's court handling practices in wildlife crimes and use of ancillary legislation for such crimes (Jayanathan, S. 2016).

With an increase in poaching incidents in Botswana, it is important to ensure that the country is well-equipped and prepared for effectively increasing prosecutions and sentencing for wildlife crime offences using a range of applicable laws enabling mutual legal assistance and recovery of proceeds of crime.

BOTSWANA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- As home to the world's largest elephant population, Botswana's **strong commitment to protect its elephants** is commendable. It has centralised its stockpile of ivory obtained as a result of natural mortality and has managed activities such as problem animal control (PAC) and seizures. It also has in place a system for conducting an inventory of its ivory stockpile on a routine basis and to separate illegal ivory obtained from seizures and that obtained from other sources. As a member of the EPI, Botswana has committed to putting all its ivory stockpiles 'beyond economic use'. In July 2015, the President of Botswana inaugurated

a 2.5-tonne sculpture of an elephant at the international airport in Gaborone, constructed from the tusks of elephants that died of natural causes, with a view to raising awareness about the plight of African elephants.

- In 2012, **26 tusks were stolen from Government stores** in Kasane and in 2015 three rhino horns were reported to have been stolen from a Government store in Maun.
- **Botswana prohibits domestic and international trade in any wildlife without a permit**, as well as the manufacture of, or trade in, wildlife items imported or obtained illegally. The WCNPA stipulates that 'export, import, transport through and re-export' of CITES-listed animals and products thereof must be in accordance with CITES permits.

BEST PRACTICE

At CITES CoP17 (October 2016), Botswana announced its willingness to unreservedly and voluntarily relinquish CITES Appendix II status for its own elephant populations to support an uplisting of all African elephants to the much tougher Appendix I protection.

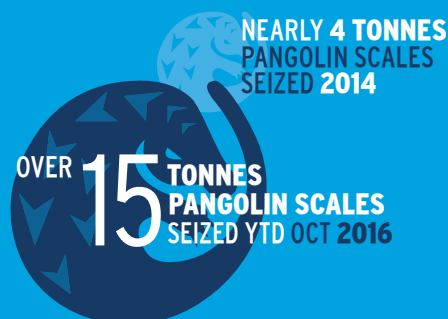
In a statement (Oct 16), Minister Tshekedi Khama stated:

'In past decades, Botswana supported the idea of limited, legal ivory sales from countries that managed their elephant herds sustainably. We now support a total and permanent ban on the ivory trade, everywhere.'



ABOVE: BOTSWANA ROUTINELY CONDUCTS AN INVENTORY OF ITS IVORY STOCKPILE © EIA

Although Botswana was one of the countries that sold ivory through two CITES-sanctioned international sales in 1999 and 2008, since 2014 there has been a significant change in policy favouring a precautionary approach to prohibiting ivory trade. Botswana is a co-founder and signatory of the Elephant Protection Initiative (EPI), which includes a commitment to close domestic ivory markets and to a minimum 10-year moratorium on all international ivory trade.



CHINA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

- **Advanced investigation techniques** have been used in wildlife crime cases, including tracing of phone calls and text messages and employing controlled deliveries.
- While **enforcement efforts** have resulted in successful prosecution and conviction in several cases, such efforts **do not appear to be taking place uniformly**—for example, there is limited information available about the prosecution of organised criminals involved in the trans-Himalayan tiger trade and there also does not appear to be strong enforcement co-operation with India and Nepal to end such trade.
- An extensive illegal wildlife trade persists both on open **online trading** platforms and through social media—an IFAW study found 1,662 suspected ivory items offered openly for sale on 21 websites over a six-week period in 2014, despite all online ivory sales being illegal. While major online trading platforms such as Taobao and Alibaba have implemented effective policies to eliminate illegal wildlife trade through their websites, and there are multiple examples of successful prosecutions for online trade in wildlife, the scale of the issue demands further investment and training of dedicated enforcement personnel.



ABOVE: IVORY CARVING FOR SALE IN CHINA © EIA

participate in the INTERPOL Project Predator strategic planning meeting in November 2015, **a significant missed opportunity** because it sought to develop a common enforcement strategy for combatting tiger crime.

BEST PRACTICE

China has signed a MoU with Kenya regarding 'Cooperation in the Fields of Forestry and Ecological Conservation'. In 2014, through collaboration between Kenyan authorities and the Chinese Embassy in Kenya, Chinese police officers were dispatched to Kenya and arrested a Chinese national running an ivory carving factory in Nairobi. The suspect was extradited to China and jailed for 13 years.

CASE FILES

In October 2014, police in Yongjia County, Zhejiang, followed a tip-off to arrest a local pangolin trader and seize over 130 frozen pangolins and 60 bear paws. Subsequent investigations led police to arrest 41 suspects and seize evidence of more than 100 banks transfers. In total, during the investigation, more than 370 pangolins were seized and 65 suspects arrested, 32 of them sentenced in June 2016 receiving up to 13 years in prison.

MAIN OBSERVATIONS

- China's **National Inter-Agency CITES Enforcement Coordination Group** brings together various agencies to coordinate enforcement actions on wildlife crime; although this group holds regular meetings with various agencies, it is not a permanent fulltime operational unit.

- The Government has **provided funding for anti-poaching** in Kenya and Botswana.
- There is no publicly available information on whether the INTERPOL National Central Bureau (NCB) has officers dedicated to investigating and coordinating cases related to wildlife crime. China has, however, participated in INTERPOL operations such as Operation PAWS II in 2015. China did not

CHINA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

37/100 TI Corruption Perceptions Index 2015



ABOVE: TIGER BONE WINE SOLD AT WILDLIFE FARM, CHINA © EIA

MAIN OBSERVATIONS

- Use of wildlife products such as tiger bone wine and tiger skins as bribes indicates that **corruption is a significant challenge**.
- The Supreme Court has issued specific **sentencing guidelines** for cases involving smuggling, poaching, transport and trade of protected wildlife.

- While mainland China prescribes custodial sentences of up to life imprisonment for wildlife trafficking, **Hong Kong legislation** allows for a maximum jail term of two years for such an offence, failing to meet the definition of 'serious crime' under UNTOC.

CHALLENGE

A revised Wildlife Protection Law, China's primary wildlife legislation, will come into place in January 2017.

The revised law continues to sanction trade in captive-sourced specimens of endangered species – a potential loophole enabling the laundering of wild specimens as captive and undermining demand-reduction efforts.

The revised law also devolves authority to provincial governments to approve commercial breeding of nationally protected species, a responsibility previously held by central authorities.

CHINA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- **A legal trade in ivory persists in China.** Major abuse of the system and laundering of illegally sourced ivory has been widely documented. As the world's largest destination for ivory, it is crucial that China immediately closes its domestic ivory market. In September 2015, China's President committed to ending the domestic commercial trade in ivory but while the Government has adopted some measures to prohibit international trade in ivory, it is yet to fulfil its commitment to end its domestic trade. In June 2016, Hong Kong released a plan to phase out its domestic ivory trade by 2021, although this announcement has been criticised on the grounds that a five-year delay is unreasonable.

- **Medicines containing leopard bone** are widely available in China. Although the purchase of leopard bone was banned in 2006, existing laws and policies permit medicine producers to continue using existing stocks, enabling laundering.
- Existing laws and policies **allow legal commercial trade in pangolin scales** with a domestic yearly quota of approximately 26.6 tonnes of pangolin scales for use by designated hospitals. Licenses are also issued to 209 companies to produce products that contain pangolin. The origin of these scales is likely to be illegal, as they far outweigh the productive capacity of China's wild or captive pangolin populations and legal imports.
- While **Hong Kong has destroyed its entire 29-tonne ivory stockpile**, China has destroyed only 6.8 tonnes of seized ivory. A few small-scale destructions of other seized products notwithstanding, large stockpiles of seized and captive-origin tigers and other wildlife items have not been destroyed.
- Government officials have participated in **NGO-led workshops on reducing demand** for illegal wildlife products, although targeted Government-led demand-reduction campaigns have been lacking.
- The Government has launched a public awareness campaign under which Chinese nationals arriving in selected African countries **receive text messages** urging them to not buy illegal wildlife products.

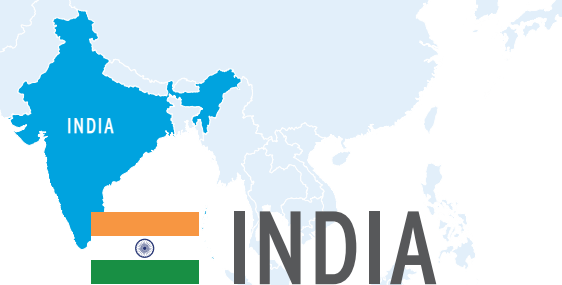
- In 2015, **New Era Health Group** became the first state-owned Chinese company to include a zero-tolerance policy towards the use and gifting of illegal and endangered wildlife products within the company's formal code of conduct.

CHALLENGE

Despite several CITES directives to phase out tiger farming and prohibit tiger trade, China's captive tiger population has grown to 5,000–6,000, with Government support and funding, while the country permits legal trade in skins of captive tigers, sold as luxury home decor. Further, despite a 1993 ban on use of tiger bone, companies are producing and openly selling tonic wines marketed as containing tiger bones. Moreover, the title of a 2005 Government-issued notification (not available in full) suggests that use of captive-bred tiger bone for medicinal purposes may be legal.

Insufficient action has been adopted to address the role of Chinese businesses and nationals taking advantage of weak laws and governance abroad to buy and sell wildlife products. For example, Chinese nationals are the main buyers in open wildlife markets in the border areas of Laos, Vietnam and Myanmar.

Further, Chinese nationals in Africa play a key role in rhino horn and ivory trafficking; EIA investigations in 2014 in Tanzania documented Chinese-led organised crime syndicates conspiring with corrupt Government officials to smuggle several tonnes of ivory from Africa to China.



PARTY TO CITES (1976) | UNTOC (2011) | UNCAC (2011) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | SOUTH ASIAN WILDLIFE ENFORCEMENT NETWORK (SAWEN)

SOURCE
AT LEAST
1.3 TONNES
IVORY SEIZED
SINCE 2010
IVORY



SOURCE
21 RHINO HORNS
OR SUSPECTED
HORNS SEIZED
SINCE 2010
RHINO



SOURCE
627 TIGERS
SEIZED
SINCE 2000
TIGER



SOURCE
3.96 TONNES
PANGOLIN SCALES
& 5 LIVE PANGOLINS
SEIZED SINCE 2010
PANGOLIN



TIGER POACHERS NOW POACHING PANGOLINS

**3.96 TONNES PANGOLIN
SCALES SEIZED**
SINCE 2010

EQUIVALENT TO AROUND
4 000 PANGOLINS SINCE 2010

TIGERS POACHED & SEIZED



INDIA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

leading to low rates of conviction and poor remuneration and equipment provided to anti-poaching patrol staff.

- Deploying **detection technology** including drones and cameras as part of an e-vigilance system to combat illegal logging and red sandalwood smuggling in the state of Andhra Pradesh and use of canine units in seven states.
- Maintaining a **unique tiger stripe pattern database** of over 2,000 wild tigers and initiating the process for establishing **RhoDIS**—a database of DNA samples collected from wild Indian rhinos.
- In 2015, the **INTERPOL Red Notice system** was used to arrest a suspect in Mauritius in relation to red sandalwood smuggling. Recently, on request of the Madhya Pradesh Forest Department, INTERPOL issued a Red Corner Notice for a suspect implicated in tiger crime.
- In March 2015, the WCCB issued an advisory providing guidance on the use of the **Prevention of Money Laundering Act (2002)** for wildlife offences. This legislation has been applied in wildlife trafficking cases.



ABOVE: INDIA IS THE WORLD'S TIGER RANGE STATE © E NEEP

state and central authorities – 14 states have set up WCCUs. In addition, many states have created a number of specialist taskforces to combat wildlife and forest crime, either within their police or forest departments.

However, the WCCB is severely understaffed. Further, despite efforts to improve multi-agency co-operation between the central and state levels there continues to be a challenge in creating a uniformed response to wildlife crime due to differing levels of awareness and commitment amongst the states.

CASE FILES

In a case reported as the fastest ever conviction for tiger poaching, three people were sentenced to five years imprisonment each in 2014 for a tiger poaching incident in 2013. Forensic investigations were conducted which confirmed that DNA from the tiger carcass recovered matched the samples of the nails of the accused.

In 2015, organised elephant poaching in Kerala was traced to a Delhi-based middleman and nearly 0.5 tonne of ivory seized in an inter-state, multi-agency operation with 73 arrests made to date for a range of offences.

In 2014 multi-agency co-operation resulted in the seizure of 23 tonnes of red sandalwood and several arrests.

BEST PRACTICE

Indian legislation establishes a formal framework for multi-agency co-operation to combat wildlife crime. India's lead multi-agency unit, the Wildlife Crime Control Bureau (WCCB), collects and disseminates intelligence on organised wildlife crime and co-ordinates and participates in operations between national and relevant foreign authorities. The WCCB has requested every state in India to set up a high-level inter-agency coordination committee called Wildlife Crime Control Unit (WCCU) to improve information exchange between

MAIN OBSERVATIONS

- Improving **enforcement capacity** including increase of 19 border posts along Uttarakhand border with Nepal in additional to existing 81 border posts and establishment of specialised red sandalwood anti-smuggling units in Andhra Pradesh. However, significant gaps in capacity continue to remain, including lack of capacity for proper evidence collection

INDIA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

38/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- In Pune the **anti-corruption bureau** (ACB) registered an offence against a police inspector and his family for alleged aiding and abetting in red sandalwood trafficking through corrupt practices.

- WCCB has observed that **display of wildlife trophies** on social media could stimulate poaching and illegal wildlife trade and has therefore requested relevant authorities to prohibit such acts by amending the WPA and by incorporating this as a condition in hunting permits.

CHALLENGE

Significant delays in prosecution undermines successful conviction – there are recurrent examples of suspects who are absconding after release on bail and the loss of evidence.

A study of trial court judgments in the State of Maharashtra, conducted by WPSI, recorded a success rate of 11.56% for prosecution of wildlife cases pointing to serious gaps in investigation and prosecution efforts. WPSI has recorded more than 900 tiger-related court cases in India, although few of these have resulted in convictions, with most pending.

As of June 2016, WPSI indicates that, to its knowledge, only 61 people have been convicted in India for tiger poaching or trade.

BEST PRACTICE

A briefing published by the Wildlife Protection Society of India (WPSI) highlights good enforcement co-operation between India and Nepal.

For example, in January 2016, Indian enforcement authorities seized two tiger skins and 35kg of tiger bones in an Indian tiger reserve bordering Nepal. The investigations that followed enabled the Nepal police to seize another tiger skin sourced from the same Indian tiger reserve.



ABOVE: TIGER POACHING IS ON THE RISE IN INDIA PRIMARILY DUE TO DEMAND FOR TIGER PARTS IN CHINA
© NAVTEJ MANGAT

INDIA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- The WPA is based on a strong conservation ethic and adopts a precautionary approach to protect wildlife. For example, the WPA strictly prohibits trade in species listed in Schedule I of the Act which includes tigers and other Asian big cats, elephants and rhinos. Consequently conservationists have expressed serious concerns about attempts by the Government to amend relevant laws and policies that would undermine wildlife conservation in India.

- In November 2014, 42,000 seized **wildlife items were destroyed**. The Manipur Forest Department also destroyed 115kg of seized pangolin scales.
- Efforts to **inventory ivory stockpile** have been initiated at the central level.

BEST PRACTICE

India does not have any stockpiles of Asian big cat specimens except those required for prosecution and training purposes. Possession of Asian big cat specimens (including live captive animals), without an ownership certificate is an offence. The period for receiving ownership certificates has passed and therefore no new specimens can be declared or legalised in India. Legalised specimens with certificates can only be transferred through inheritance and cannot be commercially traded. According to legal analysis conducted by the Wildlife Protection Society of India:

'... with the limited exception of regulated trade between recognised zoos, Indian law creates a complete ban on all trade in all parts and products of all [Asian big cat specimens] from all sources.'

According to Government guidelines, tiger and leopard carcasses and body parts of animals found dead or seized

by the Government are to be routinely destroyed with suitable safeguards when not required for prosecution. Further, every zoo is required to bury or burn carcasses of its animals and carcasses of large cats are required to be burnt in the presence of the director of the zoo to prevent big cat products entering trade.

In May 2016, WCCB met representatives of major e-commerce companies and it was agreed that the companies will alert WCCB about attempts to post offers of wildlife on their websites. Amazon India removed 296 items from its website in the 'animal specimen' category and 104 items under the 'snarers or traps' category that were listed by third-party sellers.



ABOVE: INDIA ROUTINELY DESTROYS ALL STOCKS OF ASIAN BIG CAT PARTS AND PRODUCTS © EIA



KENYA

PARTY TO CITES (1979) | UNTOC (2004) | UNCAC (2003)

MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | LUSAKA AGREEMENT TASK FORCE | HORN OF AFRICA WILDLIFE ENFORCEMENT NETWORK

SOURCE • TRANSIT

OVER 25 TONNES
IVORY SEIZED
SINCE 2010

IVORY



SOURCE • TRANSIT

121.74 kg RHINO
HORN SEIZED IN
OR LINKED TO
KENYA SINCE 2010

RHINO



TRANSIT

500 kg PANGOLIN
SCALES SEIZED
SINCE 2010

PANGOLIN

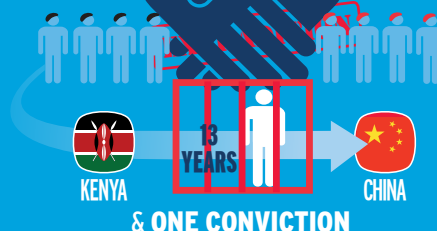


18 TONNES IVORY
LINKED TO KENYA
SEIZED IN...

VIETNAM SINGAPORE
SRI LANKA THAILAND
HONG KONG

SINCE 2010

COLLABORATION BETWEEN CHINA & KENYA RESULTS IN



KENYA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

■ **Strengthening anti-poaching capacity** through establishment of an inter-agency anti-poaching unit, hiring of more than 500 new Kenya Wildlife Service (KWS) rangers, allocation of Ksh300m (c.US\$2,959,000) for training of additional wardens, setting up a new encrypted radio system for use in national parks and planning for the launch of anti-poaching drones in all national parks.

■ **Providing training** for customs officers in permit systems and identification of wildlife items; and for wildlife enforcement in detection of ivory, crime scene management and preparation of documents for prosecutors.

■ **Building forensics capacity** to assist in prosecutions by establishing a new US\$100m wildlife forensics laboratory in Nairobi, the first of its kind in East Africa, providing a regional hub for analysing DNA samples from seized wildlife specimens.

■ **Use of canine units** to detect ivory and other wildlife products at Nairobi's Jomo Kenyatta International Airport (JKIA) and Mombasa Port. The JKIA unit arrests on average two people per week for ivory offences.

■ As part of the UNODC-WCO Container Control Programme, establishing a multi-agency Joint Port Control Unit in Mombasa Port to facilitate sharing of information in real time to profile, target and examine containers being used to smuggle wildlife products.

■ Improving **international collaboration** to tackle wildlife crime; for example, a high level delegation visited China which resulted in the adoption of a bilateral agreement to improve



ABOVE: MOMBASA PORT IS PART OF THE UNODC WCO CONTAINER CONTROL PROGRAMME © EIA

collaboration in combatting ivory and rhino horn trafficking.

CASE FILES

Kenya Revenue Authority's dedicated wildlife investigation unit traced the criminal network involved in a shipment of ivory from Mombasa to Bangkok, through analysis of records from the M-Pesa mobile phone bank transfer platform.

KWS in collaboration with the Embassy of China in Kenya and Chinese police officers dispatched from China were able to arrest a Chinese national running an ivory carving factory in Nairobi. The suspect was extradited to China where he was given a 13-year prison sentence.

Ivory smuggling kingpin Feisal Ali Mohammed was sentenced to 20 years imprisonment and Ksh20 million fine in July 2016. The case was a result of follow-up investigation of a seizure of two tonnes of ivory at Fuji Motors car yard in Mombasa in June 2014 and involved co-ordination amongst various government agencies and international partners, including INTERPOL and the Lusaka Agreement Task Force.

MAIN OBSERVATIONS

■ Improving **national multi-agency co-operation** to tackle wildlife crime; for example, through deploying representatives from the National Police Service as liaison officers at Kenya's Wildlife Management Authority. A multi-agency enforcement unit and inter-agency intelligence committee are in development.

KENYA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

25/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- Kenya's new **Wildlife Conservation and Management Act (WCMA)** provides for severe penalties for wildlife crime (life imprisonment, and/or fines of up to Ksh20m/US\$198,000), resulting in an increase in deterrent sentencing for wildlife crime. However, this has also led to an increase in 'not guilty' pleas due to high minimum penalties under the WCMA. In order to address this concern, the WCMA is being amended and a pilot to address

delay in the courts was launched in December 2015. A plea bargaining policy developed within the Office of the Director Public Prosecutions (ODPP) requires national roll-out, although with high minimum penalties its effectiveness is questionable.

- A report by NGO Wildlife Direct on **progress made in wildlife trials** in 2014–15, since the enactment of the WCMA, is 'cautiously optimistic' about progress made. The report in particular notes improved management of case records and the denial of bail in a significant number of wildlife crime cases. However, the proportion of convicted persons given jail sentences without the option of a fine remained very low at 6% in 2015.
- A 2014 **amendment to the Evidence Act** has enabled admission of electronic and digital evidence, including photographs of wildlife items or carcasses. However, sensitisation of police and KWS investigating officers on such forms of evidence is required.
- In June 2016, the **world's first airport court** became operational at Nairobi's Jomo Kenyatta International Airport, in order to efficiently and quickly handle drugs and wildlife trafficking cases. In its first month, of the 10 cases related to ivory trafficking heard by the court, nine resulted in convictions.

BEST PRACTICE

A dedicated Wildlife Crime Prosecution Unit (WCPU) prosecutes wildlife cases across the country, with a specialised WCPU prosecutor in all courts. The WCPU, with the British High Commission and Space for Giants, developed a 'Points to Prove' guide for building a strong evidential case against those accused of wildlife and related crimes which includes procedures for inter-agency co-operation. Further prosecutorial capacity is being developed within KWS.

CHALLENGE

Corruption remains a major impediment to effective sentencing in Kenya. For example, the trial of ivory trafficker Feisal Mohamed was beset by allegations of corruption – an inquiry was launched into alleged tampering of evidence involved in the case and the magistrate was suspended.

There appears to be a significant degree of monitoring from civil society groups such as Wildlife Direct and Space for Giants, whose monitors note 'an overall improvement in trial procedures' but 'continue to report numerous cases where suspects of serious crimes get off scot-free'. However, efforts are being made to address corruption in Kenya. For example, UNODC and KWS are working on high priority areas, selected based on risk analysis, in developing risk mitigation strategies and actions to address vulnerabilities to corruption in KWS.

KENYA | ERADICATING DEMAND

KEY INDICATORS¹

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Prohibits trade in parts/products of Asian big cats

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Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- Kenya **prohibits all trade** in products from protected species and is a strong advocate for ending all trade in ivory. Kenya was one of 10 elephant range states to submit a successful proposal to CITES CoP17 calling

for the closure of all domestic ivory markets. Kenya also signed the 'Cotonou Declaration' in November 2015, which supports closure of all domestic ivory markets.

- The Kenyan Government has been **working with the private sector** in tackling wildlife trade, including training of Kenya Airways staff in detection of wildlife products, the secondment of a CID officer at mobile phone company Safaricom to assist in tracing of mobile money transfers and working with the tea industry to prevent using tea products as a concealment method to smuggle ivory.
- Kenya is a signatory to the **Elephant Protection Initiative (EPI)**, which includes a commitment to engage with the private sector and private citizens, close domestic ivory markets and commit to a minimum of a 10-year moratorium on all international ivory trade.
- Kenya **destroyed 105 tonnes of ivory and 1.3 tonnes of rhino horn** from its Government stockpile in a public burn on 30 April 2016.

This followed a 21-day amnesty during which Kenyans could hand in illegal wildlife items in their possession.

- In April 2015, a delegation of six KWS officials travelled to China to discuss programmes aimed at **reducing demand for ivory**. Kenya has also worked with several African elephant range states to submit various proposals to CITES to increase protection for elephants and reduce demand for ivory.

BEST PRACTICE

KWS conducted a full inventory and centralisation of government ivory and rhino horn stockpiles in 2015; 25,052 pieces of ivory (137.679 tonnes) and 1,248 pieces of rhino horn (1.519 tonnes) were counted. Despite initially stating that all pieces would be sampled, DNA samples were only taken from 2,300 ivory items and 800 rhino horns. However, this included samples from all ivory seizures of more than 500kg, as recommended by CITES.



TRANSIT

**11.3 TONNES
IVORY LINKED
TO LAOS SEIZED
SINCE 2010**

IVORY



TRANSIT

**ZERO KNOWN
HORN SEIZURES
BUT TRADE
OBSERVATIONS
SINCE 2010**

RHINO



TRANSIT

**13 TIGERS SEIZED
PLUS TRADE
OBSERVATIONS
SINCE 2000**

TIGER



TRANSIT

**81 PANGOLINS
SEIZED SINCE 2010**

PANGOLIN



TRANSIT

**ZERO KNOWN
SEIZURES BUT
TRADE OBSERVATIONS
SINCE 2010**

**HELMETED
HORNBILL**



PARTY TO CITES (2004) | UNTOC (2003) | UNCAC (2009) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | ASEAN-WILDLIFE ENFORCEMENT NETWORK

PANGOLIN SEIZURES LINKED TO LAOS SINCE 2010 HAVE TAKEN PLACE IN...



THAILAND VIETNAM NIGERIA MALAYSIA SINGAPORE

WILDLIFE CRIME CONVICTIONS



LAOS | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

Engagement in Lao-WEN by key agencies such as the Environmental Police, Customs and prosecutors is unclear. In addition, since 2009 an inter-agency agreement has been in place to coordinate the implementation of CITES among the army, police (which includes the INTERPOL NCB), Customs, forestry officers, prosecutors and the import/export department of the Ministry of Industry and Commerce.

- Laos is increasingly playing an important role in the region as a wildlife trafficking hub primarily targeting Chinese nationals as buyers and it is crucial to secure effective **co-operation with neighbouring countries**. In 2016, frontline enforcement officers from key border areas in Laos, China and Vietnam participated in a field mission to discuss wildlife smuggling networks along the major Indo-Myanmar trade route. Bilateral agreements on enforcement for combatting wildlife trafficking exists with Vietnam, China and two provinces in Thailand.

- **Laos and South Africa** have signed a MoU on illegal wildlife trade.

- Applying the **ICCWC Wildlife and Forest Crime Analytic Toolkit** is a positive step and it is now important to ensure that information on progress made in implementing the recommendations arising from the Toolkit process is made publicly available.

- In partnership with various stakeholders, **training to relevant Government personnel** has been provided by the Government in several areas, including on prosecution and use of new anti-money laundering legislation in

wildlife crime cases. However, capacity gaps continue to exist—for example, the Institute of Ecology and Biological Resources, which is the CITES Scientific Authority, lacks capacity to identify CITES-listed species in trade.

CHALLENGE

There are at least seven specialist law enforcement agencies mandated with combating wildlife crime but there is an apparent lack of clarity of roles and responsibilities for implementing this mandate. In particular, there is a need for improved collaboration between the Department of Forest Inspection (DoFI) and Department of Forest Resources Management. Further, there is also need for clarity about the division of competence at the national and provincial levels.

CASE FILES

At least 11 tonnes of ivory have been seized globally with links to Laos. In addition, ivory and other wildlife products are openly available for sale in Sanjiang Market, Vientiane, as well as in Luang Prabang. As of October 2016, only one ivory seizure has been recorded in Laos—in 2015 at Wattay airport, 48kg of ivory was seized from two suitcases originating from Ethiopia. The seizure was the result of collaboration and information exchange with regional partners, although it is important the seizure is now followed up with investigations leading to arrests and prosecutions.

One case of rhino horn trafficking was recorded in 2015 after the Royal Thai Police provided information on the identity of an alleged rhino horn trafficker and the suspected port of entry into Laos from Thailand. However, Laos police did not follow up with any investigation as information had allegedly been received through 'unofficial' channels.

MAIN OBSERVATIONS

- While Laos established a national **multi-agency enforcement mechanism (Lao-WEN)** in 2011 and two provincial multi-agency enforcement units to tackle wildlife crime, Lao-WEN does not appear to have been fully deployed for dismantling criminal networks operating in and through Laos.

LAOS | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

25/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- Laos has been subject to **several CITES compliance processes** for failure to implement the Convention. There appear to be plans to revise the law in 2017, although details on potential revisions are unclear.
- **Anti-money laundering legislation** was enacted in 2015 and the UK Government is providing support for implementation of the new law which includes environmental crime,

including trafficking of 'protected' wildlife species, as a predicate offence.

- According to the UNODC, over the period 2011–14, DoFI investigated 18 wildlife related cases. Although the current Wildlife and Aquatic Law of 2007 provides for imprisonment of up to five years for the import, export or re-export of protected wildlife, in 2016, law enforcement authorities informed a CITES mission that no arrests or prosecutions related to illegal trade in rhino horn, elephant ivory and other wildlife specimens have occurred in the country since 2012. Indeed, it is possible that there has **never been a single conviction for wildlife crime in Laos**.

BELOW: IVORY AND OTHER WILDLIFE PRODUCTS OPENLY FOR SALE IN NORTHERN LAOS © EIA/ENV

CHALLENGE

A recent CITES mission to Laos and assessments conducted by organisations such as UNODC have highlighted various loopholes in the main legislation used to investigate wildlife crime, namely the Wildlife and Aquatic Law of 2007.

For example, the 2007 Law encourages the capture and use of wild founder stock for breeding and authorises trade in parts and products of captive-bred animals (including tigers, elephants and rhinos).

Possession does not appear to be treated as an offence. While the Act does provide protection for some species, in the absence of a comprehensive definition of protected species the scope of the Law remains unclear. It appears that trade in several non-native species such as helmeted hornbill may be allowed under the 2007 Law.



LAOS | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- There is a **serious concern about wildlife farming in Laos** where several farms have been implicated in wildlife trafficking. In a bold and commendable move, Laos recently declared its intention, with the help of experts,

to phase out all tiger farms. It is important that the Government now implements this commitment by adopting measures to stop the expansion of tiger farms in Laos and to review applicable laws and policies that currently encourage commercial breeding of tigers and other wildlife. It is estimated that 700 tigers are held in farms in Laos.

- A well-known wildlife market in Vang Vieng was closed in September 2016 by the Ministry of Agriculture and Forestry in collaboration with NGO Free the Bears; more than 50 bear gall bladders were seized along with numerous bones, teeth and fur from a variety of species. A total of 43 traders were identified and some were charged, although there is no information available on whether investigations are ongoing to secure convictions.
- Although it was reported that certain illegal wildlife products in the **Golden Triangle Special Economic Zone (GTSEZ)** in northern Laos were confiscated and burnt in March

2015, there has been no reported inventory of items confiscated. Some tiger skins were reportedly destroyed but photographs of them were not shared and cross-referenced against India's photographic identification databases for the purpose of investigating origin.

- Stockpiles of seized **Siamese rosewood** (*Dalbergia cochinchinensis*) are not centralised.

CHALLENGE

EIA investigations in the GTSEZ have documented a thriving elephant ivory market and trade in tiger parts and products both from wild tigers trafficked from Myanmar and from captive tigers kept at the GTSEZ, primarily aimed at Chinese buyers. A Chinese company called Kings Romans Group manages the GTSEZ and the Government of Laos has, in essence, given a free pass to the company to operate in the GTSEZ, where a wide range of illegal wildlife products are openly traded. This undermines current initiatives at combatting the illegal wildlife trade in Laos.



PARTY TO CITES (1982) | UNTOC (2005) | UNCAC (2007) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | WILDLIFE ENFORCEMENT NETWORK-SOUTHERN AFRICA (NOT YET OPERATIONAL)

SOURCE • TRANSIT

AT LEAST 3 TONNES
IVORY SEIZED
SINCE 2000

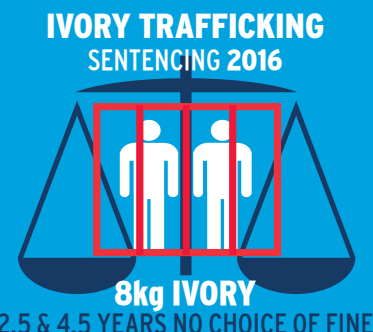
IVORY



SOURCE • TRANSIT

11 RHINO HORNS
SEIZED IN MALAWI
SINCE 2010

RHINO



MALAWI | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

Police Service Dog Detection Unit are being trained in detection of wildlife items, funded by the German development agency GIZ.

- Lack of a national centralised database of criminal information has resulted in most criminal records being available on paper only, which **impedes information-sharing** between agencies. A national database on wildlife crime is in development as of July 2016.

The **Inter-Agency Committee Combatting Wildlife Crime (IACCWC)** is a multi-agency unit established in June 2014 and includes agencies such as police, judiciary, prosecutors, Anti-Corruption Bureau, Financial Intelligence Unit and NGOs to better enable sharing of information. However, the IACCWC is not a full-time agency and lacks adequate resources, which has meant that it has not yet had a significant impact on arrests and convictions.

- **DNPW does not currently have access to Malawi's Financial Intelligence Unit (FIU)** which can only be deployed by those agencies that have an MoU with the FIU, namely the police and Anti-Corruption Bureau. Further, the FIU does not have an investigative mandate and so hands over information gathered to other agencies, which lack capacity and training in this area to enable successful convictions for financial crimes relating to wildlife crime. In addition, proficiency with the Money Laundering Act among prosecutors is limited.

- The WCIU is **working with counterparts regionally**, and particularly with the Zambian Wildlife Authority, but cooperation with other agencies in the region has been very limited: no MoUs have been signed with agencies in



ABOVE: MALAWI IS A SOURCE AND TRANSIT COUNTRY FOR IVORY AND THERE HAVE BEEN RECENT ARRESTS FOR IVORY TRAFFICKING © DARYL & SHARNA BALFOUR

Tanzania or Mozambique, and Malawi has not yet ratified the Lusaka Agreement Task Force.

- Malawi is a member of the Wildlife Enforcement Network of Southern Africa (WEN-SA), but the **network is not yet operational**.
- Malawi has **not submitted any requests for mutual legal assistance** under international agreements such as UNTOC and UNCAC.

BEST PRACTICE

In April 2016, a Wildlife Crimes Investigation Unit (WCIU) was established under the DNPW, funded by the UK Government and containing officers seconded from Malawi Customs and police, together with DNPW officers. The WCIU had made more than 35 arrests by August 2016, mostly relating to ivory trafficking.

MAIN OBSERVATIONS

- The **Government has reduced the budget** for the Department of National Parks and Wildlife (DNPW) for the year 2016–17, a key agency responsible for wildlife management and enforcement. Much of the progress achieved in Malawi to combat wildlife crime since 2014 has been funded by external partners; for example, dogs from the Malawi

MALAWI | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

31/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- The current National Parks and Wildlife Act (NPWA), Malawi's principal wildlife legislation, provides **weak sentences for wildlife crime which do not meet the UNTOC 'serious crime' standard**. However, proposed amendments to the NPWA include harsher sentences for wildlife crimes, up to 30 years imprisonment, and protection of non-native CITES-listed species. A February

2014 review stated that the average fine for ivory trafficking was MWK20,000, equivalent to US\$20. To address the issue of weak sentencing, a prosecution guidelines handbook is in development.

- A **review of illegal wildlife trade in Malawi**, commissioned by the DWNP, was published in May 2015. In response to its recommendations, a task force was created in November 2015 to lead a review of the NPWA and, as of August 2016, the task force had completed an amendment bill, which has been passed to the Ministry of Justice and is expected to be submitted to Parliament in December 2016, a very rapid progression and a true sign of political commitment.
- In August 2016, the Lilongwe Wildlife Trust began a **prosecution and court programme** in partnership with the prosecution services, which includes joint litigation with public prosecutors and independent court monitoring, along with development of charge sheet templates and templates for submissions and impact statements. This will enable court-by-court analysis of sentencing for wildlife crime and corruption offences.
- A recent **increase in custodial sentences has been noted due to increased awareness** among the judiciary, improved investigations and

the aforementioned court programme. Six cases were concluded in September 2016, all of which were given custodial sentences. Approximately 20 custodial sentences handed out between June and September 2016 ranged from 1.5 to 14 years, with an average sentence of 3.5 years.

- Wildlife crime is **not currently part of the standard national training curriculum** for police, customs, prosecutors or the judiciary.

CHALLENGE

Perception of corruption in Malawi indicates that corruption in public institutions is common. A study included in the aforementioned 2015 illegal wildlife trade review found that corruption and geographical placement, along with other factors, make Malawi an 'ideal place' for wildlife criminals and that there have reportedly been instances of corruption 'indicating direct collusion between some government officials and the core organised criminal groups and/or community members.'

Malawi's Anti-Corruption Bureau (ACB) is said to have become more active in gathering wildlife crime information but it has restricted capacity. Potential avenues to address corruption include addressing agencies' internal compliance with the National Anti-Corruption Strategy and improving transparency and collaboration among relevant agencies: an MoU between DNPW and the ACB has been drafted but not yet finalised.

MALAWI | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- DWNP in collaboration with NGOs has run the '**Stop Wildlife Crime**' campaign since March 2014 to increase awareness of wildlife crime. The Campaign has involved a film released in April 2016, featuring President Mutharika and 14 international envoys which

calls on viewers to reject ivory and report suspicious activity, and displaying posters at Lilongwe Airport advertising the number of a confidential wildlife crime hotline.

- **2.6 tonnes of seized ivory was destroyed** in March 2016 and other small-scale ivory destructions have also taken place. However, there is no timeline in place for the destruction of its remaining 4.2-tonne ivory stockpile, and no seized items derived from other species have been destroyed.
- **Domestic trade in elephant ivory is prohibited** since a moratorium was implemented in September 2013. There is, however, a significant legal domestic trade in hippo ivory, which presents enforcement challenges due to its similarity to elephant ivory, particularly in worked form.
- As a signatory to the **Elephant Protection Initiative**, committed to close domestic ivory markets and observe a minimum ten year moratorium on all international ivory trade.



ABOVE: SIGNIFICANT LEGAL HIPPO IVORY TRADE IN MALAWI IS AN ENFORCEMENT CHALLENGE DUE TO SIMILARITIES IN WORKED HIPPO AND ELEPHANT IVORY PRODUCTS
© DARYL BALFOUR



PARTY TO CITES (1981) | UNTOC (2006) | UNCAC (2008) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | WILDLIFE ENFORCEMENT NETWORK-SOUTHERN AFRICA (NOT YET OPERATIONAL)

SOURCE • TRANSIT

1823 kg IVORY
SEIZED SINCE 2010

IVORY



SOURCE • TRANSIT

797.78 kg
RHINO HORN
SEIZED IN OR LINKED
TO MOZAMBIQUE
SINCE 2010

RHINO



HALF OF MOZAMBIQUE
ELEPHANTS
KILLED IN 5 YEARS

10300 ELEPHANT
POPULATION
2015

WILDLIFE CRIME CONVICTIONS

539 'POACHERS'
ARRESTED

17 FINES
NO PRISON
SENTENCES
2012-14

MOZAMBIQUE | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

enforcement officers; and ZAR30m (approx US\$2m) from Dutch and Swedish lottery grants for anti-poaching equipment and training.

■ Applying the ICCWC Wildlife and Forest Crime Analytic Toolkit is a positive step and it is now important to ensure that information on progress made in implementing the recommendations arising from the Toolkit process is made publicly available.

■ Mozambique's Environmental Police Unit has more than 1,500 officers. A major impediment to its effective functioning is that it does not currently have a mandate for investigations, although efforts to enable development of investigative capacity are underway. Government investment in the unit increased in 2014 but it remains under-resourced.

■ Capacity to detect wildlife trafficking at exit points has been increased—scanners are in place at Maputo Airport and Maputo, Beira and Nacala ports, and training of canine units at border points is in progress.

■ An inter-ministerial task force set up in February 2014 reportedly meets regularly to coordinate enforcement activities on wildlife crime.

■ Bilateral cooperation with South Africa has been improving, including mutual visits by prosecutors and judiciary. An MoU was signed in 2014 to support development of joint anti-poaching operations in the cross-border Great Limpopo Transfrontier Park. Eight joint operations conducted between January 2015 and June 2016 led to 15 arrests in the trans-frontier area.

■ Mozambique has signed three MoUs. One with Tanzania in May 2015, addressing information exchange and collaboration between wildlife agencies in the cross-border Selous–Niassa ecosystem and another with China in October 2016, on improving collaboration to combat organised crime, although it is not clear whether this MoU also covers wildlife crime. An MoU with Vietnam on cooperation to combat illegal wildlife trade is in development as of June 2016.

■ Mozambique has failed to report ivory seizures to the CITES Elephant Trade Information System (ETIS).

CHALLENGE

Mozambique has been identified as a country of priority concern in ivory and rhino horn trafficking. The Niassa reserve in northern Mozambique, which adjoins the Selous Reserve in Tanzania, has been hit by rampant elephant poaching. DNA analysis of ivory seized outside Mozambique reveals that at least 11 large ivory seizures during the period 2006-13 originated from northern Mozambique.

In southern Mozambique, along the Kruger-Limpopo Transfrontier Park bordering South Africa, rhino horn trafficking is a serious concern. According to a 2014 report published by C4ADS, 80–90% of rhinos poached in Kruger National Park during the period 2008–13 were attributed to cross-border Mozambican poachers.

Mozambique is also a major transit hub for rhino horn being trafficked to Asia. A substantial increase in seizures of rhino horn since 2015 has been documented, including a major seizure of 65 rhino horns in Matola in May 2015.

MAIN OBSERVATIONS

■ Support from external stakeholders has included anti-poaching equipment worth ZAR2.6m (approx US\$200,000) from the South African Government; UNDP funding to develop a National Law Enforcement and Anti-Poaching Strategy; a US\$40m grant from the World Bank to support the Government-led 'MOZBIO' project, including training for

MOZAMBIQUE | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

31/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- A **prosecutor dedicated** to environmental crime has been appointed within the Attorney General's Office. At least two training sessions have been provided for prosecutors in CITES and wildlife crime.
- Awareness-raising meetings have been held with members of the Judiciary regarding

the new Conservation Law. Nonetheless, a legal review conducted in 2015 by law firm DLA Piper identified **lack of capacity and relevant training in the judiciary** as a major obstacle to effective prosecution and deterrent sentencing for wildlife crime.

- The CITES Secretariat has reported that Mozambique has enacted **CITES-specific legislation**.

CHALLENGE

The new Conservation Law was ratified in April 2014, providing for maximum prison sentences of up to 12 years for poaching of protected species. However, these stronger sentences do not appear to apply for wildlife trafficking cases and the Law fails to define the protected species covered under its remit. The maximum sentence for transport or sale of protected species is a fine equivalent to US\$4,151–82,712.

Corruption is a major impediment in Mozambique. According to a 2014 report by C4ADS, Mozambican poaching syndicates have close links with local enforcement, with evidence linking firearms and equipment used in poaching to police, army and border forces. The NGO Freedom House describes corruption as 'pervasive' in Government and the private sector. A 2016 study by the Centre for Public Integrity

identified Customs and maritime security as among the most corrupt sectors and the judiciary is widely perceived to be corrupt. EIA investigations in 2012 into illegal logging in Mozambique exposed how corrupt Government officials enabled Chinese traders based in Mozambique to traffic of timber to China.

Existing anti-corruption legislation fails to adequately cover activities such as embezzlement and diversion of funds, and corruption cases tend to be dealt with as disciplinary rather than criminal cases.

CASE FILES

Although 539 alleged poachers were arrested during the period 2012–14, this resulted in only 17 fines and no custodial sentences. Three poachers were jailed for 10 years in July 2015 for elephant poaching.

The IUCN Rhino Specialist Groups and TRAFFIC reported to CITES CoP17 that in January 2014, seven high-ranking police officers and officials in Massingir, which abuts Kruger and Limpopo national parks, were arrested for armed robbery and trafficking in rhino horn, but all were subsequently released on bail. Further, a Vietnamese national initially arrested at Maputo Airport going to Kenya with seven rhino horns in May 2012 was then detected one week later at Bangkok's international airport in transit from Kenya to Hanoi with the horns.

MOZAMBIQUE | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- A **domestic ivory market persists in Mozambique** and ivory carvings are sold in markets in Maputo. In the absence of a clear definition of the species protected under the new wildlife law, it is unclear whether all domestic and international trade in ivory and other CITES specimens is prohibited. A 2006

report published by TRAFFIC (before the enactment of the new law) notes that in 2005 the Government had called upon vendors and those in possession of wildlife products, including elephant ivory, to register and license their products and businesses.

- The Government has reported to the CITES Secretariat that it has conducted an **inventory of Government-held ivory and rhino horn** which was completed in April 2016, with DNA samples taken.
- Mozambique **destroyed 2.4 tonnes of ivory and 193kg of rhino horn** from the Government stockpile in July 2015; however, there is insufficient publicly available information to determine whether the entire ivory and rhino horn stockpile has been destroyed.
- In May 2015, 12 rhino horns were stolen from a police strongroom in Matola. The horns were part of a seizure of 65 horns and 1.1 tonnes of ivory made two weeks earlier. Subsequent arrests included four senior police officers. This followed a 2012 theft



ABOVE: SKULLS OF POACHED ELEPHANTS, NORTHERN MOZAMBIQUE, OCTOBER 2012 © EIA MARY RICE

of 1,094kg of ivory from the central Maputo stockpile. A security audit of warehouses used to store ivory and rhino horn was subsequently completed in May 2016 and efforts are now underway to centralise the stockpile and improve security.

- The Government has collaborated with other stakeholders in holding a **workshop to inform Chinese nationals** based in Mozambique of national wildlife laws.



PARTY TO CITES (1975) | UNTOC (2011) | UNCAC (2011)

MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | SOUTH ASIA WILDLIFE ENFORCEMENT NETWORK (SAWEN)

TRANSIT

AT LEAST
15 RHINO HORNS
SEIZED SINCE 2010

RHINO



SOURCE • TRANSIT

AT LEAST
108 TIGER SKINS
SEIZED SINCE 2000

TIGER



TRANSIT

335 kg PANGOLIN
SCALES AND
6 LIVE PANGOLINS
SEIZED SINCE 2010

PANGOLIN



NEPAL | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

■ Nepal's INTERPOL National Central Bureau (NCB) is established within the Nepal Police. The international cooperation afforded under INTERPOL helped Nepal track and extradite a notorious Nepalese rhino poacher and trafficker from Malaysia.

■ The Central Investigation Bureau (CIB) is a specialised investigation entity established within the Nepal Police which includes a unit dealing with wildlife crime.

■ To facilitate national inter-agency co-operation, the Wildlife Crime Control Bureau (WCCB) has been established, headed by the Director General of the Department of National Parks and Wildlife Conservation and represented by enforcement agencies such as the Nepal Police, Nepal Customs and the National Intelligence Department. As of February 2015, the WCCB has 16 units in 18 districts, although not all district-level units are represented by key enforcement agencies.

■ With funding from USAID, Nepal's Centre for Molecular Dynamics has genetically profiled known wild tigers in Nepal. Of the 15 tiger skins seized in 2016, six were proven to have originated in Nepal. However, use of forensics in investigations is limited due to lack of capacity among frontline law enforcement personnel.

■ MoUs with India and China have been adopted which address illegal wildlife trade. While there appears to be good enforcement co-operation between Indian and Nepalese enforcement authorities, resulting in seizures, arrests and prosecution of suspected wildlife criminals, Nepal does not appear to receive the same level of enforcement co-operation from China.

■ According to a 2015 study, the number of different wildlife species seized specifically within the Kathmandu valley has increased from four species (2003) to over 30 different species (2013), with the number of arrests increasing for the same period due to improved inter-agency cooperation (B.R. Dangol, 2015).

■ The Statute of the SAWEN was ratified by Nepal in July 2016. The recent endorsement of the SAWEN Statute by five of the eight member countries is a significant development as it legitimised the network.

CHALLENGE

A number of different agencies are mandated to tackle illegal wildlife trade but lack the necessary equipment, personnel, training and overall capacity to tackle wildlife crime. There are concerns about inadequate interagency collaboration on wildlife crime. For example, Customs officers lack basic equipment and capacity to detect illegal wildlife trade and are trained in the Revenue Administration Centre where wildlife crime is not part of the curriculum. Due to these factors, it would appear that Nepal Customs plays a limited role in ongoing efforts to combat wildlife trafficking, a significant missed opportunity to stop wildlife trafficking through major entry and exit points in the country.

CASE FILES

Between 1 January 2015 to 6 June 2016 more than 60 individuals were arrested for trade in tiger, leopard, rhino parts and products, ivory, pangolin scales, live pangolins and red sandalwood.

Four individuals were sentenced to 14–15 years imprisonment and fined for rhino poaching in Sep 2014.

MAIN OBSERVATIONS

■ Achieved zero poaching of rhinos for two consecutive years (May 2014–May 2016) but one rhino was killed in late 2016 in southern Nepal. During the same period, poaching and trafficking incidents of other wildlife species and their products have been recorded, including tiger skins and bones, rhino horn, leopard skins, pangolin scales and red panda skins.

NEPAL | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

27/100 TI Corruption Perceptions Index 2015

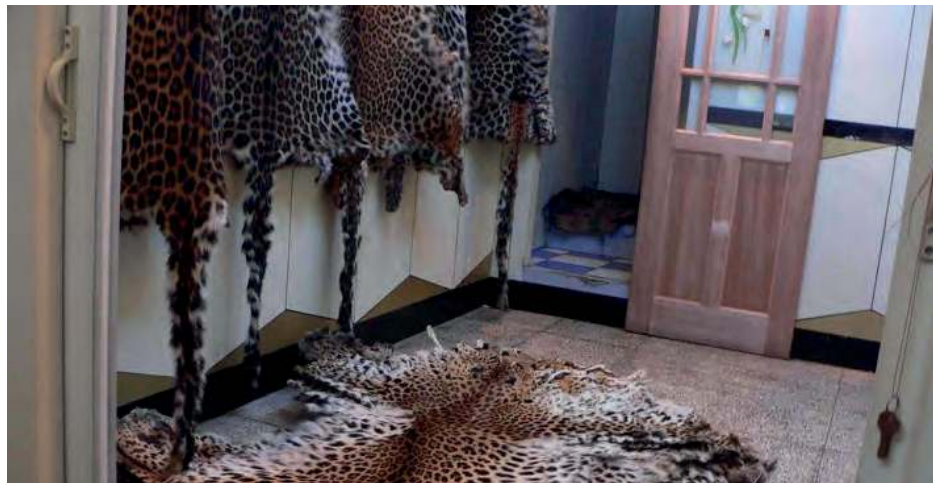
- The Government has proposed **new national legislation** for the implementation of CITES.
- Several **legislative amendments** have been proposed which have an impact on enforcement efforts related to wildlife crime. Under the existing law, the concerned Chief Warden and the Chief of District Forest Office have the mandate to adjudicate wildlife crime cases. However, proposed amendments seek to shift this mandate to judicial courts. If these amendments are adopted it is crucial to ensure that prosecutors and judiciary are sensitised to wildlife crime because they may currently lack a comprehensive awareness of the impact of such crimes. The amendments do not seek to up-list and provide increased protection for species such as leopards, one of the most frequently seized wildlife species in Nepal.

- Despite Nepal's opposition to tiger farming expressed at the CITES Conference of the Parties in 2016, the Government has **proposed legal amendments to authorise commercial breeding and farming** of certain wildlife species, representing a major policy change. There are serious concerns as to whether this might open the door for farming of tigers and other species severely threatened by trade and create a major loophole for laundering wild specimens. Although Nepal has prohibited the use of wildlife as diplomatic gifts since 2008, the proposed amendments seek to change this policy by specifically allowing export of wildlife as diplomatic gifts—raising concerns about the end-destination of such exports.

BELOW: LEOPARD SKINS SOURCED FROM NEPAL OR INDIA ARE TRAFFICKED THROUGH TO CHINA FOR USE IN LUXURY HOME DECOR © EIA

MAIN OBSERVATIONS

- **Priority species** offered the greatest protection in Nepal include tiger, elephant, clouded leopard, gaur and rhino. Penalties for illegal trade in these species include imprisonment between 5-15 years and/or a fine equivalent to US\$500–1,000.
- A majority of penalties imposed in wildlife crime case appear to be **limited to fines without imprisonment**. For example, the conviction rate in wildlife crime cases in the Kathmandu Valley is relatively high (46.6%), although the penalties imposed in a majority of such cases were fines (B.R. Dangol, 2015).



NEPAL | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- Sample collection and **bar-coding** of seized wildlife parts in Chitwan district has taken place.
- Nepal is a country of **limited demand** for wildlife parts and products, acting mainly as a source or transit country for a number of species. Wildlife specimens seized in Nepal (sourced either from Nepal or neighbouring countries such as India) are typically destined for use in China or South-East Asia and China.

CHALLENGE

Seized wildlife products are not securely stored in a centralised location, with reports indicating that Asian big cat parts and red sandalwood are stored in various locations across the country. While decentralised stocks may be maintained for local enforcement purposes, dispersed stockpiles raise concerns about potential leakage into illegal trade.

For example, it has been alleged that seized pangolin scales were reported missing in 2011 from Sindhupalchowk. The Government has expressed interest in developing a process to centralise all stockpiles of seized wildlife and to subsequently destroy them; it has formed a team to conduct an inventory of seized wildlife and has recommended destroying these items.



PARTY TO CITES (1975) | UNTOC (2004) | UNCAC (2004) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | WILDLIFE ENFORCEMENT NETWORK – SOUTHERN AFRICA (NOT YET OPERATIONAL)

SOURCE • TRANSIT

1208 kg
IVORY SEIZED
SINCE 2010

IVORY



SOURCE

1109 kg
RHINO HORN
SEIZED IN OR LINKED
TO SOUTH AFRICA
SINCE 2010

RHINO



SOURCE

7.76 kg TIGER
BONES & SKIN
SEIZED IN CHINA &
LINKED TO SOUTH
AFRICA IN 2015

TIGER



GROWING TRADE IN TIGERS & TIGER FARMS



13 RHINOS
POACHED
2007

1175 RHINOS POACHED
2015

9000% INCREASE
SINCE 2007

SOUTH AFRICA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

■ **Investment since 2014** has included training of at least 1,047 border officials in wildlife trade issues and the deployment of canine units. In addition, wildlife enforcement in South Africa receives considerable support from NGOs, particularly through the provision of anti-poaching equipment.

■ The multi-agency **National Wildlife Crime Reaction Unit (NWCURU)** was established within the DEA in 2010 to facilitate information-sharing and coordinate enforcement responses between provinces. However, it has been reported that the functioning of this unit has been hindered due to lack of resources and co-operation from provincial authorities and police.

■ The **Environmental Management Inspectorate** under the DEA plays a key role in wildlife enforcement and can conduct seizures, inspections and arrests, but does not have a prosecutorial mandate.

■ **Arrests relating to rhino poaching** have increased, with 317 made nationwide in 2015 compared to 258 in 2014.

■ South Africa has signed **MoUs** with China, Vietnam, Cambodia, Mozambique and Laos focusing on cooperation around wildlife management and enforcement and capacity-building. Similar agreements are proposed with Thailand, Kenya, Botswana and Tanzania.

■ The South African Police Service's Directorate of Priority Crime Investigations (informally known as the 'Hawks') has an **Endangered Species Section** dedicated to gathering intelligence relating to poaching or trade in protected species.

In 2015, the Police Service and the National Prosecuting Authority received Certificates of Commendation from the CITES Secretary-General in recognition of joint enforcement operations targeting rhino horn trafficking.

BEST PRACTICE

Specialist investigative techniques are used in wildlife crime cases. In September 2014, fingerprint evidence gathered at the scene of a major ivory seizure was used in the conviction of Chinese national Cheng Jielang for possession of ivory and abalone. Cheng was sentenced to 10 years imprisonment and a fine equivalent to US\$426,000. Further, wildlife DNA is routinely collected at crime scenes and analysed at the University of Pretoria Veterinary Genetics Laboratory, and has been used in successful prosecutions. The laboratory also houses a database of rhino DNA profiles from across southern Africa, including from stockpiles of seized horns.

South Africa's Financial Intelligence Centre has been involved in investigations into wildlife crime, including the tracing of funds to a key rhino horn trader and subsequent seizure of ZAR190,000 (approx US\$14,120).

CASE FILES

The National Prosecuting Authority has specialised prosecutors dedicated to prosecuting rhino crimes. In 2010, Dawie Groenewald and other members of his syndicate, which included professional hunters and vets, were arrested for illegal hunting, rhino horn racketeering, money-laundering and fraud. Groenewald is alleged to have illegally sold at least 384 rhino horns over a four-year period. In 2012, the Asset Forfeiture Unit seized assets worth ZAR55m (about US\$6.8m at the time) in this case, but the forfeiture was subsequently overturned by a court. The case remains pending in 2016.

MAIN OBSERVATIONS

- At ZAR5.9bn (approx US\$438.5m), the budget for the Department of Environmental Affairs (DEA) represents **less than 1% of total Government expenditure** in the financial year 2015–16. Provincial and federal wildlife enforcement agencies are under-funded, with provinces such as Limpopo and Mpumalanga particularly lacking in resources.

SOUTH AFRICA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

44/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- An increase in the number of convictions and stronger sentences has been noted in recent years, including through the use of ancillary legislation.

- **Training and awareness-raising programmes** aimed at prosecutors and judiciary have included training conducted by the DEA for almost 400 magistrates and prosecutors in 2015. Training and assistance has been provided by the NGO Endangered Wildlife Trust to prosecutors and investigating officers. A 2015 training course in environmental legislation for prosecutors was provided by the DEA and Justice College. In addition, a conference focused on the prosecution of rhino-related crimes for regional and district magistrates was run by the DEA and Judicial Education Institute together with UNEP in May 2015.
- Following on from cases in which organised criminal syndicates hired Vietnamese and Czech nationals with no hunting experience to legally hunt rhino to procure rhino horn – known as '**pseudo-hunting**' – South Africa stopped issuing hunting permits to nationals of these countries.
- **Corruption** is an obstacle in effective enforcement relating to wildlife crime. For instance,

11 policemen were arrested in relation to rhino horn trade in 2015. While various anti-corruption bodies exist, according to a report published by the Global Initiative in 2016, there is no effective anti-corruption strategy within the police and the DEA is also lacking a specific anti-corruption programme. The report also states that corruption is a serious problem in Kruger National Park, where two rangers were arrested in relation to rhino poaching in June 2016, and in certain provincial conservation offices.

CHALLENGE

The National Environmental Management: Biodiversity Act 2004 (NEMBA) provides the broad framework for wildlife protection in South Africa, but each of the nine provinces in the country has the autonomy to implement the national law with their own legislation. According to a 2016 study, substantial differences exist between provincial wildlife laws thereby creating numerous loopholes which undermine effective law enforcement (Jayanathan S., 2016). Significant discrepancies also exist in prosecutorial capacity of different provinces.

SOUTH AFRICA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- In November 2015, in a law suit filed by two game breeders, a High Court ruling invalidated South Africa's **domestic moratorium on trade in rhino horn**. A series of appeals by the DEA means that the ban is temporarily valid and reinstated, pending a DEA appeal filed in the Constitutional Court challenging the High Court decision.
- Under NEMBA, the **import, export, possession, and breeding** or trade of any species listed as a threatened or endangered species, or the products thereof, is allowed as long as a permit is issued for this purpose. This list includes rhinos, elephants, pangolins, lions and leopards.
- South Africa was widely expected to submit a proposal to CITES CoP17 to allow for international trade in rhino horn; however, in April 2016 it was announced that the Government would accept the findings of its **Committee of Enquiry**, which recommended such a proposal should not be submitted.
- 39 rhino horns and 75 pieces of **horn were stolen** from a safe in the Mpumalanga Tourism and Parks Board office in 2014.
- In 2015, South Africa hosted the Vietnamese Youth Wilderness Trails Programme, a **demand-reduction campaign** aimed at Vietnamese schoolchildren. Further, an NGO-led workshop held in April 2016 with Government support was attended by 70 Chinese nationals working in South Africa; raising awareness of wildlife law and CITES.

CHALLENGE

According to a July 2015 report by TRAFFIC and WildCru, a minimum of 280 captive tigers are held in 44 facilities in South Africa. At least one of these facilities is owned by a Vietnamese national with more than 50 tigers in the north-west province.

Between 2006–15, 212 live tigers, 25 tiger 'trophies' and 20 tiger skins were exported from South Africa with CITES permits. The same report states that 'fragmented' South African legislation offers 'very little protection' to non-native species such as tigers and that domestic trade 'is not regulated or monitored'.

The report has documented a growing trade in tigers and their parts and products from South Africa and has highlighted a concern that tiger bones from South Africa may be laundered as lion bones using CITES Appendix II permits. Moreover, in April 2015 two Chinese nationals were detained on arrival in Kunming, China, from Johannesburg with tiger bones and a tiger skin in their luggage.



TANZANIA

PARTY TO CITES (1980) | UNTOC (2006) | UNCAC (2005)

MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | LUSAKA AGREEMENT TASK FORCE

SOURCE

OVER 12 TONNES
IVORY SEIZED
SINCE 2010

IVORY



SOURCE • TRANSIT

53.3 kg RHINO
HORN SEIZED IN OR
LINKED TO TANZANIA
SINCE 2010

RHINO



38 975 ELEPHANTS
IN SELOUS 2009

66% FALL IN
SELOUS ELEPHANT
POPULATION IN
JUST OVER 4 YEARS

13 084 ELEPHANTS
IN SELOUS
2013

IVORY CONVICTION NEW ENFORCEMENT UNIT



803 SUSPECTS • 233 CONVICTIONS
REPORTED IN 2015

TANZANIA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s)
dedicated to investigating wildlife crime

Multi-agency enforcement mechanism
established to investigate wildlife crime

Financial intelligence unit includes wildlife crime
on their portfolios

Assets and proceeds of crime seized in relation
to wildlife crime cases since 2014

DNA analysis used in wildlife crime
investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that
specifically tackle transnational wildlife crime²

Participated in INTERPOL operations
on wildlife crime since 2014

Participated in regional/international enforcement
operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC
Wildlife and Forest Crime Analytic Toolkit

wildlife rangers. In addition, several capacity-
building initiatives have been implemented with
the support of NGOs and foreign governments.

■ **Canine units** have been deployed at key border
crossings since January 2016 and, as of June
2016, have led to 26 wildlife seizures, including
ivory and pangolin scales.

■ Tanzania has **not conducted DNA analysis**
on any of the four large-scale ivory seizures
(≥500kg) made since 2010, as per CITES
recommendations. However, DNA analysis
conducted on 28 large-scale ivory seizures
outside Tanzania (between 1996–2014)
indicates Tanzania was one of the main sources.

■ There appear to be duplication of efforts
between the **two multi-agency units**
responsible for combatting wildlife trafficking,
namely the National and Transnational
Serious Crimes Investigation Unit (NTSCIU),
and the Multi-Agency Task Team (MATT)
established in 2015. The NTSCIU has made
803 arrests in relation to ivory in 2015, of
which 233 led to convictions.

■ An **Inter-Ministerial Task Force** exists
to coordinate wildlife-related enforcement
and includes agencies such as the Tanzania
Revenue Authority and Intelligence and
Security Services.

■ **Efforts to improve international
collaboration** have included the adoption
of an MoU with China, but despite this
agreement there does not appear to be strong
enforcement cooperation between the two
countries. A bilateral agreement was adopted
with Mozambique to coordinate management

and anti-poaching activities across the
Selous-Niassa ecosystem. Tanzania also
hosted a regional summit on wildlife crime
in November 2014, which resulted in the
adoption of the 'Arusha Declaration', signed by
eight African states, committing to improving
regional collaboration. While Tanzania has
participated in INTERPOL operations since
2014, there is insufficient evidence available
as to whether other proactive regional and
international enforcement operations have
taken place outside the INTERPOL framework.

■ Applying the ICCWC **Wildlife and Forest
Crime Analytic Toolkit** is a positive step and
it is now important to ensure that information
on progress made in implementing the
recommendations arising from the Toolkit
process is made publicly available.

CASE FILES

Tanzania issued INTERPOL Red Notices for two Chinese
nationals for ivory trafficking following which, in 2016,
two other Chinese nationals were sentenced to 35 years
imprisonment for ivory trafficking and attempted bribery.

High-profile arrests in 2015 including the so-called
'Queen of Ivory' Yang Fenglan, a Chinese national based
in Dar es Salaam, and 'Shetani', named in media reports
as a key organiser of large-scale elephant poaching.

In 2016, a number of convictions of both Tanzanian
and Chinese nationals related to ivory have resulted in
fines of between US\$4,400–274,000 or 20-year prison
sentences; other punitive measures exceed this. This is
encouraging progress and it is hoped that several older
ivory trafficking cases which remain pending in the
courts will be concluded in the near future.

MAIN OBSERVATIONS

- The **Tanzanian Wildlife Authority (TAWA)**
was conceptualised in 2014 for wildlife
conservation in areas outside national parks
and was reported to have become fully
operational in July 2016.
- **Government investment** since 2014 has
included the hiring and training additional

TANZANIA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

30/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- In conjunction with NGOs, a programme was launched in May 2016 by the Tanzania Judiciary Training Department and the Tanzania Wildlife Division to improve awareness of wildlife crime among the judiciary. A study conducted by TRAFFIC revealed that the vast majority of the judiciary have received **no training on wildlife crime**. Furthermore, chronic delays in the court system mean that even the best investigations and prosecutions stand a significant chance of derailing due to the persistent culture of adjournments; a case of ivory smuggling through Zanzibar is in its third year and has yet to start hearing evidence.

- Amendments to Tanzania's Wildlife Conservation Act 2009 are awaiting submission to parliament. The process has been delayed since 2013. According to a recent study, there appears to be **confusion among prosecutors and judges** themselves regarding the applicable legislative framework (Jayanathan, S. 2016). The situation is likely exacerbated by the lack of clarity on the status of existing laws and the undue delay in adopting amendments. Access to laws has been cited as a problem within the judiciary and the prosecution, with no central database of enacted laws available.
- While charges have been brought for corruption in at least one case related to ivory trafficking, it is **unclear whether relevant ancillary legislation such as anti-money laundering laws are being applied** in wildlife trafficking cases.



CHALLENGE

Although Tanzania's Wildlife Conservation Act 2009 provides for a minimum of five years imprisonment or a fine for illegal wildlife trade, the equivalent legislation in the autonomous region of Zanzibar stipulates a maximum penalty of six months imprisonment or a fine of US\$185 equivalent.

Zanzibar law only applies to native species, therefore excluding the majority of CITES-listed species, including elephants and rhinos. Efforts are reportedly underway to address this major legislative loophole. There is a need to improve enforcement co-operation between mainland Tanzania and Zanzibar.

Chronic corruption in Tanzania is a vital enabling factor for the trafficking of large consignments of ivory, particularly in Customs at key ports. EIA's 2014 report *Vanishing Point* revealed that Chinese-led criminal gangs were conspiring with corrupt Tanzanian officials to traffic huge amounts of ivory, leading to an elephant poaching crisis in Tanzania.

Many high-level officials within the ruling CCM party have also been named in the Tanzanian media and Parliament in connection with ivory trading. It does not appear that the key corrupt officials implicated in ivory trafficking which led to Tanzania's elephant poaching crisis have been held accountable or prosecuted.

LEFT: TUSKS FROM YOUNG POACHED ELEPHANTS OF SELOUS BEING OFFERED FOR SALE © EIA 2010

TANZANIA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- Tanzania is a co-founder and signatory to the Elephant Protection Initiative (EPI), which includes commitments to put ivory stockpiles beyond economic use, close domestic ivory markets and commit to a minimum of a 10-year moratorium on all international ivory trade. Yet **despite these commitments under the EPI, Tanzania actively supports proposals from other countries to enable international legal trade** under the CITES framework.
- Tanzania has reportedly conducted an **inventory of its ivory stockpile** with assistance from the NGO Stop Ivory; however the inventory results have not been made publicly available and it is unclear whether the inventory included all Government-held ivory.
- NGOs African Wildlife Foundation and WildAid, in conjunction with the Ministry of Natural Resources, launched the **'Poaching Steals from Us All' campaign** in 2015, aimed at increasing awareness of illegal wildlife trade.

CHALLENGE

Based on information provided by the Government in December 2012, Tanzania has stockpiled approximately 137 tonnes of ivory. Despite its commitment under the EPI to 'put all stockpiles beyond economic use' and investigations by Tanzania's Auditor General which documented mismanagement of the ivory stockpile and missing tusks from the stockpile, the Government has failed to destroy any stock.

THAILAND

PARTY TO CITES (1983) | UNTOC (2013) | UNCAC (2013) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | ASEAN WILDLIFE ENFORCEMENT NETWORK (ASEAN-WEN)

TRANSIT • DEMAND

18 TONNES
IVORY SEIZED
SINCE 2010

IVORY



TRANSIT

147.86 kg RHINO
HORN SEIZED IN OR
LINKED TO THAILAND
SINCE 2010

RHINO



SOURCE

215 TIGERS SEIZED
OF WHICH **206**
SUSPECTED
CAPTIVE SOURCE
SINCE 2000

TIGER



TRANSIT

MORE THAN 2600
PANGOLINS
SEIZED SINCE 2010

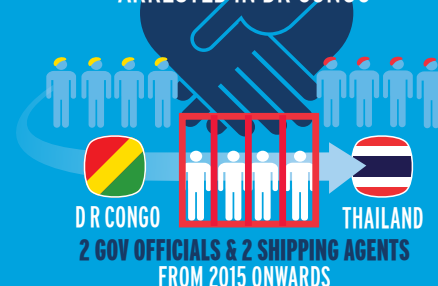
PANGOLIN



TIGER TRAFFICKING THAI CONVICTIONS



COLLABORATION DR CONGO & THAILAND ARRESTED IN DR CONGO



THAILAND | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

■ **MoUs on illegal wildlife trade** have been adopted with Laos, Malaysia and Cambodia.

■ Established **22 new ivory trade patrol teams** and **11 joint task force teams** at key border areas, airports and seaports to aid detection and prevention of illegal wildlife and ivory trade.

■ Scientific specialists, police, Customs and wildlife enforcement officers have participated in training courses since 2012 as part of the **ARREST** programme, a USAID initiative, in collaboration with ASEAN-WEN. This included a project with TRACE (Tools and Resources for Applied Conservation and Enforcement) on using **DNA analysis to assess origins** of seized elephant ivory.

■ In 2015, DNA forensic scientists from Thailand and other South-East Asian countries met to standardise testing methods in wildlife forensics and established a **regional DNA database** of protected species in Southeast Asia.

■ In October 2015, following a proposal submitted by the Royal Thai Police (RTP), **ASEAN Security Ministers signed a declaration** reinforcing commitment to combat cross-border crime, including wildlife and forest crime.

■ **Fingerprint dusting** is regularly used on wildlife seizures with recovered fingerprints uploaded to the Customs and national digital fingerprint database which can be shared with INTERPOL.

■ Thai Customs has deployed 27 large scale **x-ray units**, including 12 mobile units.

■ The Department of Special Investigations (DSI), under the Ministry of Justice, has

included wildlife and forest crime as part of its mandate. This department has wide-ranging investigative powers which includes access to bank accounts and phone records.

■ Despite having legislation enabling use of controlled deliveries, this **specialised investigation technique** has not been deployed in wildlife trafficking cases.

■ Ministry of Natural Resources and Environment signed an **MoU with the Anti-corruption Committee and DSI** in Jan 2016.

CASE FILES

Anti-money laundering legislation has been used in six cases concerning rosewood with authorities conducting raids at 20 locations across five provinces in the north-east of Thailand. These investigations into a Thai-Laotian rosewood syndicate revealed that the financial investment for the smuggling operation came from Laos and was brought into Thailand in US dollars, changed into Thai baht, deposited in a temporary account in a Thai bank and used to purchase rosewood. This syndicate also had links with a tour company and vehicle garages.

The Anti-Money Laundering Office (AMLO) was awarded the Asia Environmental Enforcement Award (a joint initiative by UNEP and FREELAND) in 2015 for recovery of the proceeds of crime from a wildlife trafficking syndicate. In mid-2014, it was reported that in a civil case brought by the AMLO, assets worth over US\$36 million belonging to a wildlife trafficking syndicate were frozen; Daoreung Chaimas, alleged to be one of South-East Asia's biggest tiger traders, was a member of this syndicate. The efforts of the AMLO in this case were heralded as a breakthrough at the time of the seizure; however, in 2016 it was reported that the asset recovery court order was revoked.

MAIN OBSERVATIONS

- There is no fulltime operational multi-agency enforcement unit, but the **Thai-Wildlife Enforcement Network** comprises 22 agencies, including prosecutors and judiciary.
- 38 wildlife checkpoints have been established to implement CITES and the Wild Animal Preservation and Protection Act (WAPPA).

THAILAND | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation eg, anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

38/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- New legislation has been proposed which will require **captive tiger** facilities to microchip all captive tigers and obtain tiger stripe pattern documentation and DNA samples.
- **Awareness-raising workshops** led by Thai judges have been conducted for judiciary and prosecutors on the severity of environmental crime.
- **A positive amendment to the Customs law** eliminated a major loophole which required a representative of the destination country to be present upon inspection of suspicious cargo in transit. According to Thai Customs, this change in the law resulted in an increase in the detection of wildlife trafficking. The amendment also increased penalties to up to 10 years imprisonment and a fine equivalent to four times the value of

the seized goods under the Customs law; the Wild Animal Preservation and Protection Act, Thailand's primary wildlife trade legislation, prescribes penalties of up to four years for the same offence.

CHALLENGE

Under WAPPA, African elephants are the only non-native species that are protected. This loophole has compelled enforcement agencies to apply, where possible, other non-wildlife legislation to protect many non-native CITES-listed species. For example, Thai wildlife law does not cover rhinos as a non-native species, so the Customs law has been used to seize illegal rhino horn. Thus a vast number of non-native species, including CITES-listed species, continue to be excluded from WAPPA, exacerbating trade in them.

THAILAND | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- Since 2010, Thailand has seized over 18 tonnes of ivory. Only 2.7 tonnes of seized ivory was **destroyed** in 2015 and it is not clear whether a proper inventory and DNA analysis was done prior to the destruction.
- The Government has launched **campaigns to raise awareness** about illegal trade in ivory and other wildlife at international airports, key tourist attractions and trade hotspots such as Chatuchak Market, in Bangkok. Campaign materials were originally distributed in English and Thai and in 2016 were translated into Mandarin to target Chinese tourists.
- There are currently **1,450 tigers in captivity in Thailand**, many in facilities that are self-declared 'zoos' but which have nothing to do with conservation. In June 2016, Thailand seized 137 live tigers, thousands of tiger skin amulets, 70 preserved cubs and other tiger parts from the 'Tiger Temple' in Kanchanaburi Province, and announced it will investigate other captive tiger facilities implicated in tiger trade. The Tiger Temple seizure was a bold enforcement effort towards closing down a facility that has been repeatedly implicated in tiger trafficking. It has been reported that charges have been filed in this case and that investigations continue to explore links between the Temple and facilities in Laos implicated in the tiger trade. It is important to ensure the seizure is followed-up to ensure prosecution of those implicated in illegal wildlife trade and that relevant laws are amended to improve regulations of facilities keeping tigers.
- In 2015, **Thai Airways** supported by the Government launched a campaign against the illegal transportation of ivory.



ABOVE: INVESTIGATIONS OF THAI TIGER TEMPLE SHOULD DISRUPT CRIMINAL NETWORKS © BANKS/EIA

CHALLENGE

For more than a decade, serious concerns have been raised about the regulation of ivory and captive elephant trade in Thailand. Thailand's domestic legal ivory market has been repeatedly exposed as a means for laundering illegal ivory. In 2015, the Elephant Ivory Act was adopted to improve regulation of the domestic ivory trade, following which about 220 tonnes of African and Asian elephant ivory collected from 44,000 individuals was registered for legal trade. Another open source of legal trade in ivory in Thailand is ivory obtained from registered domesticated elephants.

Registration of live captive elephants is not required until the elephant reaches eight years of age, which effectively avoids registration of the most vulnerable elephants exploited by the entertainment industry. This loophole enables laundering of wild-caught juveniles and infants. Thailand is seeking to reduce this loophole through legislative amendments requiring all live elephants to be registered by the age of three months instead of eight years; this amendment has yet to be proposed to the Thai Cabinet.



UGANDA

PARTY TO CITES (1991) | UNTOC (2005) | UNCAC (2004) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | LUSAKA AGREEMENT TASK FORCE | HORN OF AFRICA WILDLIFE ENFORCEMENT NETWORK

SOURCE • TRANSIT

3.67 TONNES
IVORY SEIZED
SINCE 2010

IVORY



TRANSIT

15 RHINO HORNS
SEIZED SINCE 2010

RHINO



TRANSIT

OVER 2 TONNES
PANGOLIN
SCALES SEIZED
SINCE 2010

PANGOLIN



GOV STOCKPILE THEFT

1200 kg IVORY
MISSING
2014

4800 ELEPHANTS
IN 2016
800 ELEPHANTS
1970s-80s

HUNTING TROPHIES LEGAL EXPORT CHANNEL

LEGALLY EXPORTED

7 TONNES
PANGOLIN
SCALES

UGANDA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

wildlife crime database at Uganda Wildlife Authority (UWA), which is not yet operational; various training workshops for UWA, URA and police, including training in controlled deliveries and recovery of proceeds of wildlife crime conducted by UNODC. Lack of capacity in some areas continues to be a challenge.

■ UWA has established an **intelligence unit** with 80 staff members deployed specifically to curb illegal wildlife trade and given training in areas such as advanced intelligence, use of online tools for tackling wildlife crime and crime scene management.

■ An **inter-agency task force** comprising Uganda Police, URA, UWA, INTERPOL, Civil Aviation Authority and the Chieftaincy of Military Intelligence was established in 2013. While the task force has been involved in coordinated joint operations, it does not appear to include prosecutors or the judiciary in its membership, a major gap in ongoing efforts to increase prosecutions and secure better court outcomes in wildlife crime cases.

■ UWA staff are part of a **Joint Security Team** at Entebbe International Airport, which has reportedly led to an increase in seizures of wildlife items.

■ URA has established a **specialised unit focusing on wildlife enforcement** and is undertaking steps to include a course on CITES and wildlife enforcement in the Customs training curriculum.

■ Uganda is participating in **regional wildlife trade enforcement initiatives**, in particular

collaborating with Kenyan agencies through INTERPOL and the Lusaka Agreement Task Force, and has shared information relating to ivory trafficking with Malaysia, Singapore and Sri Lanka.

■ An MoU was adopted in 2015 between UWA, URA, Uganda Police Force and the UNODC through which Uganda formally joined the **UNODC-WCO Container Control Programme**. The Programme seeks to establish structures to minimise the risk of maritime containers being exploited for trafficking of various illicit goods, such as wildlife products.

BEST PRACTICE

DNA samples from all ivory seizures of more than 500kg have been sent to the University of Washington for analysis. DNA samples from rhino horn seizures have also been taken for analysis.



ABOVE: MOBILE SCANNER IN OPERATION, UGANDA © EIA

MAIN OBSERVATIONS

■ Recent **investments to strengthen capacity** have included six sniffer dogs donated by NGOs to be deployed at key border points, including Entebbe International Airport, where they have led to several ivory seizures; a mobile scanner unit deployed by the Uganda Revenue Authority (URA) to intercept ivory; establishment of a

UGANDA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

25/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- Uganda has recently **reviewed its Wildlife Act**; an amendment bill for tabling in Parliament was approved by Cabinet in early 2016. In May 2016, President Museveni indicated that the bill is a priority and would be passed in 2016. The amended Act will provide for more deterrent sentences, including sentences of up to 20 years, for poaching and wildlife trafficking and will

clarify the responsibilities of various agencies involved in addressing wildlife crime. A significant achievement of the Bill is that it is expected to close a major loophole in the previous legislation by including possession of ivory and rhino horn as an offence.

- Orders and **regulations to enable CITES provisions** to be incorporated into domestic legislation have also been developed, including the Uganda Wildlife (Powers of Search, Arrest, Possession and Use of Firearms) Regulations, 2015 and are expected to be passed following enactment of the amended Wildlife Act.
- **Judicial sensitisation** to wildlife crime has been identified as an urgent necessity to secure the best outcomes from prosecutions for wildlife crime.
- Uganda has **no centralised database** of court records and outcomes.
- The Government signed a **10-year MoU with the NGO Natural Resource Conservation Network (NRCN)** to delegate authority to prosecute wildlife trade cases. This has greatly increased prosecution rates for wildlife crime.
- Uganda has recently finalised the establishment of a **specialised fast-track court** which will hear wildlife crime cases.

- **Corruption is a major impediment** to the effective enforcement of wildlife law in Uganda and members of the police and judiciary in particular are perceived as corrupt. In May 2016, an officer of the Special Forces Command was arrested for ivory trafficking, after which the NRCN alleged that security forces in Uganda were preventing exposure of officers engaged in illegal wildlife trade.

CHALLENGE

The urgent need to harmonise laws and increase judicial awareness of wildlife crime was highlighted by an ivory trafficking case. Following a seizure of elephant ivory in Uganda, the owner of the illegal cargo and target of an arrest warrant exploited legal loopholes to absurd effect, claiming he was shipping ivory from the Democratic Republic of Congo (DRC) and only transiting Uganda, and was therefore not in breach of Customs law.

He was able to successfully petition the High Court to order the release of the ivory for onward export, in contravention of CITES. The return of the ivory has been suspended pending an appeal of the High Court's judgment and parallel legal proceedings in the trial court.

UGANDA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- In November 2014, a **loss of 1,200kg of ivory from Government stockpiles** was reported, detected during a routine inspection. A secure ivory strong room has since been built at UWA, equipped with CCTV.

- Following the ivory stockpile theft, UWA in collaboration with the NGO Stop Ivory has completed a full **inventory of its ivory stockpile** and has developed an electronic inventory database. The Government has since applied for funding to inventory ivory stockpiles held by police and the URA.
- As a signatory to the **Elephant Protection Initiative (EPI)**, Uganda has committed to closing its domestic ivory markets and observing a minimum of a 10-year moratorium on all international ivory trade.
- In collaboration with NGOs, posters and leaflets aimed at **raising awareness** of wildlife trade have been developed and displayed at Entebbe International Airport and other locations. In collaboration with WWF, the UWA developed a series of radio advertisements aimed at raising awareness on illegal wildlife trade.

- UWA has dedicated **Community Conservation Rangers** who run projects in communities surrounding protected areas aimed at building support for conservation.

CHALLENGE

In June 2015, the High Court in Uganda dismissed a suit filed by the NGO Greenwatch Uganda, which had challenged the export permit issued by the UWA allowing the export of 7.3 tonnes of pangolin scales.

Uganda has also reported to the CITES Secretariat on a pilot project to commercially breed pangolins for trade. This raises concerns about the impact of such a project because pangolins do not breed well in captivity and captive breeding facilities for pangolins may be used as a front for laundering wild specimens.

Further, Uganda has also been implicated in pangolin trafficking; for example, in January 2015, it was reported that two tonnes of pangolin scales were seized in Entebbe International Airport.



UNITED KINGDOM

PARTY TO CITES (1976) | UNTOC (2006) | UNCAC (2006) MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | EUROPEAN COMMISSION ENFORCEMENT WORKING GROUP

TRANSIT

AT LEAST 455 kg
IVORY SEIZED
SINCE 2010

IVORY



TRANSIT

AT LEAST 22
RHINO HORNS
SEIZED SINCE 2010

RHINO



TRANSIT

2 TIGER SKINS,
HEAD, PAWS,
TEETH SEIZED
SINCE 2000

TIGER



POOR SENTENCING FAILURE TO REFLECT SEVERITY OF CRIME



FORENSIC ANALYSIS CARBON 14 DATING



UNITED KINGDOM | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

■ The UK is a leader in **intelligence-led policing** and the National Intelligence Model for policing is applied to combat wildlife crime in the UK. The NWCU prepares strategic and tactical assessments, while the UK Tasking and Coordinating Group—a high level group of senior Government and law enforcement agency officials—sets the strategic priorities. A number of agencies cooperate on implementation of these priorities.

■ The UK's **National Crime Agency's** National Strategic Assessment includes wildlife crime.

■ **London's Metropolitan Police has a dedicated Wildlife Crime Unit (WCU)**, with two officers trained in forensics and other techniques. The WCU shares information with other agencies including UK Border Force, INTERPOL and the NWCU.

■ All police forces in the UK have a **Wildlife Crime Officer** but this is rarely a full-time position and WCOs are required to fit wildlife crime work around other duties.

■ Border Force officials address illegal trade in CITES-listed species, whether detected as part of a targeted operation or in the course of targeting other contraband trafficking. A specialist **CITES Enforcement Team at Heathrow Airport** provides support to enforcement agencies across the country in CITES enforcement matters and detection of wildlife items.

■ The **Partnership for Action against Wildlife Crime (PAW-UK)** comprises representatives from enforcement agencies, Government bodies and NGOs, and provides a platform for collaboration.

■ The **Inter-Ministerial Group on International Animal Welfare** nominally oversees policy relating to the wildlife trade. As of January 2016 the Group had not reconvened and membership had not been finalised.

■ The **EU-TWIX database tool** enables real-time exchange of information on wildlife crime among 34 European countries, including EU member states. The UK contributes data to EU-TWIX and participates in Europol and Eurojust.

■ The UK has a **DNA database of all rhino horn** in the country and was used in a 2010 conviction that traced seized horn to an animal which died of natural causes in Colchester Zoo.

■ Metropolitan Police and researchers at London's King's College and UCL have developed a technique to **recover fingerprints** from ivory.

BEST PRACTICE

The UK Government has dedicated £9.8m to date through its **Illegal Wildlife Trade Challenge Fund** to support 34 projects worldwide reflecting commitments made in the 2014 London Declaration. Projects supported include demand-reduction programmes in China and Vietnam, support for an ivory stockpile inventory system in Malawi, development of a legislative handbook for prosecutors in Malawi and law enforcement capacity-building projects in countries including China, Kenya, Malawi and Uganda.

CASE FILES

In 2015, a joint operation by Cumbria Police and NWCU recovered ivory offered on eBay which when radio carbon-dated was found to not be a legal antique. The suspect was convicted, sentence to imprisonment and ordered to pay costs for ivory testing.

MAIN OBSERVATIONS

■ The **UK National Wildlife Crime Unit (NWCU)** is a full-time agency focused on obtaining intelligence relating to wildlife crime, including online wildlife trade, and collaborating with enforcement agencies on key threats. Continued funding for the NWCU was only confirmed at the last minute in March 2016.

UNITED KINGDOM | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

81/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- Following the June 2016 referendum to leave the EU, there is **great uncertainty** surrounding UK wildlife legislation, much of which derives from EU law. The UK Government should ensure existing legislation is maintained and strengthened where possible in the withdrawal

process and that participation in information-sharing and collaborative platforms continue.

- A November 2015 report by the **UK Law Commission** recommended a new Wildlife Bill to replace 'overly complicated, frequently contradictory and unduly prescriptive current legislation on wildlife crime'. No Government response has yet been forthcoming.
- Under the UK Control of Trade (Enforcement) Regulations 1997, **prosecution** for wildlife trade is dependent on what seller's claim a product to be. A recent case saw a seller prosecuted for selling tiger claws, although the claws in question were found to be another species.
- **Scotland has appointed dedicated specialist wildlife crime prosecutors** to work with police investigators from an early stage to ensure cases are well prepared and presented. In 2012, the UK Parliament Environment Audit Committee encouraged a similar approach across the rest of the UK.

BEST PRACTICE

In January 2016, the Proceeds of Crime Act was used for the first time in a wildlife crime case in London,

when a defendant was required to forfeit the proceeds of crime alongside his conviction for illegally importing and selling on eBay parts of primates and leopards from Indonesia. This set a positive precedent, as a POCA order for £5,737 was made in March 2016 against a company for destroying a bat roost.

CHALLENGE

Sentencing for wildlife crimes is often relatively lenient in the UK and does not reflect the severity of the crime. For example, in March 2015 a jeweller was ordered to carry out 120 hours of community service after being convicted of selling jewellery containing tiger parts; a Norwich company was fined £2,000 in August 2016 after four tiger paws and a tail were found in a parcel bound for Shanghai. Custodial sentences are sometimes handed out, such as two 12-month sentences in December 2015 for smuggling San Salvador rock iguanas. A review of wildlife trafficking prosecutions between 1986 and 2015 indicates an increase in the percentage of cases that result in imprisonment or community penalty. A review of the Control of Trade in Endangered Species Regulations, which would provide sentencing guidelines for wildlife crimes, has been delayed. Sensitisation of prosecutors and the judiciary is urgently required to ensure consistently deterrent sentences.

UNITED KINGDOM | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- With nearly £300,000 provided by the **UK Illegal Wildlife Trade Challenge Fund**, a partnership of NGOs and PSI Vietnam launched a ground-breaking targeted demand-reduction initiative called the 'Chi Campaign' in 2014, targeting the main consumer group for rhino horn—middle class aspirational men—with advertisements strategically placed around business hubs.

- The UK issues **no export permits** for unworked ivory, tiger skin or rhino horn of any age.
- In October 2014, the UK introduced **stricter controls** on the re-export of rhino horn items, issuing permits only for art works involved in cultural exchanges between institutions such as museums; as 'part of a family relocation or as part of a bequest'; or 'part of a bona fide research project'. These controls have now been adopted across the EU.
- The **United for Wildlife Transport Task Force** was formed in August 2014, bringing together representatives of NGOs, government and transport companies. The UKFCO is a member of the Task Force. In March 2016, the Buckingham Palace Declaration was signed by 40 organisations, including airlines, shipping companies, and port operators. The Declaration lists 11 commitments to facilitate better information sharing and thus enable stronger enforcement against the wildlife trade in the transport sector.
- The Metropolitan Police launched '**Wildlife Donation Month**' in 2014 which resulted in the public handing in items including unworked ivory and a rhino horn.

- In 2013, a seized elephant tusk lent by UK Border Force to a wildlife park for educational purposes was **stolen**.
- The UK is a signatory to the **Elephant Protection Initiative (EPI)** which includes a commitment to close domestic ivory markets and commit to a minimum 10-year moratorium on all international ivory trade.

CHALLENGE

The sale of all unworked ivory, rhino and tiger products, and any worked items that derive from or have been modified since 1947, is prohibited in the UK. Trade in pre-1947 worked ivory is allowed. TRAFFIC reported (Aug 2016) that in 2004 buyers of antique ivory at London's markets were dominated by American and European tourists, in 2016 buyers of ivory are largely travellers/citizens from mainland China, Japan and Hong Kong. This is a serious concern. China is the world's largest destination for ivory and the Government of China has committed to closing its own domestic ivory market; it appears the UK ivory market could be stimulating further demand among Chinese consumers. Recent investigations conducted by the BBC found the legal trade in ivory in the UK provides avenues for laundering illegal ivory. Despite repeated commitments to close its domestic ivory markets, the UK has yet to do so.



TRANSIT • DEMAND

AT LEAST
2.5 TONNES
IVORY SEIZED
SINCE 2010

IVORY



TRANSIT • DEMAND

107.79 kg
RHINO HORN
SEIZED IN OR LINKED
TO USA SINCE 2010

RHINO



DEMAND

TIGER MEDICINES
& **1 STUFFED**
TIGER SEIZED
SINCE 2000

TIGER



TRANSIT

UNDER
OPERATION
PONGO
SINCE 2010

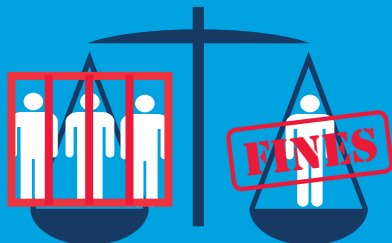
HELMETED
HORNBILL



PARTY TO CITES (1975) | UNTOC (2005) | UNCAC (2006)

MEMBER OF INTERPOL | WORLD CUSTOMS ORGANISATION | NORTH AMERICAN WILDLIFE ENFORCEMENT GROUP (NAWEG)

OPERATION CRASH TARGETING THE WILDLIFE TRADE 2012–JUN 2016



PRISON SENTENCES
TOTALLING
33.75 YEARS

FINES TOTALLING
US\$ 2 080 500



27 CONCLUDED
CASES RESULTING
IN SENTENCING

FORFEITURE
& **RESTITUTION**
US\$ 5.4m



APPLICATION OF
ANCILLARY LEGISLATION
INCLUDED...

USA | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence unit includes wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional/international enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

MAIN OBSERVATIONS

- The USA has demonstrated significant commitment to combatting wildlife crime. Following the issuance of an Executive Order by President Obama in 2013, the **National Strategy for Combating Wildlife Trafficking** was adopted in February 2014, establishing an interagency wildlife task force

and an advisory council of non-government experts and industry leaders for providing guidance on US anti-wildlife trafficking efforts.

- The Fiscal Year 2014 Omnibus Spending Bill passed by Congress **increased the budget** allocation by US\$45 million for funds provided by the US State Department and US Agency for International Development (USAID) to combat the transnational threat of wildlife poaching and wildlife trafficking supporting USAID, the Global Environmental Facility and the Department of the Interior initiatives.
- The US has provided significant levels of funding and **training globally for law enforcement agencies** for improving capacity in several areas such as forensic investigation and cross-border law enforcement cooperation. In 2015, the US Fish and Wildlife Service (FWS) invested US\$20 million in 141 anti-wildlife trafficking projects. Under the framework of the National Strategy for Combatting Wildlife Trafficking, the US has helped train more than 2,000 enforcement officials in more than 40 countries.

BEST PRACTICE

The US has played a critical role in encouraging regional and international collaboration and enforcement cooperation to combat wildlife crime. For example, FWS law enforcement attachés have been deployed in Botswana, Peru, Thailand, Tanzania and China, providing ongoing support to regional operations to combat wildlife trafficking. The US State Department and USAID have worked with key stakeholders to establish regional wildlife enforcement networks. FWS worked closely with governments in Africa and Asia in 2014

to implement Operation COBRA-II, an international enforcement initiative involving INTERPOL and enforcement agencies from 28 countries.

The US has also raised the issue of wildlife trafficking in significant bilateral and multilateral events. For example, wildlife trafficking has been a regular agenda item in the US-China Strategic and Economic Dialogue in 2014, 2015 and 2016.

CHALLENGE

In 2014, it was reported that there are fewer than 330 FWS inspectors and agents in the largest ports in the US – about the same number as 30 years ago when the agency's law enforcement branch was established.

Another challenge identified by the United States Government Accountability Office, in a report published in September 2016, is the lack of identified performance targets for the agencies represented in the Presidential Task Force on Wildlife Trafficking, including the Department of Interior, Department of Justice and State Department, and responsible for implementing the National Strategy on Combatting Wildlife Trafficking.

CASE FILES

Launched in 2012, Operation Crash has involved more than 140 FWS law enforcement officers working closely with other agencies to investigate a major rhino horn trafficking case. Charges were brought against over 30 individuals under a variety of laws, including the Lacey Act, for a number of offences such as conspiracy, money laundering and tax evasion. By June 2016, sentences imposed included fines exceeding US\$2m, over US\$5m collected from asset forfeiture and restitution and over 30 years of prison terms. This case is still ongoing.

USA | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

76/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

- In October 2016, the US adopted the **Eliminate, Neutralise and Disrupt (END) Wildlife Trafficking Act** which, inter alia, requires the Secretary of State to identify 'focus countries' that are major source, transit or destination countries implicated in wildlife trafficking and to 'dismantle illegal wildlife trade networks and the financing of those networks in a manner appropriate for each focus country'.

- In 2015, the **Wildlife Trafficking Enforcement Act**, which aims to make wildlife trafficking a predicate offence under racketeering and money laundering statutes, was introduced in the US Senate.
- Recent regulatory changes have **prohibited almost all trade in ivory**, increased restrictions on the trade in live tigers within the US, improved protection to lions under the Endangered Species Act and imposed a ban on the import of sport-hunted trophies from elephants in Tanzania and Zimbabwe and import of lion trophies taken from captive lion populations in South Africa.
- The US has provided critical support to several governments such as Mozambique, Vietnam, Myanmar and Laos for **improving their legislative framework and prosecutorial capacity** for combatting wildlife crime.

CASE FILES

Chinese national Zhifei Li was arrested in 2013 and charged with trafficking rhino horn and elephant ivory. He received one of the longest sentences imposed in the US for wildlife trafficking – imprisonment of five years and 10 months and forfeiture of proceeds of crime (US\$2.5m).

In 2014, the US indicted Dawie Groenewald, who ran a game-farming and hunting trophy business in South

Africa. The charges brought against him and his brother included 'conspiracy to sell illegal rhinoceros hunts in South Africa in order to defraud American hunters, money laundering and secretly trafficking in rhino horns'. US authorities have requested the extradition of Groenewald and his brother; the case is still ongoing.

In February 2016, a US company was sentenced for timber trafficking and was ordered to pay more than US\$13m in fines, community service and forfeited assets. The illegal timber was obtained from far eastern Russia, which is also critical tiger habitat. The Department of Justice has announced that US\$1,230,825 in community service payments will be provided to the National Fish and Wildlife Foundation (NFWF) and the FWS Rhinoceros and Tiger Conservation Fund for use in conservation projects.



ABOVE: PENALTIES PAID BY TIMBER TRAFFICKER WERE ALLOCATED TOWARDS TIGER & RHINO CONSERVATION © EIA

USA | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- In 2015, the US and Vietnam launched a **five-year programme** on Combatting Illegal Wildlife Trade to tackle trafficking and reduce demand. In March 2015, in partnership with the governments of Vietnam and South

Africa, and civil society groups, the US launched Operation Game Change, a demand-reduction campaign that included a series of public outreach events focused on reducing consumption of rhino horn.

- In July 2016, a **near-total ban on the domestic commercial trade in ivory** came into effect in the US. In addition, a number of states have also adopted ivory bans, including three with the largest ivory markets in the US – New York, California and Hawaii.
- In 2015, more than one tonne of ivory was **destroyed** and, in 2016, FWS destroyed its stockpile of confiscated rhino horn.
- US funding has been provided for **numerous awareness-raising efforts** and demand-reduction campaigns globally. For example, USAID's ARREST programme (Asia's Regional Response to Endangered Species Trafficking) has funded awareness-raising campaigns such as 'Fin-Free Thailand' and 'iTHINK' behaviour change campaigns in China and Vietnam.

CHALLENGE

Although interstate and international trade in parts and derivatives of captive-bred tigers is prohibited, it is still legal to own captive big cats, including tigers, in the US. There are estimated to be roughly 5,000 captive tigers in private ownership in the US, including in tiger petting operations.

However, efforts are underway to address this problem – the Big Cat Public Safety Act has been proposed to end private ownership and captive breeding of big cats, including tigers. US Congress is yet to enact the law, although in 2016 the FWS adopted new regulations to close a loophole which previously exempted captive-bred tigers of mixed or unknown genetic origin from permitting requirements. The new regulations now require anyone selling tigers across state lines to obtain a permit or register the tiger.



VIETNAM | INVESTING IN ENFORCEMENT

KEY INDICATORS¹

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence units include wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime²

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional enforcement operations on wildlife crime since 2014³

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

focal point in the police. Vietnam's multi-agency enforcement unit, 'the National Steering Committee for Wildlife Enforcement', includes prosecutors and the Supreme People's Procuracy.

■ **Committing to improve regional and international co-operation** by entering into agreements with China, South Africa, and Laos on combating illegal wildlife trade. However, these commitments have not fully been translated into actions—for example, under the MoU with South Africa, DNA kits were provided by South Africa to Vietnam for extracting rhino horn samples for use in ongoing investigations, but it has been reported that some rhino horn samples which were being hand-delivered to South Africa by a Vietnam delegation have on occasion gone missing in transit.

■ **Training has been provided** in a number of areas such as prosecution and use of specialist investigation techniques.

■ In 2016, a **new wildlife crime manual** prepared by NGO Freeland was circulated by the people's police academy.

■ **Lack of mandate of the Economic Police and Financial Investigation Unit** to tackle money laundering associated with illegal wildlife trade is a significant obstacle. Vietnam is a member of the Asia/Pacific Group on Money Laundering but it does not appear that financial investigation of wildlife crime is taking place in Vietnam.

■ **Lack of use of specialised detection and investigation techniques** such as canine units, call data records analysis and forensic

investigations is another significant obstacle. Further, there appear to be lack of clarity about the mandate to use controlled deliveries.

■ There have been a number of prosecutions for **online wildlife trade**, although the majority of illegal wildlife trade occurring online is not investigated and where there are investigations they often result in suspects receiving small fines.

■ Applying the ICCWC Wildlife and Forest Crime Analytic Toolkit is a positive step and it is now important to ensure that information on progress made in implementing the recommendations arising from the Toolkit process is made publicly available.

CHALLENGE

Despite an increase in training and capacity-building and the directives issued by the Prime Minister, Vietnam continues to play a significant role in illegal wildlife trade. For example, recent investigations conducted by the Wildlife Justice Commission found Vietnamese nationals are part of organised criminal networks involved in large-scale wildlife trafficking. Further, Vietnamese nationals were the most commonly arrested Asian nationals in Mozambique and South Africa related to rhino horn trafficking between 2010–15.

CASE FILES

In Nov 2014, police in Khanh Hoa seized nearly 10 tonnes of marine turtles. Case yet to be prosecuted (Feb 16).

In 2009, Vietnam conducted one of the world's largest ever ivory seizures, recovering 6,232kg of ivory from Tanzania; related seizures were made in the Philippines. No notable evidence of prosecution outcomes (Nov 16).

MAIN OBSERVATIONS

- **Expressing commitment at the highest level in Government**, with the Prime Minister of Vietnam issuing two directives issued in 2014 and 2016 mandating all enforcement agencies to improve efforts to combat illegal wildlife trade.
- **Improving national and international co-operation** by appointing a wildlife crime

VIETNAM | ENSURING EFFECTIVE LEGAL DETERRENTS

KEY INDICATORS¹

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

31/100 TI Corruption Perceptions Index 2015

MAIN OBSERVATIONS

■ **Amendments to the Penal Code** were due to come into force in July 2016; this is now due to take place in 2017. The Penal Code reform is expected to be a significant positive legislative improvement because it aims to remove existing legal loopholes. For example, a major achievement of the Penal Code reform is that it has criminalised 'possession' of illegal wildlife products. The new Code also provides greater protection for non-native species.

Under the old Penal Code, penalties for wildlife crime were determined solely by monetary value of the wildlife specimens, which is often challenging to determine. To address this concern, the Penal Code reforms have introduced the weight or quantity of seized wildlife as a factor to consider in sentencing. Penalties for wildlife crime have also been increased and for some offences include up to 15 years imprisonment.

The Government has created lists of sentences applicable for each species against given amounts and/or weight of the species seized to aid the prosecutors and judiciary. The Supreme People's Procuratorate can now prosecute a company or organisation for wildlife crime where previously it was only possible to prosecute an individual.

CHALLENGE

A recent study conducted by Education for Nature – Vietnam showed that despite the existing seven year maximum sentence, a sample of the prosecution outcomes for serious wildlife crimes showed only a third of defendants were sentenced to prison terms with an average sentence of 24 months. The same study highlighted that none of the individuals prosecuted could be classified as major figures in any criminal networks known to be smuggling wildlife parts and products.

VIETNAM | ERADICATING DEMAND

KEY INDICATORS¹

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

MAIN OBSERVATIONS

- In 2014, Vietnam's CITES Management Authority reported that all seized **tiger parts had been destroyed**. Destruction of Vietnam's ivory and rhino horn stockpiles is scheduled to take place in November 2016.
- Implementing a MoU between the Ministry of Health and other key stakeholders under which workshops have been conducted on the illegality of using rhino horn and **leading traditional medicine practitioners in**

Vietnam have signed a pledge committing to refrain from any engagement in illegal wildlife trade or in consumption of threatened wildlife species, including as ingredients in traditional medicine.

- **Curbing consumption of pangolin scales** by removing pangolin scales from the list of medicines covered by health insurance in May 2015.
- In 2016, **Vietnam Posts and Telecommunications Group** became the first state-owned company to encourage zero tolerance of wildlife consumption among its 90,000 work force.
- In June 2016, over 80 representatives of the Government's Central Committee for Propaganda and Education issued a nationwide communication response establishing wildlife crime and a **zero tolerance of illegal wildlife consumption** as two of the major priorities for the Vietnamese media.
- A key challenge is the **lack of robust methods to measure the impact of demand-reduction campaigns**. Careful identification and profiling of key consumer groups and their potentially disparate motivations is key to the success of demand reduction campaigns.

CHALLENGE

Farming of certain wildlife species such as tigers remains a serious concern in Vietnam, undermining enforcement efforts. A recent investigation of 26 large multi-species wildlife farms in Vietnam conducted by Education for Nature – Vietnam concluded that all 26 of the wildlife farms investigated in 2014-15 exhibited signs of laundering wild animals, 16 of which openly admitted to laundering wild animals while 18 admitted purchasing wild animals without appropriate papers.

This is particularly a concern in relation to tiger farming; there are 241 captive tigers in Vietnam in both farms and zoos and at least six of these facilities with captive tigers are implicated in tiger trade. Earlier this year, the People's Committee of Nghe An province granted a permit allowing Bach Ngoc Lam Co Ltd to keep 15 tigers for 'conservation purposes'. The husband of the owner of this facility is a criminal with two previous convictions related to the killing and illegal trading of tigers, along with other species of endangered wild animals. More recently, Vietnam's CITES Management Authority issued another permit to this facility to import an additional nine tigers from Europe.

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