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Wildlife Briefing

Two Sides of the Same Coin

Tackling transnational wildlife trafficking between West and Central Africa and South-East Asia

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Introduction

West and Central Africa continues to raise concerns among Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as a significant hub for global wildlife trafficking.

The Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS) reports¹ to the 19th meeting of the Conference of Parties (CoP19) indicate that both West and Central Africa subregions are displaying increasing trends in poaching and ivory trafficking alongside low levels of reporting and compliance with CITES.

Above: Merely seizing contraband is not an enforcement outcome in the fight against wildlife trafficking

Meanwhile, the industrial-scale trafficking of pangolin scales originating from Nigeria, the Democratic Republic of the Congo (DR Congo), Cameroon and Gabon have clearly demonstrated that organised crime networks have been exploiting the region's corruption and weak enforcement to move contraband out of Africa.²

While progress is being made, it is too slow and continues to threaten wildlife, habitats and livelihoods across Africa. At the 74th meeting of the CITES Standing Committee (SC74), Parties in West and Central Africa were encouraged to "further step up efforts" to strengthen CITES implementation and enforcement, and to actively pursue the "rapid and full" implementation of the West Africa Strategy on Combatting Wildlife Crime (WASCWC).

But West and Central Africa is only one side of the problem; South-East Asia is the primary destination for illegal ivory and pangolin scale shipments,³ in which Vietnam is "perhaps the most important country".⁴ Malaysia, Singapore and Cambodia are also key hubs for the illegal importation of wildlife commodities from Africa to Asia.⁵

Despite recent efforts taken by the governments concerned to address their involvement, post-incident investigation is lacking, as is international collaboration between countries.

This briefing highlights the parallel responsibilities and shortcomings of both regions in implementing their commitments under CITES and outlines what needs to happen to tackle transnational wildlife crime more effectively. At SC74, EIA raised these concerns in our briefing document *Joint Responsibilities: The Nigeria-Vietnam wildlife trafficking corridor and compliance with CITES*, which similarly highlighted the need for urgent action.

The challenges of tackling transnational wildlife crime between West and Central Africa and South-East Asia

Since 2015, there have been several large-scale interdictions of ivory and pangolin scales made at air and seaports in both regions. This includes a staggering combined 25.6 tonnes of pangolin scales confiscated in Singapore within a week in April 2019, originating from Nigeria en route to Vietnam.⁶

A month previously, Vietnamese authorities seized more than nine tonnes of ivory in a container shipment from DR Congo.⁷ This is the world's largest known ivory smuggling incident to date.

In 2020, despite a drop in wildlife trafficking incidents due mainly to the global impacts of the COVID-19 pandemic, EIA investigations have documented the continued sourcing, stockpiling and export of large volumes of elephant ivory and pangolin scales from West and Central Africa by transnational crime networks. This is exemplified in two case studies, *highlighted below*, in which Nigeria and Vietnam are shown to play pivotal roles.

Despite this ongoing crime trend, there has been limited international cooperation between the two countries to conduct joint investigations to disrupt wildlife crime networks, disregarding CITES Resolution Conf. 11.3 (Rev. CoP18)⁸ on Compliance and Enforcement that contains several recommendations to facilitate and strengthen cooperation "across range, transit and destination States to address illegal wildlife trade". Furthermore, according to the ETIS report to CoP19, enforcement measures taken by Nigeria, DR Congo and Vietnam have been disproportionately low in comparison to their high-level involvement in the illegal wildlife trade.



Case study 1: January 2021 seizure at Apapa Port (Lagos, Nigeria)

Background: On 21 January 2021, Nigeria Customs Service confiscated 8.8 tonnes of elephant tusks, pangolin scales and bones from endangered wildlife species being shipped to Vietnam. The haul was discovered in a 20ft container falsely declared as furniture materials at Apapa port in Lagos – a key exit point for smuggling ivory and pangolin scales out of Africa. Upon examination, officials found the container stacked at the front with logs concealing 162 sacks of pangolin scales and 57 sacks of ivory, along with the bones of other species. A senior Customs official said the consignment was en route to the port of Hai Phong, Vietnam – which for many years has been a prominent wildlife trafficking hub.

Outcome: To date, there is no publicly available information to indicate that anyone has been arrested in Vietnam in connection with this case or that an investigation has been initiated into the persons or companies named as consignees for the shipment. EIA intelligence indicates that this shipment would have been facilitated by a network of traffickers across both Nigeria and Vietnam. It is likely this network will continue to operate unless appropriate law enforcement action is taken.

Above: There has been limited international cooperation to disrupt wildlife crime networks operating across Africa and Asia



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Case study 2: January 2022 seizure at Tien Sa Port (Da Nang, Vietnam)

Background: On 11 January 2022, Vietnamese authorities at Tien Sa port, Da Nang, intercepted 6.2 tonnes of pangolin scales and 456kg of elephant ivory from a container that had arrived from Nigeria. The container was said to contain cashew nuts. Alongside Hai Phong seaport to the north, Tien Sa port in Central Vietnam is by far the most significant for wildlife trafficking into Vietnam from Africa.

Above: Vietnam is the most important South-East Asian country implicated in wildlife trafficking

Outcome: In relation to this case, an individual identified as Nguyen Duc Tai was detained by the Department of Public Security in June 2022. Tai and associates reportedly used personal information from several people, including deceased individuals, to set up shell companies with fake headquarters. Under the cover of these firms, Nguyen and associates managed to smuggle wildlife parts from Africa to Tien Sa seaport in Da Nang. There is no publicly available information to suggest that authorities in Nigeria have arrested those responsible for sending the shipment or that a joint investigation has been initiated between the two countries to target the wider network operating in Africa.

The current response

Wildlife trafficking is a form of serious, transnational organised crime, with devastating consequences as a major driver of biodiversity loss¹² and a serious threat to human health, as demonstrated by the ongoing COVID-19 pandemic.¹³

In West and Central Africa, some elephant populations have declined dramatically and pangolins are being pushed to the brink of extinction.

For the perpetrators, their crimes generate annual illicit gains estimated to be between \$7 billion and \$23 billion a year.¹⁴ Yet despite the seriousness of this crime type, it is still treated as a low priority across the globe, with disproportionate responses from governments and agencies responsible for tackling other forms of organised crime.

The MIKE report to CoP19 suggests that poor governance leads to an increase in poaching and that addressing systemic challenges is essential to tackling the illegal wildlife trade.¹⁵ Indeed, failure to investigate and prosecute wildlife crime cases, neglecting anti-corruption measures and limited international cooperation have given wildlife crime networks a green light to operate with impunity across Africa and Asia.

Failure of post-incident investigations

For decades, the enforcement response to wildlife crime has been characterised by interceptions of often significant quantities of animals and their parts.

Commonly referred to as “seizures”, these incidents are lauded by enforcement agencies and other actors in the field. International operations, including Operation Thunder 2020 and Thunder 2021, refer to arrests and seizures¹⁶, as do the ETIS reports¹⁷ by Parties to CoP19, yet the outcomes of these initiatives, particularly the number converted into prosecutions and convictions, remain conspicuously unreported.

While seizures of wildlife indicate a level of illegal trade and of enforcement, they provide little information as to the overall level of trafficking or the effectiveness of enforcement. Most critically, they do not tell us what is *not* being seized.

Similarly, the arrests of suspects indicate enforcement effort, but arrests alone are not outcomes. The interception of wildlife contraband or the arrest of a suspect should be followed by comprehensive investigations to identify additional members of criminal networks and gather robust evidence to support prosecutions, leading to tangible deterrents and consequently preventing wildlife crime.

Post-incident actions should include:

- expedient contact with international counterparts to exchange information regarding shipments and to conduct database checks (such as criminal records) on suspects
- the launch of an investigation, uncovering additional network members and gathering evidence to support a prosecution
- the inclusion of a broad range investigative actions and enquiries, particularly into the financial elements of the offence.

Neglecting anti-corruption measures

Corruption is arguably the most significant facilitator of organised wildlife crime. EIA investigations spanning four decades have consistently uncovered evidence of corruption, including the payment of bribes to officials facilitating serious and organised trafficking of CITES specimens.^{18, 19}

In 2019, the United Nations Convention Against Corruption (UNCAC) explicitly recognised the interlinkages between corruption, environmental destruction and the unsustainable exploitation of natural resources. Resolution 8/12 "encourage States parties [...] to take measures to assess and mitigate corruption risks along the value chains in order to prevent and counter offences [...]".²⁰

In both West and Central Africa and South-East Asia, corruption continues to pose an overwhelming challenge to addressing wildlife crime. Since 2014, the Corruption Perception Index²¹ scores of Nigeria and DR Congo have been decreased, indicating increasing levels of corruption.²² Both Nigeria and DR Congo have recently been subject to compliance proceedings under Article XIII in which Nigeria was specifically encouraged to implement a strategy to counter corruption facilitating the illegal wildlife trade.²³ Meanwhile, in 2021, levels of corruption perception of Vietnam and Cambodia are 39 and 23 respectively, below the global average of 44.5.²⁴ While anti-corruption was listed as a key commitment in Vietnam's previous National Ivory Action Plan (NIAP), this action was deleted in its revised 2018-20 National Ivory and Rhino Horn Action Plan (NIRAP)²⁵ without any justification.

Despite corruption being frequently referred to by international organisations tackling wildlife trafficking, robust, comprehensive solutions based on best practice from other sectors are woefully lacking.

The implementation of a range of counter-corruption measures is necessary to tackle wildlife trafficking, as indicated in CITES Resolution Conf. 11.3 (Rev. CoP18) on Compliance and Enforcement and explicitly called for in CITES Resolution 17.6 on "Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention".

Limited international cooperation

As a transnational crime, wildlife trafficking requires a multi-agency and multinational approach. This includes gathering and sharing intelligence regarding shipments and suspects between hubs of wildlife crime to enable transnational investigations into incidents across implicated countries in Africa and Asia.

Countries should use well-established secure mechanisms such as INTERPOL and the World Customs Organisation as suggested by the Secretariat in Doc. 36.1 to CoP19. It is concerning that there continues to be limited law enforcement cooperation between countries in West and Central Africa and South-East Asia.

To strengthen international and regional law enforcement cooperation, Mutual Legal Assistance (MLA) treaties and/or Memorandum of Understanding (MoU) may be developed, to establish parameters, identify points of contact and methods of communication.

Pillar 3 of the NIAP Guidelines suggest adopting these communication channels to combat illegal ivory trade across the illicit trade chain. For example, Vietnam has adopted bilateral agreements with South Africa and Mozambique to facilitate law enforcement cooperation to tackle wildlife trafficking, but there has been limited tangible cooperation between these countries to disrupt the organised crime groups implicated in trafficking ivory and rhino horn.

Currently, a draft MoU on combating the illegal wildlife trade has been developed between Vietnam and Nigeria.²⁶ If the MoU is signed, it is crucial that these agreements are implemented and do not become mere paperwork exercises.

A lack of prosecutions

The prosecution of suspects of crime is an established process to determine guilt or innocence through the testing of evidence gathered during investigations. In most jurisdictions around the world, it ensures justice for all parties, including allowing the defendant to present a defence and mitigation.

In the field of wildlife crime, the criminal justice system remains fractured. Few serious crimes are brought to court; poachers and other low-level offenders plead guilty while the ringleaders escape justice; and sentences across the world are disparate and not commensurate with the severity of the crime.²⁷

Until 2022, Nigeria had not seen the prosecution of a wildlife crime at either federal or state level.²⁸ A positive development in September 2022 saw the conviction of Vietnamese national Nguyen Huy for pangolin trafficking,²⁹ but a total three months' imprisonment (which was served while on remand) was arguably inadequate as either a punishment or a deterrent. Other members of Huy's network remain at large. Several other wildlife trafficking cases are trudging through the Nigerian courts, awaiting conclusion after repeated adjournments.

In Vietnam, between 2018-21 not one of the large-scale trafficking cases of ivory and pangolin scales detected at seaports resulted in arrests or convictions.³⁰ Regarding the case involving the confiscation of more than six tonnes of

ivory and pangolin scales made in Da Nang in January 2022, there is an urgent need to conduct a joint investigation between Vietnam and Nigeria to target the wider network responsible for the shipment.

Steps to improve criminal justice responses should include:

- ensuring that investigators produce evidentially sound case files in collaboration with prosecutors to enable prosecutions to take place
- supporting prosecutors by increasing their number and providing specialist capacity-building to increase understanding of wildlife crime and its impact
- developing prescriptive sentencing guidelines and proceeds of crime legislation to ensure penalties are fair and commensurate

Below: Successful prosecutions indicate that wildlife crime will be treated seriously across the criminal justice system and may serve as a deterrent



What is EIA doing?

EIA draws upon almost four decades of global experience to investigate and expose environmental crime and abuse.

Across West and Central Africa and South-East Asia, we focus on securing criminal justice through activities which will bring about lasting change, addressing not only the perpetrators of wildlife crime, but the conditions that allow them to operate with impunity.

In the past 12 months, EIA has:

- conducted covert investigations to identify wildlife crime suspects and selectively disseminated actionable intelligence to national agencies which can act upon it
- conducted an extensive analysis of the legal framework in Nigeria,³¹ incorporating critical revisions to the Endangered Species (Control of International Trade and Traffic) Amendment Act 2015 and engaged with sponsors to enact the legislation
- monitored wildlife trafficking cases in court, through in-person attendance to increase transparency, demonstrate international interest and support expedient prosecution processes³²
- led workshops for investigators, prosecutors and the judiciary to improve knowledge of wildlife crime and increased understanding of the impact of these crimes
- delivered specialist-led financial crime investigations training courses for relevant law enforcement agencies
- developed and maintained the Global Environmental Crime Tracker to increase access to illegal wildlife resources for public and private stakeholders, including financial institutions and law enforcement agencies
- supported CITES implementation by calling for increased compliance with National Ivory Action Plans and by supporting the Compliance Assistance Programme.

Below: CoP19 presents an opportunity to take meaningful actions to tackle the illegal wildlife trade corridor between West and Central Africa and South-East Asia





Recommendations to CoP19

Given the significant roles of West and Central Africa and South-East Asia in the global wildlife trafficking, EIA calls on CoP19 to:

- Urge Parties in West and Central Africa to expedite the development of measures to address wildlife trafficking, including the adoption of the WASCWC by the Economic Community of West African States (ECOWAS) Parliament, the formal establishment of the West Africa Network to Combat Wildlife Crime (WAN) and the development of National Wildlife Crime Strategies and Wildlife Law Enforcement Task Forces and report to the 77th and 78th meetings of the Standing Committee (SC77 and SC78)
- Support the proposed CITES Enforcement Fund to West Africa and the revision of Decision 18.91 which calls for technical and financial support to West and Central Africa to strengthen the region's responses to tackle wildlife trafficking contained in Doc. 36.2
- Commend Nigeria for seeking support under the Compliance Assistance Programme (CAP) and urge DR Congo, which is undergoing the Article XIII compliance proceedings, to improve enforcement of the Convention and to similarly seek assistance under the CAP
- Support at the 75th meeting of the Standing Committee (SC75) the continued inclusion of Nigeria and Vietnam as Category A; the revision of DR Congo from Category B to Category A; and the revision of Gabon from Category C to Category B under the NIAP process. Furthermore, call for increased reporting and compliance with the NIAP process
- Urgently call upon Nigeria to expedite implementation of anti-corruption measures in its NIAP and call for other Parties such as Vietnam, Cambodia, DR Congo and Cameroon to include anti-corruption measures in their NIAPs/NIRAPs and promote transparency and government accountability to better respond to the corruption facilitating wildlife trafficking, particularly at key ports notorious for wildlife trafficking routes from West and Central Africa to South-East Asia
- Support Nigeria in the implementation of the National Strategy to Combat Wildlife and Forest Crime in Nigeria 2022-2026, particularly Objective 2 on strengthening the legal framework³³ and the enactment of revisions to the Endangered Species (Control of International Trade and Traffic) Amendment Act 2015
- Increase international cooperation using existing mechanisms such as INTERPOL and the World Customs Organisation to exchange information on wildlife trafficking incidents involving countries in West and Central Africa and South-East Asia
- Conduct investigations into financial crimes such as money laundering, bribery and tax evasion to detect and prosecute senior members of wildlife trafficking networks who are responsible for orchestrating for major shipments between West and Central Africa and South-East Asia.

Further guidance on EIA's recommendations to CoP19 can be found in our full CITES Briefing Document – [*Key Priorities and Recommendations for CoP19, which outlines our specific asks and recommendations to Parties.*](#)

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