

**EIA Briefing Document
on CITES National Ivory
Action Plans (NIAPs)**

November 2017



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Above: In one of the world's largest ivory seizures, Hong Kong seized 7.2 tonnes in July 2017, equivalent to ivory sourced from more than 1,000 elephants.

CONTENTS

Executive Summary	3
Recommendations	3
Key Indicators of NIAP Process	4
China	6
Kenya	8
Laos	10
Mozambique	12
Vietnam	14
Other countries of concern	16
NIAP process	18

Executive Summary

The 17th Conference of the Parties (CoP17) to CITES adopted Guidelines to the National Ivory Action Plan (NIAP) process, contained in Annex 3 of Resolution Conf. 10.10 (Rev. CoP17) on Trade in Elephant Specimens (referred to here as “Guidelines”). The Guidelines offer a way forward in strengthening the response of individual countries to address elephant poaching and/or ivory trade.

This briefing uses publicly available information to make a rapid assessment of progress made by five NIAP countries: China, Kenya, Laos, Mozambique and Vietnam. These have been selected for the important role they play in the ivory trade and, due to limited resources, EIA’s assessment is restricted to progress made by these five countries.

The assessment uses indicators developed by EIA, some of which overlap with the Indicator Framework for Wildlife and Forest Crime developed by the International Consortium on Combating

Wildlife Crime (ICCWC). EIA’s assessment does not include all of the ICCWC indicators because the information for many of these is held and maintained solely by governments. EIA urges CITES Parties to employ the ICCWC indicators to evaluate the impact of their governments’ responses to wildlife crime. EIA shared the checklist in this briefing (pages 2-3) with the NIAP focal points and CITES Management Authorities of the five countries for feedback; at the time of writing, EIA had not received responses which changed our assessment.

Recommendations

EIA recommends that at its 69th meeting (SC69) the CITES Standing Committee:

- Request that all Parties of concern, identified under the NIAP process, ensure that their NIAPs meet the criteria set out in ‘Step-2’ of the Guidelines. This includes the use of data to measure the impacts of actions, such as elephant poaching levels, number of ivory seizures, successful prosecutions and any relevant indicators from the ICCWC Indicator Framework for Combating Wildlife and Forest Crime.
- Invite China, Kenya, Laos, Mozambique, Vietnam, Uganda and Malaysia to revise their existing NIAPs to develop new time-bound commitments to address the concerns highlighted in this briefing.
- Identify Japan, Nigeria, Thailand, Singapore, Cambodia and the Democratic Republic of Congo (DRC) as countries of primary concern under the NIAP process, and therefore required to develop/update and implement their NIAPs in accordance with the CITES NIAP Guidelines.
- Direct the Secretariat to consult independent experts, including relevant ICCWC members and NGOs, in identifying Parties of concern and assessing progress made under the NIAP process.

Key Indicators of NIAP Progress

An assessment of progress made in addressing elephant poaching and ivory trade under four pillars of the CITES NIAP process.



CHINA (mainland)

KENYA

LAOS

MOZAMBIQUE

VIETNAM

INDICATOR / KEY ISSUES

NIAP STATUS

NIAP Status designated by CoP16

NIAP Status designated by CoP17

Submitted NIAP?

Assessment by CITES Secretariat at CoP17

Primary Concern

Primary Concern

Yes

Substantially achieved NIAP

Primary Concern

Primary Concern

Yes

Substantially achieved NIAP

Important to watch

Important to watch

Yes

Not substantially achieved NIAP

Secondary concern

Important to watch

Yes (2015)

Not substantially achieved NIAP

Primary Concern

Primary Concern

Yes

Substantially achieved NIAP

INTRODUCTION: ROLE IN IVORY TRADE CHAIN

Considered a source, transit and/or demand country for ivory

If source country, have elephant populations declined and/or is there evidence of severe poaching since 2010?

Number of large-scale ivory seizures in-country since 2010

Number of individuals convicted in relation to in-country large-scale ivory seizures since 2010

Number of ivory seizures outside the country since 2010 to which it has been linked

NGO observations of ivory being sold in-country since 2010

Yes (demand)

Not applicable

7 (~15 tonnes)

At least 7

98 (~20 tonnes)

Yes

Yes (source & transit)

Yes

12 (~23 tonnes)

At least 1

23 (~32 tonnes)

No

Yes (transit & demand)

Not applicable

0

0

18 (~19 tonnes)

Yes

Yes (source & transit)

Yes

1 (~1 tonne)

0

26 (~29 tonnes)

Yes

Yes (transit & demand)

Not applicable

29 (~38 tonnes)

0

29 (~15 tonnes)

Yes

PILLAR 1: LEGISLATION & REGULATIONS

Legal domestic ivory market for commercial trade in raw and worked ivory is closed

Ivory offences treated as "serious crimes" as per UN Convention on Transnational Organised Crime (UNTOC)

Ivory offences treated as a predicate offence for money laundering

Yes

Yes

Unknown

Yes

Yes

Yes

No

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

PILLAR 2: NATIONAL LEVEL ENFORCEMENT ACTION & INTER-AGENCY COLLABORATION

Enforcement Infrastructure

Applied or declared intention to apply ICCWC Toolkit

Has centralised database of nominal wildlife criminal information

Financial intelligence units include ivory offences on their portfolios

Detection & Investigations

Full-time multi-agency enforcement unit deployed to address ivory offences since 2014

Methods of detection for ivory trafficking (such as by deploying scanners and canine units) improved since 2014

Controlled deliveries in ivory trafficking cases used since 2014

DNA analysis to identify origin for **all** large-scale ivory seizures conducted within its borders

Prosecution

Convictions for violation of ancillary laws (e.g. anti-corruption and anti-money laundering laws) secured since 2014

Assets and proceeds of crime in relation to ivory offences seized since 2014

Anti-Corruption Measures

Since 2015 increase in corruption under the 2016 TI Corruption Perceptions Index

Mechanism in place whereby public and officials can securely report corruption

Secured convictions for corruption related to ivory offences since 2014

Ivory Stockpiles

Has stockpiled ivory

Stockpiled ivory has been inventoried

Known incident(s) of ivory stockpile thefts

Destroyed ivory stocks since 2014

No

Unknown

Unknown

Partially

Yes

Yes

Unknown

Partially

Yes

No

Yes

Yes

Yes

No

Yes

Partially

Partially

No

No

Partially

Yes

Unknown

Yes

No

No

No

Yes

No

No (destroyed 2016)

Yes

Yes

Yes

Partially

No

No

Partially

No

No

Not applicable

No

No

No

No

No

Yes

No

Unknown

No

Partially

Yes

No

No

Yes

No

No

No

No

Yes

Yes

No

Yes

Yes

Yes

Partially

Partially

No

No

Partially

No

No

No

No

No

No

No

No

Yes

Partially

Yes

Partially

PILLAR 3: INTERNATIONAL & REGIONAL ENFORCEMENT COLLABORATION

Requests for mutual legal assistance for ivory offences submitted since 2014

Participated in INTERPOL operations on ivory offences since 2014

Used INTERPOL Notices system for ivory offences since 2014

Participated in regional and international enforcement operations (excluding INTERPOL operations) on ivory offences since 2014

Unknown

Yes

No

Yes

Yes

Yes

Yes

No

No

Yes

No

No

Yes

Yes

Unknown

Yes

No

Yes

No

Yes

PILLAR 4: OUTREACH, PUBLIC AWARENESS & EDUCATION

Implemented government-led initiatives on demand reduction for ivory since 2014

Publicised convictions for ivory offences (e.g. government press releases) since 2014

Yes

Yes

Yes

Yes

Yes

Yes

No

No

No

Partially

No

No

No

No

No

CONCLUSION

Does existing NIAP adequately address concerns identified in this analysis?

Has the Party implemented all measures to address above concerns?

Partially

No

Partially

No

Partially

No

Partially

No

Partially

No

CHINA

As the world's largest destination for ivory, China's recent action to close its domestic ivory market is commendable. Nonetheless, concrete action is required to eliminate legislative loopholes and strengthen international enforcement cooperation to disrupt Chinese-led transnational ivory trafficking networks.



In December 2016, China's State Council issued a notification announcing that all legal ivory carving workshops and retail outlets were required to close by the end of 2017. As of December 2016, there were 34 licensed ivory carving facilities and 130 licensed retail outlets in China permitted to process and trade in 'legal' ivory derived from either old (pre-Convention) stock or the CITES-sanctioned one-off sale in 2008. The notification sets out a rapid timeline for stopping all ivory carving and retail activities in previously licensed facilities, unlike Hong Kong where the domestic ivory market ban is expected to be phased-out over a five-year period. China also revised its Wildlife Protection Law to prohibit the online sale of ivory.

China has strengthened its enforcement efforts to curb ivory trafficking and undertaken multi-agency enforcement operations such as Operation Thunder, Operation Defender and Operation Sword. In Operation Defender (2014), over 1.2 tonnes of ivory was seized across China with the assistance of local forestry police.

While China has made notable progress

NIAP STATUS

NIAP Status designated by CoP16
Primary Concern

NIAP Status designated by CoP17
Primary Concern

Submitted NIAP?
Yes

Assessment by CITES Secretariat at CoP17
Substantially achieved NIAP

in strengthening law enforcement and phasing out its domestic ivory market, there are still areas of concern.

China's domestic ban contains a worrying exemption for "cultural relics", the exact scope of which has yet to be defined. The current language is a potential major legislative loophole that could be exploited by ivory traffickers and risks undermining the effectiveness of the ban.¹ In order to avoid any ambiguity in the trade ban, EIA recommends that China issues a notification removing this exemption.

There is no clear directive regarding the management of the existing ivory stockpile. This is creating confusion in the market and presenting an opportunity for laundering illegal ivory. A TRAFFIC study found that many ivory traders would prefer the Government to either repurchase their ivory stock or allow them to dispose of the stock through auctions; some even expect the ivory trade to reopen in the future.² EIA urges China to conduct a transparent audit of the unsold ivory stocks which should then be destroyed to prevent leakage into the illegal trade. Ivory stockpile thefts have



CONCLUSION

Does existing NIAP adequately address concerns identified in this analysis?
Partially

Has the Party implemented all measures to address above concerns?
No

* Please refer to the full table of indicators on page 4



Above and top: Part of 2.3 tonnes of illegal ivory shown to EIA investigators in Shuidong, China in October 2016.

Right: Ivory carvings sold with permits in China in 2010.



been documented in several countries including China that have failed to do this.³

The Chinese ivory market appears to be shifting to neighbouring countries with weaker enforcement. A recent study showed that the number of Chinese-owned retail outlets selling ivory had increased significantly in Vietnam and Laos between 2013 and 2016, and that the majority of buyers in Laos were visitors from China.⁴ EIA urges China to strengthen cooperation with neighbouring countries to close these markets and ensure that ivory is not smuggled into China.

EIA's report, *The Shuidong Connection (2017)*, documents the role of a transnational Chinese-led ivory trafficking network operating in Africa and Asia. EIA investigations in Mozambique and China revealed a criminal syndicate which has been trafficking ivory from Africa to Shuidong, in Guangdong Province in southern China for over two decades. According to this syndicate, up to 80 per cent of tusks

from poached elephants in Africa passes through Shuidong. With the diminishing profitability of trafficking ivory from savannah elephants in eastern Africa, this group switched to smuggling ivory sourced from forest elephants in West and Central Africa, because the ivory sells for more.⁵ EIA recommends that China undertakes international intelligence-led operations with relevant source and transit countries with a view to arresting, prosecuting and recovering the proceeds of crime from Chinese nationals involved in ivory trafficking in China and abroad.

1 EIA 2017. China ivory ban a big win for elephants if done properly, 6 January 2017. Available from: eia-international.org/china-ivory-ban-a-big-win-for-elephants-if-done-properly [Accessed 31 October 2017].

2 TRAFFIC 2017. Revisiting China's Ivory Markets in 2017. TRAFFIC briefing.

3 EIA (2017). Online interactive map on illegal ivory trade. Available from: eia-international.org/illegal-trade-seizures-elephant-ivory [Accessed 31 October 2017].

4 Vigne, L. & Martin, E. 2017. *The ivory trade of Laos: now the fastest growing in the world. Save the Elephants, Nairobi, Kenya*, EIA 2015. *Sin City: illegal wildlife trade in Laos' golden triangle special economic zone*. EIA UK, London.

5 EIA 2017. *Shuidong connection: exposing the global hub of the illegal ivory trade*. EIA UK, London.

KENYA

Kenya has made significant progress in implementing its NIAP and could potentially exit the NIAP process in the future. In the absence of a NIAP that meets the criteria set out in the CITES NIAP Guidelines, and recent progress reports however, it appears that there remain gaps in its response to end poaching and ivory trafficking.



NIAP STATUS	NIAP Status designated by CoP16
	Primary Concern
	NIAP Status designated by CoP17
	Primary Concern
	Submitted NIAP?
	Yes
	Assessment by CITES Secretariat at CoP17
	Substantially achieved NIAP

Kenya, along with Tanzania, has been implicated as a significant source and exit point for illegal ivory trade flows out of Africa since 2009.⁶ In order to stem the trafficking of ivory via Mombasa, as part of the UNODC-WCO Container Control Programme, Kenya has established a multiagency Joint Port Control Unit in Mombasa Port to facilitate the sharing of information in real time profile, target and examine containers being used to smuggle wildlife products.

Kenya's new Wildlife Conservation and Management Act (WCMA) provides for severe penalties for wildlife crime. EIA commends Kenya for not only strengthening its legislative framework but also for establishing a well-trained Wildlife Crime Prosecution Unit (WCPU) dedicated to prosecuting wildlife cases across the country, with a specialised WCPU prosecutor in all courts. Under the new framework for example, Feisal Ali Mohammed was sentenced to 20 years imprisonment and a Ksh20 million fine (approx. \$200,000) in July 2016 for smuggling ivory. High "minimum"

penalties for wildlife crime however, have also led to an increase in 'not guilty' pleas under the WCMA and in order to address this concern, efforts are underway to amend the WCMA, develop a plea bargaining policy and reduce delay in court processes.

Overall the conviction rate for wildlife crime remains low – a study by NGO Wildlife Direct on progress made in wildlife trials after the enactment of the WCMA concluded that the proportion of convicted persons given jail sentences without the option of a fine remained very low at six per cent in 2015 (although this was an increase from three per cent in 2008)⁷. In particular, the study found that nearly all foreigners arrested at Nairobi's Jomo Kenyatta International Airport (JKIA) during 2014 and 2015, were in transit, and were able to leave the country after paying a fine, concluding that "this has led to missed opportunities for Kenya to capture information on transnational criminals and to collaborate with other countries in disrupting the operations of international criminal networks".



© David Sheldrick/Wildlife Trust



©EIAimage

CONCLUSION	Does existing NIAP adequately address concerns identified in this analysis?
	Partially
	Has the Party implemented all measures to address above concerns?
	No
* Please refer to the full table of indicators on page 4	

Kenya does not have a centralised national database of information on known and suspected wildlife criminals, which is essential to facilitate intelligence-led enforcement⁸. Publicly available information suggests that financial investigations and the seizure of the proceeds of crime are not being routinely conducted to investigate money laundering associated with ivory trafficking. Ancillary orders such as property tracing and asset freezing are not available under the WCMA, although the Act provides for forfeiture of any property used in the commission of a crime.⁹

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. In numerous cases suspects of serious crime are not investigated and/or prosecuted.¹⁰

Top: In April 2016, the world's largest ivory stockpile destruction took place in Kenya.
Above: Kenya has a relatively stable elephant population with high poaching in some areas

6 CITES CoP17 Doc. 57.6 (Rev. 1). Report On The Elephant Trade Information System (ETIS).
7 Wildlife Direct. 2016. Outcome of court trials in the first two years of implementation of the Wildlife Conservation & Management Act, 2013.

8 Wildlife Direct. 2016. Outcome of court trials in the first two years of implementation of the Wildlife Conservation & Management Act, 2013.
9 Id.
10 Wildlife Direct. 2014. Scoping study on the prosecution of wildlife related crimes in Kenyan courts, January 2008 to June 2013.

LAOS

Laos has emerged as an illegal wildlife 'supermarket' where ivory and other wildlife products are openly available for sale. Without genuine political will to effect lasting change, the country will remain a safe haven for organised groups to exploit, continuing to trade ivory for years to come, at a huge cost to governance and biodiversity in both Africa and Asia.



NIAP STATUS

NIAP Status designated by CoP16
Important to watch

NIAP Status designated by CoP17
Important to watch

Submitted NIAP?
Yes

Assessment by CITES Secretariat at CoP17
Not substantially achieved NIAP

While the Lao National Assembly has approved the revision of the penal code, this is yet to be ratified. The new penal code increases fines and imprisonment for stealing, possessing, importing, exporting or trading in protected wildlife (CITES-listed species). It is uncertain whether a reform of Laos' wildlife legislation will also take place. Such a reform is urgently required because it remains unclear whether both African and Asian elephants are protected under applicable laws in Laos. Further, according to Laos' NIAP, ivory from captive elephants can be legally traded. EIA recommends that Laos revise its NIAP to include a time-bound commitment to prohibit all trade in ivory sourced from either wild or captive elephants by SC70 in 2018.

EIA research has determined that over 19 tonnes of ivory has been intercepted en route to Laos, however the country has made no large-scale seizures let alone prosecutions or convictions.¹¹ Instead,

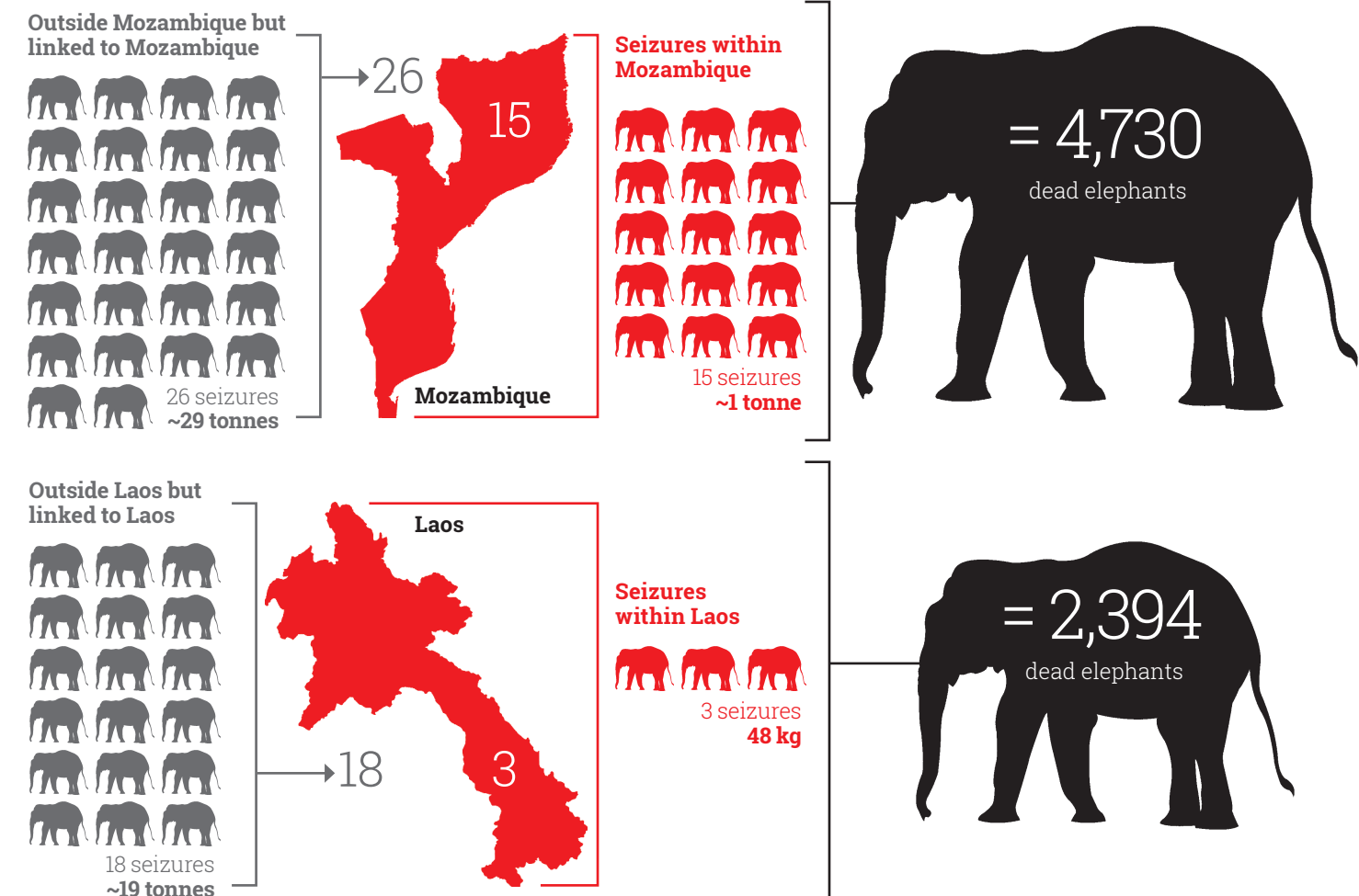
Laos has developed a globally significant role in illegal ivory trade and is a growing market for ivory sales to visiting Chinese consumers who pay less than in mainland China.¹²

Ivory is openly offered for sale in Luang Prabang, the Sanjiang market of Vientiane and the Golden Triangle Special Economic Zone.¹³ The CITES Secretariat has also reported that ivory which was stockpiled in Burundi is allegedly being trafficked from Africa via Uganda, with Laos as the destination.¹⁴ Ivory carving and production facilities are being moved from China to Laos and African countries. A September 2017 publication by NGO Save the Elephants found that Laos is now the fastest-growing ivory market in the world, with a significant increase in the number of Chinese-owned retail outlets selling ivory in the country since 2013; the majority of ivory being trafficked from Africa, formerly destined for China, has been diverted to the country.¹⁵



Above: ivory sold openly in Laos

IVORY SEIZURES RELATED TO MOZAMBIQUE AND LAOS (JAN 2010 - SEPT 2017)



Possible live trade in domesticated Asian elephants from Laos to China is also likely taking place without CITES documentation.¹⁶

While relevant Laotian government agencies have been provided with considerable training and support to tackle wildlife crime, there appears to be a lack of political will to effectively address ivory trafficking in and through Laos. Rampant corruption is also a major obstacle enabling wildlife criminals to operate freely. Bribes to Government officials enable ivory to enter Laos, and major wildlife criminals in Laos reportedly have direct connections to corrupt Government officials.¹⁷

CONCLUSION

Does existing NIAP adequately address concerns* identified in this analysis?
Partially

Has the Party implemented all measures to address above concerns?
No

* Please refer to the full table of indicators on page 4

11 EIA 2016. *Time for Action: End the criminality and corruption fuelling wildlife crime*. EIA UK, London.

12 Vigne, L. & Martin, E. 2017. *The ivory trade of Laos: Now the fastest growing in the world*. Save the Elephants, Nairobi, Kenya.

13 CITES 69th Standing Committee 2017. SC69 Doc 29.2.1 Application Of Article Xiii In The Lao People's Democratic Republic; EIA 2015. *Sin City: illegal wildlife trade in Laos' golden triangle special economic zone*. EIA UK, London.

14 CITES 69th Standing Committee 2017. SC69 Doc 29.2.1 Application Of Article Xiii In The Lao People's Democratic Republic.

15 Vigne, L. and Martin, E. 2017. *The ivory trade of Laos: Now the fastest growing market in the world*. Save the Elephants: Nairobi, Kenya. Page 20.

16 CITES 69th Standing Committee 2017. SC69 Doc 29.2.1 Application Of Article Xiii In The Lao People's Democratic Republic.

17 Vigne, L. and Martin, E. 2017. *The ivory trade of Laos: Now the fastest growing market in the world*. Save the Elephants: Nairobi, Kenya. Page 14.

MOZAMBIQUE

New laws which remove legislative ambiguities and increased penalties for wildlife crime, are a major positive step by Mozambique, as is the ongoing cooperation with authorities in Vietnam. The main litmus test of these changes will be their application, and the successful arrest and prosecution of major criminals and corrupt officials, who are deeply embedded within the country's illegal ivory trade.



NIAP STATUS	NIAP Status designated by CoP16 Secondary concern
	NIAP Status designated by CoP17 Important to watch
	Submitted NIAP? Yes (2015)
	Assessment by CITES Secretariat at CoP17 Not substantially achieved NIAP

Mozambique's significant role in the global ivory trade is evidenced by the massive decline in its elephant populations and the large number (and volume) of ivory seizures abroad that are linked to the country. Mozambique has witnessed one of the most striking recent declines in savanna elephants in the entire species' range. In only five years (between 2009 and 2014) it lost 53 per cent of its elephants according to the Great Elephant Census (GEC 2016).

Although large-scale ivory seizures in Mozambique are a rare occurrence, Mozambique has been linked with at least six large-scale seizures including four seizures in Vietnam (see page 11).

EIA investigations in 2016 and 2017 confirmed that ivory traffickers had moved operations to Mozambique, following a relative improvement in enforcement in neighbouring Tanzania. Ivory, sourced from Mozambique's dwindling elephant populations, as well

as from neighbouring countries, is being consolidated in the country, and then trafficked out in shipping containers.¹⁸ Mozambique is ranked as one of the most corrupt countries in Africa¹⁹ which hampers enforcement. EIA recommends that Mozambique continues to improve detection methods to combat ivory trafficking at exit ports and that it employs effective anti-corruption measures.

“We are able to move anything through Pemba. Everyone there has been bought.”

Chinese ivory trader in Pemba, Mozambique

Below: Skulls of poached elephants in northern Mozambique (2012).

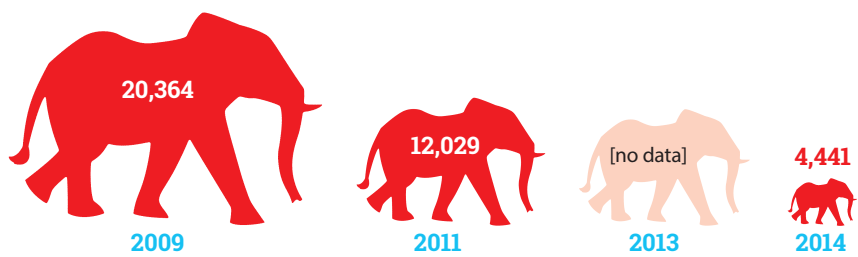


MOZAMBIQUE'S DECLINE IN ELEPHANT POPULATION 2009-2014

Country wide



Niassa National Reserve



Country-wide data source: IUCN African Elephant specialist Group Database, except for 2014 source is GEC.

Niassa National Reserve data source: GEC.

Mozambique has witnessed one of the most striking recent declines in savanna elephants in the entire species' range.

CONCLUSION	Does existing NIAP adequately address concerns* identified in this analysis? Partially
	Has the Party implemented all measures to address above concerns? No
	* Please refer to the full table of indicators on page 4

Until this year, it was unclear whether African elephants were a fully protected species under the Conservation Law (2014). Revisions to this law, which came into force in May 2017, have now given full protection to all CITES Appendix I and II listed species, and has significantly increased possible prison terms to a maximum of 16 years. Ivory is sold openly in the markets of the capital Maputo, and clearly aimed at Chinese visitors/consumers; traders have been observed using the Chinese words for ivory. This was partly due to the previous ambiguities in the laws protecting elephants, which enabled a domestic trade to persist. More recently however ANAC (National Administration for Conservation Areas), the Government agency responsible for wildlife protection, has conducted at least two operations in Maputo's markets against the "illegal domestic market".²⁰ Although prosecution of a reportedly major ivory trafficker appears to be ongoing,²¹ there have been no notable convictions of

ivory traffickers in Mozambique; a major test of the country's progress will be the application of the new Conservation Law and deterrent sentencing.

The MoU on *Cooperation on Protection and Conservation of Wildlife* made between the governments of Mozambique and Vietnam in August 2017 is a significant and positive step. There is a strong Vietnamese element to the trafficking groups that operate out of the country. An MoU on organised crime has also been adopted between China and Mozambique.²² EIA urges Mozambique to urgently implement these commitments to improve cooperation with China and Vietnam to disrupt the transnational criminal networks using Mozambique as a source, consolidation and transit point in the illegal ivory trade chain.

18 EIA 2017. *Shuidong connection: Exposing the global hub of the illegal ivory trade*. EIA UK, London.

19 Transparency International 2016. Available from: www.transparency.org/news/feature/corruption_perceptions_index_2016 [Accessed 31 October 2017].

20 CITES 69th Standing Committee 2017. SC69 Doc 29.3 Annex 12. National Ivory and Rhino Action Plan (NIRAP) Progress Report, 1 July 2016 – 15 August 2017. ANAC 2017.

21 Id.

22 EIA 2016. *Time for Action: End the criminality and corruption fuelling wildlife crime*. EIA UK, London.

VIETNAM

Vietnam remains a significant country in the illegal ivory trade chain, probably second only to China in terms of impact on elephant populations. While some progress has been made in reforming the legislative framework, much of Vietnam’s international and national commitments remain on paper and are yet to be translated into action to end wildlife trafficking.

The lack of progress made by Vietnam is reflected in the prevalence of ivory carvings for sale in the country, the ongoing role of Vietnamese criminal syndicates in the ivory trade both in Vietnam and abroad, and the high number of large-scale ivory seizures that have either occurred in Vietnam, or are linked to the country.

While Vietnam has made notable progress in reforming its penal code to ensure wildlife crime (including ivory trade) is a serious offence, this has been delayed since its initial implementation date of July 2016. Given the critical role the country plays in the illegal ivory trade, the implementation of Vietnam’s reformed penal code cannot come soon enough; there are too few convictions for wildlife crime and the sentences handed out are pitifully small, usually limited to fines.²³

A growing concern is the influence of Vietnamese communities and diaspora abroad and their role in wildlife trafficking, including ivory. In 2016, the ivory carving hub of Nhi Khe in north



NIAP STATUS	NIAP Status designated by CoP16
	Primary Concern
	NIAP Status designated by CoP17
	Primary Concern
	Submitted NIAP?
	Yes
	Assessment by CITES Secretariat at CoP17
Substantially achieved NIAP	

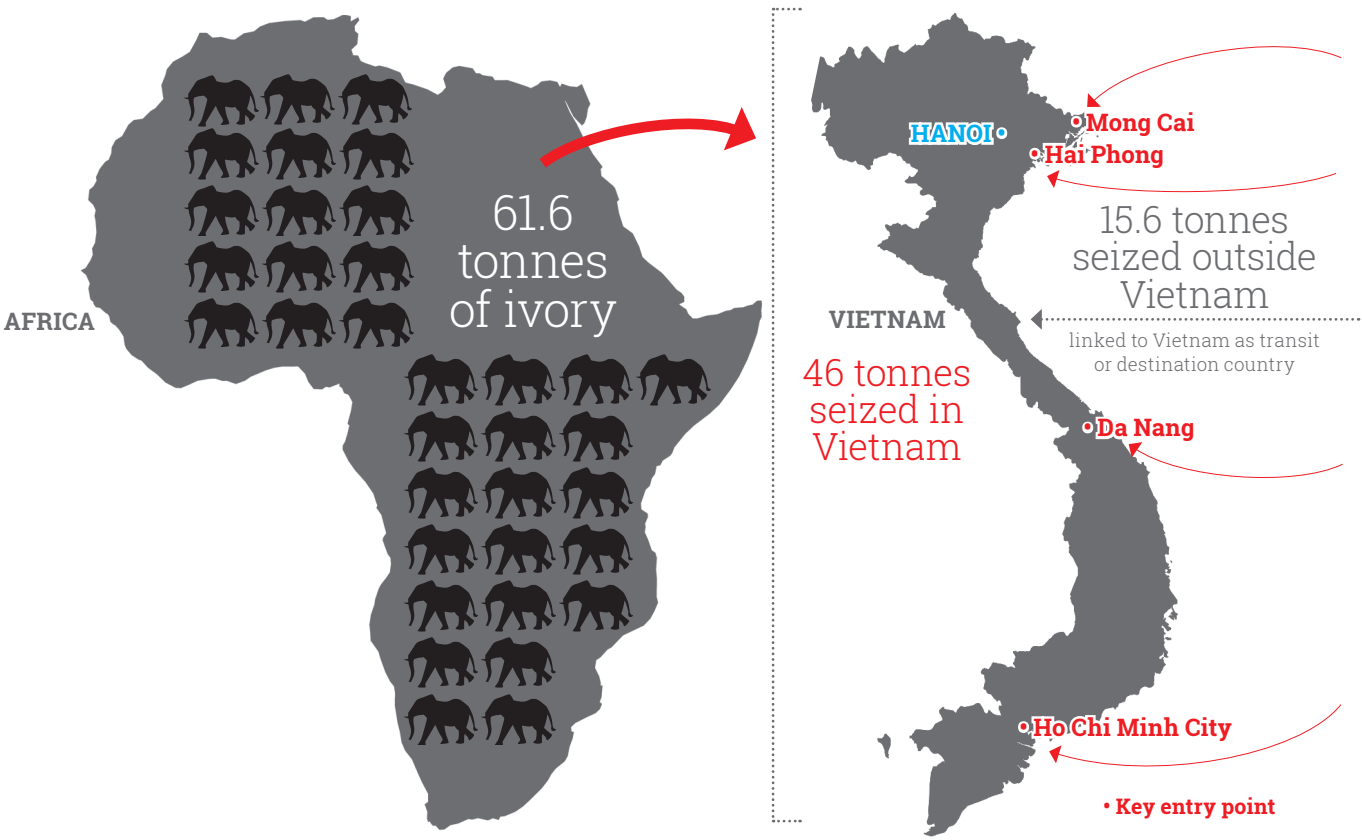
Vietnam was exposed²⁴. While this triggered some enforcement action in Vietnam, ivory trafficking continues to take place more covertly.

Some progress has been made in working with elephant range states such as Mozambique. In August 2017, an agreement was reached with Mozambique to enhance cooperation on wildlife trafficking,²⁵ and linked to this, was the strengthening of judicial ties between the two countries.²⁶ Agreements such as this facilitate mutual legal assistance and the extradition of Vietnamese criminals involved in ivory trafficking.

Below: Hai Phong Port is a major entry point for illegal ivory from Africa



FLOW OF IVORY INTO VIETNAM



Above: Da Nang has emerged as a major point in the ivory trade chain. In just two weeks in August 2015, three large-scale seizures took place in Da Nang amounting to ~ 3.8 tonnes of ivory.



CONCLUSION	Does existing NIAP adequately address concerns* identified in this analysis?
	Partially
	Has the Party implemented all measures to address above concerns?
No	
* Please refer to the full table of indicators on page 4	

EIA urges Vietnam to expedite the application of the new penal code and international cooperation agreements to disrupt the operations of transnational Vietnamese ivory trafficking networks. Effective cooperation, rapid intelligence-led enforcement, and deterrent sentencing will be the most pragmatic way the Vietnamese Government can reduce its substantial role in the global illegal ivory trade.

23 Id.; Education for Nature – Vietnam (ENV). 2014. Summary Report: An evaluation of the outcomes of prosecutions for serious wildlife crimes in Vietnam.
24 Wildlife Justice Commission, 2016 public hearing.
25 All Africa 2017. Mozambique and Vietnam Sign Agreements on Conservation Areas and Civil Aviation, 1 August 2017. Available from: allafrica.com/stories/201708040609.html [Accessed 31 October 2017].
26 Viet Nam News 2017. VN-Mozambique judicial ties lauded, 22 August 2017. Available from: vietnamnews.vn/politics-laws/392463/vn-mozambique-judicial-tieslauded.html#mUjssxxTed9roD0R.97 [Accessed 31 October 2017].

Other countries of concern

EIA remains concerned about the inappropriate designation and assessment of progress made under the NIAP process by the countries highlighted below.

Name of Party	Pre-CoP17 status	'Substantially achieved NIAP' per CITES Secretariat	Increase or decrease in status/current status
Malaysia	PCC	Yes	No change, remains PCC
Singapore	Not Applicable	Not Applicable	New addition as PCC; however Secretariat is recommending that Singapore should not develop a NIAP. SC69 is to decide on this matter.
Uganda	PCC	Yes	No change, remains PCC
Cambodia	ITW	No	Increase in status, from ITW to SCC (and not PCC)
Nigeria	SCC	No	No change, remains SCC
Thailand	PCC	Yes	Decrease in status, from PCC to SCC
DRC	SCC	No	Decrease in status, from SCC to ITW
Japan	ITW	Not Applicable	No change, remains ITW however SC decided by postal procedure that Japan need not develop a NIAP

KEY PCC: Primary Concern Country; SCC: Secondary Concern Country; ITW: Important to Watch Country. EIA areas of concern highlighted in red.

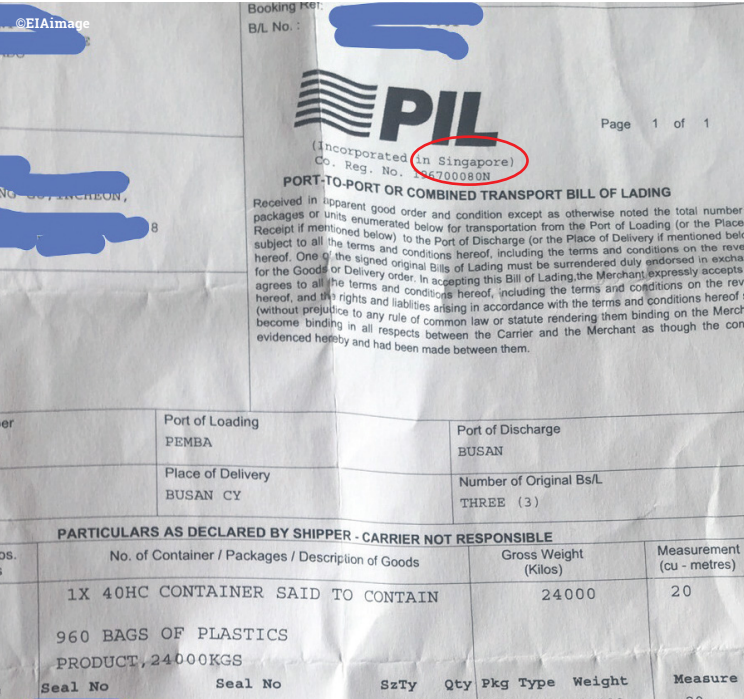
The above countries should be identified as Primary Concern Countries required to expedite implementation of NIAPs.

Japan’s tusk registration scheme has been exposed as open to abuse and fraud²⁷ and recent amendments to Japan’s Law for the Conservation of Endangered Species (LCES) have failed to address the loopholes. These allow registration of tusks without proof of legal acquisition or origin; for example, third party statements are accepted for tusk registration purposes.²⁸

Singapore is a major transit country in the ivory trade chain, used by organised criminal groups to traffic ivory predominately intended for Vietnam and China. Since 2000, Singapore has seized 13 tonnes of ivory representing over five per cent of ivory from all large-scale seizures. In addition, at least 14 large-

scale ivory seizures outside Singapore have been linked to Singapore along the ivory trade chain route (for example as a transit point). EIA investigations have documented how organised criminal networks smuggle ivory in containers via Singapore unhindered. By using for example the Singaporean shipping line Pacific International Lines (PIL) to transport illegal ivory from Mozambique.²⁹ Moreover, according to the CITES NIAP Guidelines “There is a presumption that Parties categorised as of ‘primary concern’ are to be recommended for participation in the NIAP Process.” The ETIS report to CITES CoP17 identified Singapore as a ‘primary concern country’ given its role as a major transit hub in the illegal ivory trade³⁰ and the country should therefore be required to develop a NIAP.

Cambodia has emerged as a major transit country, linking ivory flows from East



Bottom: A copy of the Bill of Lading issued by Singapore-based PIL for the shipping container of 2.3 tonnes of ivory from Pemba to Hong Kong.

Africa including Kenya and Mozambique with end-destinations in Asia; there has furthermore been recognition of a retail market within the country and an increase in ivory availability.³¹ In its report to SC69, the CITES Secretariat has reported that Cambodia has made limited progress in implementing its NIAP.³²

At CITES CoP17 **Thailand** was downgraded to a ‘country of secondary concern’ including on the ground that there were no large-scale ivory seizures between 2012 and 2014;³³ yet in 2015, Thailand made at least three large-scale ivory seizures, totalling nearly eight tonnes. Based on publicly available information, it appears that no convictions have been secured for any of the large-scale cases within Thailand. More recently Thai traders have been observed offloading their ivory stock into neighbouring Laos, which has further compacted Laos’ problematic status as a major wildlife trafficking hub in the region.³⁴ Collaborative efforts have however been noted between Thai law enforcement and other international law enforcement agencies related to ivory trafficking suspects in the DRC.³⁵ Since 2010, north-east **Democratic Republic of Congo (DRC)** experienced the second-fastest population decline of any country in the Great Elephant Census.³⁶ Organised criminal networks are likely sourcing ivory from forest elephants in DRC and other countries.³⁷ The capital city of Kinshasa has also been found to maintain a flourishing ivory market.³⁸

EIA analysis has identified at least 11 large-scale seizures comprising over 20 tonnes of ivory linked in transit through **Nigeria** since 2000. Furthermore EIA investigations revealed Nigeria as an increasingly important export hub for ivory from threatened forest elephants. Ivory traffickers from Shuidong, China

claimed that corrupt Nigerian customs officers charge a fee of \$30 per kg for ivory to ensure non-inspection of a container.³⁹ The investigations demonstrated how Nigeria, Singapore and Thailand all featured in high-volume ivory flows to the globally significant ivory hub of Shuidong in southern China.⁴⁰

Since 2000 **Malaysia** has seized over 17 tonnes of ivory from large-scale seizures with incidents every year since 2010; the country has been linked as a transit hub to large seizures totalling over 61 tonnes.⁴¹ Most recently, during August 2017, authorities recovered a record three tonnes of ivory, which clearly shows its continuing role in global ivory trafficking flows. From in-country large seizures, only one case is known to have resulted in a conviction following cooperation between Malaysian authorities and an NGO.

While there has been notable progress, Uganda must intensify its response to ivory trafficking in recognition of the important role it plays in the ivory trade chain. EIA analysis of large-scale ivory seizures reveals that since 2000, **Uganda** features in the top 10 most significant countries in terms of the number of seizures and weight of ivory seized. This activity includes a seizure in 2017, following which investigations revealed suspicious financial transactions with an Asian entity from 2014 onwards.⁴²

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29 EIA 2017. *Shuidong connection: Exposing the global hub of the illegal ivory trade*. EIA UK, London.

30 CITES CoP17 Doc. 57.6 (Rev. 1). Report On The Elephant Trade Information System (ETIS).

31 Id. at pg.14.

32 CITES 69th Standing Committee. SC69 Doc. 29.3. National Ivory Action Plan Progress Report – Laos PDR July 2016 – September 2017.

33 CITES CoP17 Doc. 57.6 (Rev. 1). Report On The Elephant Trade Information System (ETIS).

34 Vigne, L. and Martin, E. 2017. *The ivory trade of Laos: Now the fastest growing market in the world. Save the Elephants: Nairobi. Kenya.*

35 Freeland 2017. African Task Force Shakes Up Wildlife Trafficking Syndicates. Available from: <http://freeland.org/press-releases/african-task-force-shakes-wildlife-trafficking-syndicates/> [Accessed 9 October 2017].

36 The Great Elephant Census. Country-by-Country Findings. August 31, 2016 Available from: static1.squarespace.com/static/5304f39be4b0c1e749b456be/t/57c71f5fcd0f68b39c3f4bfa/1472667487326/GEC+Results+Country+by+Country+Findings+Fact+Sheet_FINAL_8+26+2016.pdf [Accessed 31 October 2017].

37 EIA 2017. *Shuidong connection: exposing the global hub of the illegal ivory trade*. EIA UK, London .

38 CITES 69th Standing Committee 2017. SC69 Doc.29.2.2. Application Of Article XIII In The Democratic Republic Of The Congo.

39 EIA 2017. *Shuidong connection: exposing the global hub of the illegal ivory trade*. EIA UK, London.

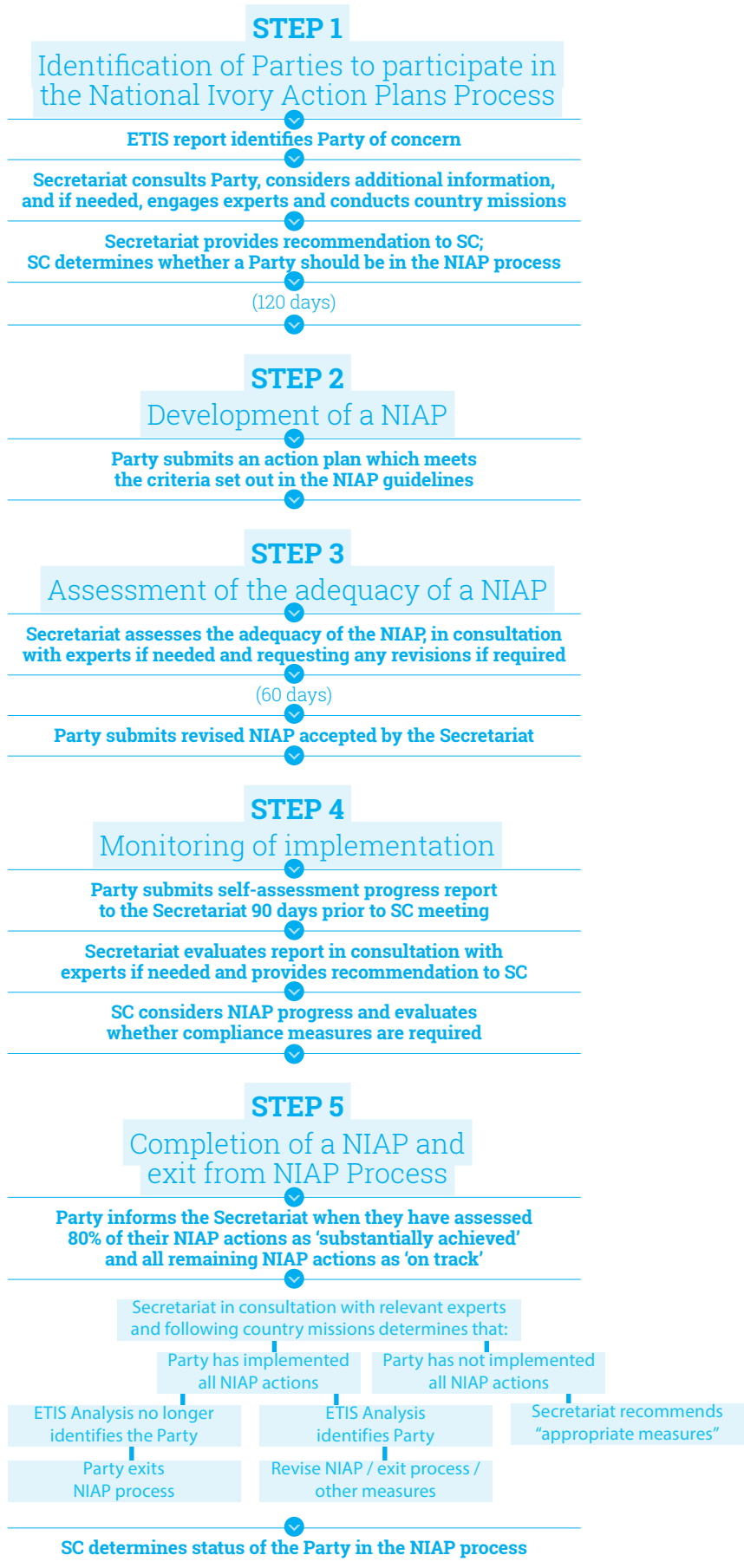
40 Id.

41 Krishnasamy K. 2016. Malaysia’s invisible ivory channel: An assessment of ivory seizures involving Malaysia from January 2003-May 2014. TRAFFIC, Southeast Asia Regional Office, Petaling Jaya, Selangor, Malaysia. Page 10.

42 Ndagire, B. 2017. Foreigners sent for trial over ivory. Daily Monitor. Available From: <http://www.monitor.co.ug/News/National/Foreigners-sent-for-trial-over-ivory/688334-4011216-ijtwsnz/index.html> [Accessed 31 October 2017].

Five-Step Process Under the National Ivory Action Plans (NIAP) Guidelines

In 2016, CITES Parties adopted the NIAP Guidelines which envisages a five-step process for countries flagged as being of concern in the ivory trade, to demonstrate progress made in addressing such trade with a view to eventually exiting the NIAP process



ABOUT EIA

We investigate and campaign against a wide range of environmental crime and abuse.

Our undercover investigations expose transnational wildlife crime, with a focus on elephants and tigers, and forest crimes such as illegal logging and deforestation for cash crops like palm oil. We work to safeguard global marine ecosystems by addressing the threats posed by plastic pollution, bycatch and commercial exploitation of whales, dolphins and porpoises. Finally, we reduce the impact of climate change by campaigning to eliminate powerful refrigerant greenhouse gases, exposing related illicit trade and improving energy efficiency in the cooling sector.

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