



**TIME FOR ACTION**  
End the criminality and corruption  
fuelling wildlife crime



## ACKNOWLEDGEMENTS

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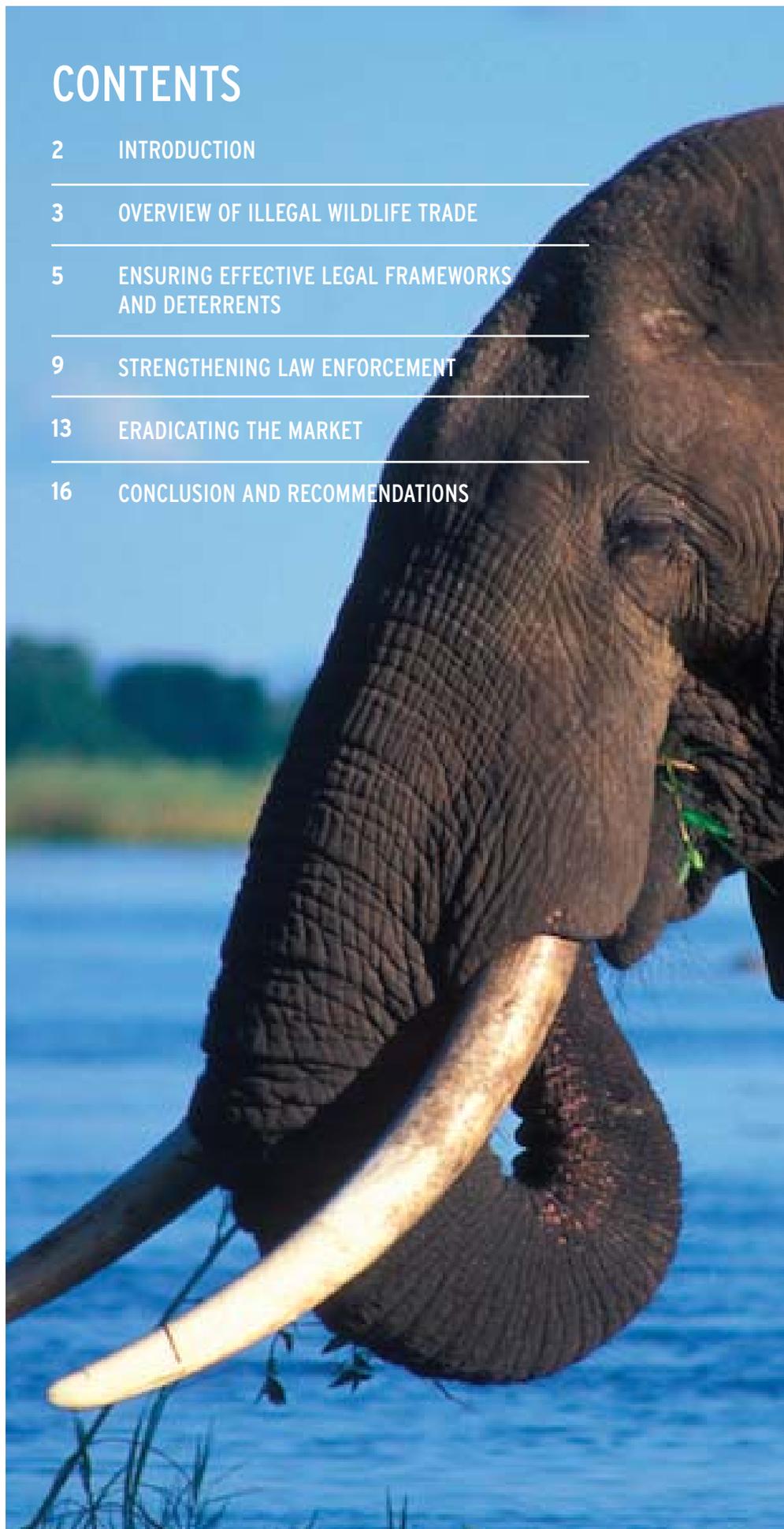
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# INTRODUCTION

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.<sup>1</sup>

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.<sup>2</sup> 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/><sup>3</sup>

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.

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## OVERVIEW OF ILLEGAL WILDLIFE TRADE

**“... 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup> 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.<sup>9</sup>

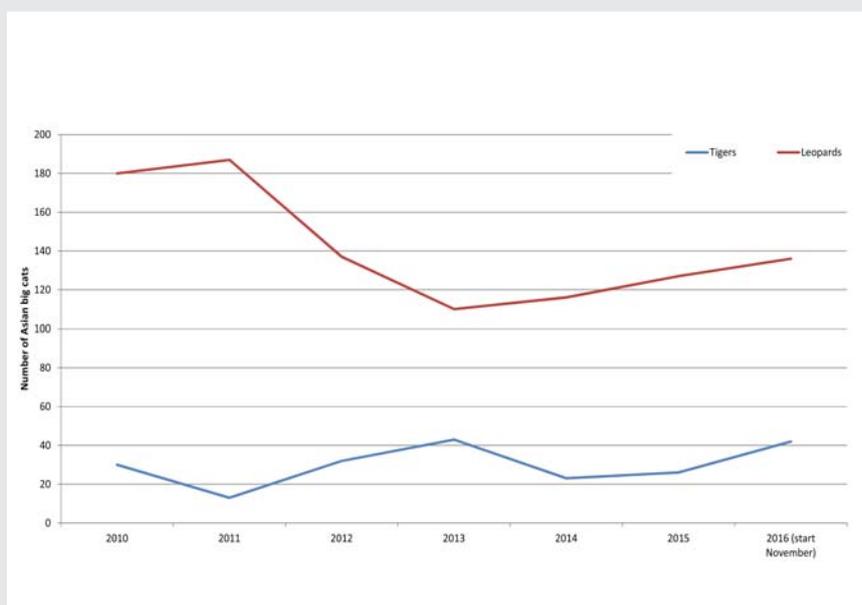


FIGURE 1: ASIAN BIG CATS POACHED AND SEIZED IN INDIA, 2010-2016 YEAR TO DATE

In India, more tigers were poached in the first six months of 2016 than in the entirety of 2015.<sup>10</sup> Cambodia, China, Laos and Vietnam have virtually lost any viable populations of wild tigers and there are still fewer than 4,000 wild tigers.<sup>11</sup> Since 2000 until 2016 YTD, over 4,600 leopards have been recorded seized and poached, with 77 per cent of these in India.<sup>12</sup> By November 2016, globally the number of dead leopards 146 exceeds that of the previous year 145.<sup>13</sup> 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.<sup>14</sup>

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

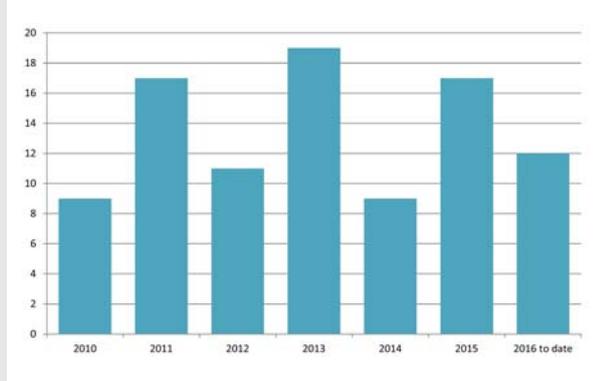


FIGURE 3: SEIZURES OF PANGOLIN SCALES IN CHINA INCLUDING HONG KONG, 2000-2016 YEAR TO DATE

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.<sup>15</sup>

Source: Publicly-reported, EIA-compiled

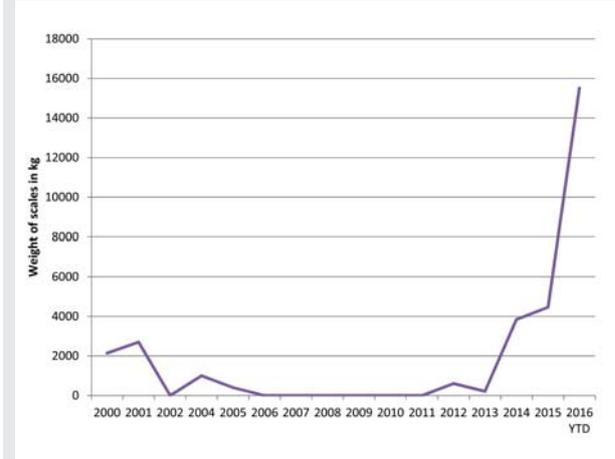
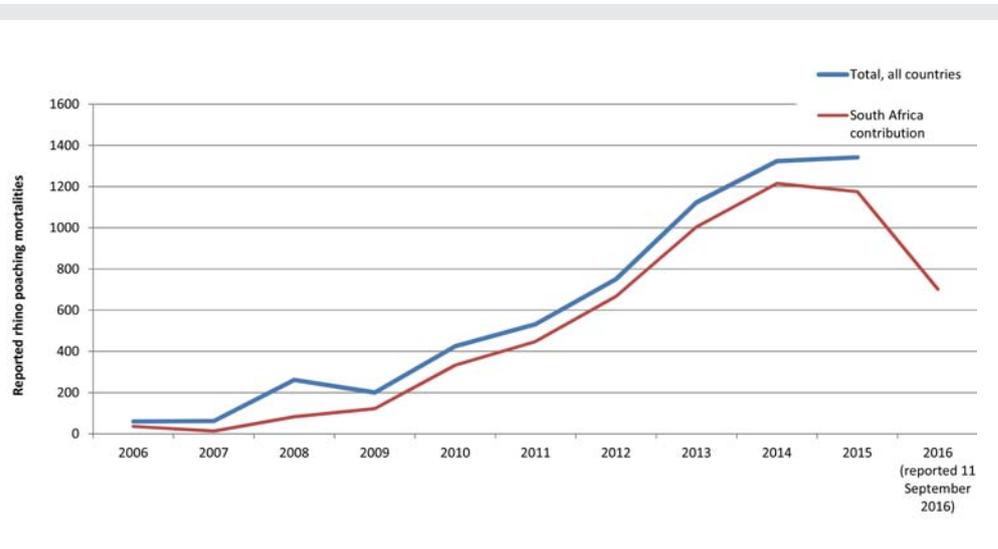


FIGURE 4: REPORTED AFRICAN RHINO POACHING MORTALITIES

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.<sup>16</sup>

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.<sup>17</sup>

Between mainland China and Hong Kong, there is a large discrepancy in sentences applicable for similar offences.<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup> Other countries including Indonesia and Nepal, have similar problems in existing legislation.<sup>21</sup>



### 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 China<sup>22</sup> and Uganda<sup>23</sup> 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.<sup>24</sup>

## 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.<sup>25</sup> 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.<sup>26</sup>

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.<sup>27</sup> 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.”<sup>28</sup>

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.<sup>29</sup> The case represented the first conviction of a high-level trafficker in Kenya and other cases remain pending in Kenya courts.<sup>30</sup> In China, in 2016, 32 people in Zhejiang Province were jailed for up to 13 years for trafficking in wildlife, including pangolins.<sup>31</sup>

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.<sup>35</sup>

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.<sup>36</sup> 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.<sup>37</sup>

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 smuggling<sup>32</sup> and two other Chinese nationals to 30 years imprisonment for the possession of 706 elephant tusks, plus five years for attempted bribery.<sup>33</sup> 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.<sup>34</sup>



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.<sup>38</sup> 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.<sup>39</sup> 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

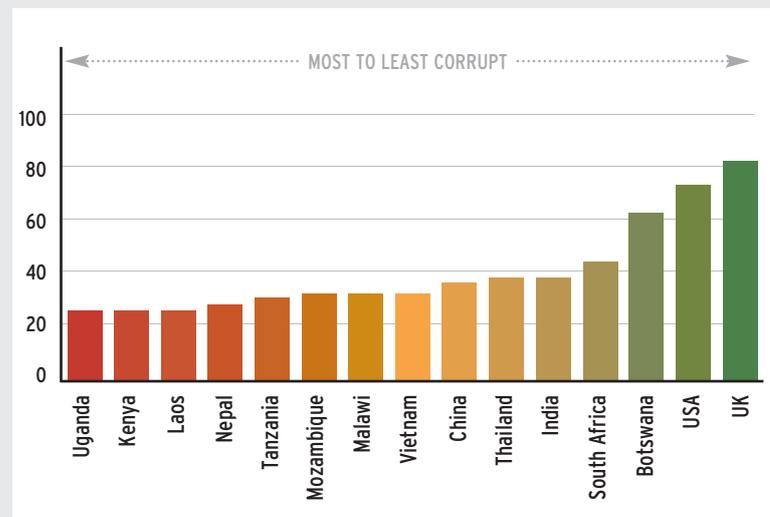
Although governments committed to “zero tolerance” of corruption under the London Declaration, this commitment largely remains on paper. Corruption is a severe impediment in tackling wildlife trafficking. For example, EIA investigations in have documented how corrupt government officials fuel trade in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

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.<sup>48</sup> 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<sup>48a</sup> 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;<sup>49</sup> 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>



Kenya’s Wildlife Conservation and Management Act (WCMA) came into effect in January 2014<sup>40</sup> 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.<sup>41</sup> 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.<sup>42</sup> The WCMA is currently being amended to address these concerns.

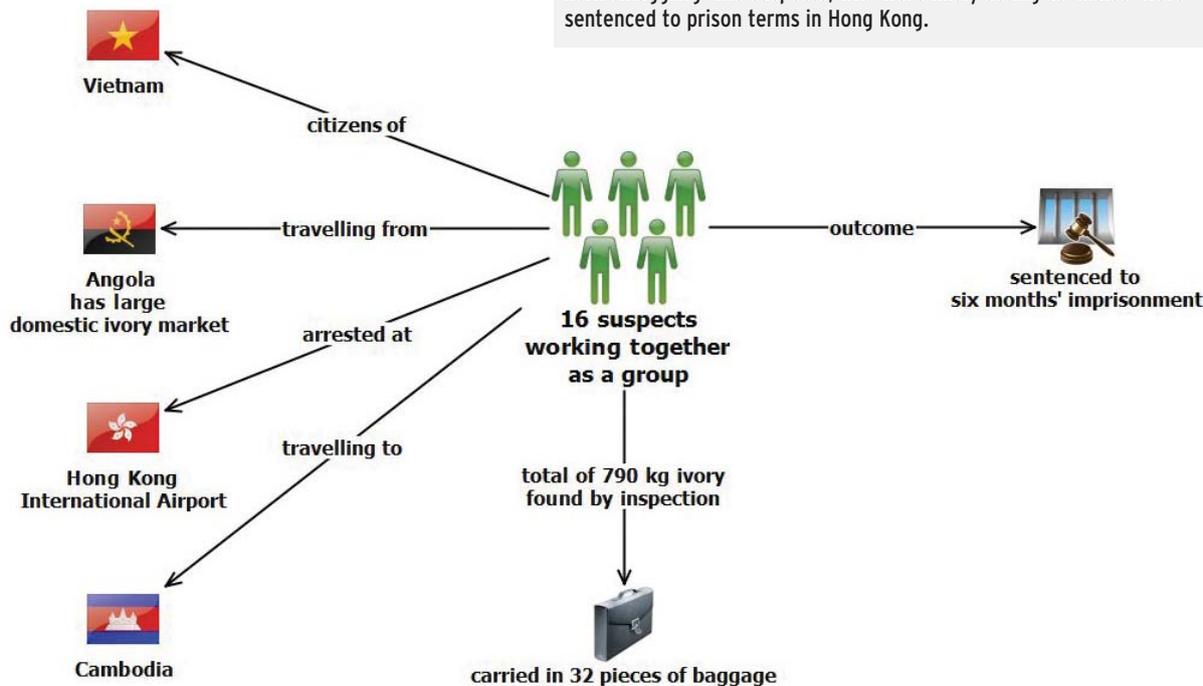
In 2012, the Office of the Director of Public Prosecutions (ODPP) set up the Wildlife Prosecution Unit (WPU) which specialises in prosecuting wildlife cases. WPU prosecutors are now stationed in all courts across the country.<sup>43</sup> The number of magistrates and mobile courts has also increased.<sup>44</sup> 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”<sup>45</sup> empowered to adjudicate over specific offences, including wildlife trafficking offences, which has resulted in an increase in convictions for wildlife trafficking.<sup>46</sup>

# STRENGTHENING LAW ENFORCEMENT

## ORGANISED CRIMINAL GROUPS FUELLING ILLEGAL WILDLIFE TRADE<sup>50</sup>

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.



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### 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.<sup>51</sup>

## 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,<sup>52</sup> Tanzania,<sup>53</sup> Uganda,<sup>54</sup> Kenya,<sup>55</sup> mainland China and Hong Kong,<sup>56</sup> the US<sup>57</sup> and South Africa.<sup>58</sup>

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,<sup>59</sup> and between Customs authorities in the UK and China resulting in two people being jailed for six years for ivory smuggling.<sup>60</sup> Botswana and South Africa have also collaborated in a controlled delivery operation in relation to trafficking in exotic spiders.<sup>61</sup> 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.<sup>62</sup>

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.<sup>63</sup> 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.<sup>64</sup>

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.<sup>65</sup> 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.<sup>66</sup>

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.<sup>67</sup> 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.<sup>68</sup> In 2016, however, in this case the court order on the asset recovery was reportedly revoked.<sup>69</sup>

## 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.<sup>70</sup> 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.<sup>71</sup> 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.<sup>72</sup>

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.<sup>73</sup>

## 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.<sup>74</sup>

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.<sup>75</sup>

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.<sup>76</sup>

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.<sup>77</sup>



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# 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.<sup>83</sup> Legal domestic markets for ivory in mainland China,<sup>84</sup> Hong Kong,<sup>85</sup> Japan,<sup>86</sup> Thailand<sup>87</sup> and Laos<sup>88</sup> 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.<sup>89</sup>

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.<sup>90</sup> Despite repeated commitments to do so, the UK has yet to take concrete measures to close its domestic ivory market,<sup>91</sup> in spite of recent reports that its legal antique trade is being used to launder illegal ivory.<sup>92</sup>

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.<sup>93</sup>

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.<sup>94</sup> 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.<sup>95</sup>

## 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.<sup>78</sup>

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.<sup>79</sup> 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.<sup>79a</sup>

Parallel legal markets undermine demand-reduction efforts. For example, the Government of China has launched several campaigns to raise awareness about wildlife trade.<sup>80</sup> 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.<sup>81</sup>

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.<sup>82</sup>



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.

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## STOCKPILES

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.<sup>96</sup>

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.<sup>97</sup>

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.<sup>98</sup> 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 products<sup>99</sup> while Kenya, Mozambique and the US recently destroyed rhino horns.<sup>100</sup> 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.<sup>101</sup>

## 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.

### 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.



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# 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

## 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

- 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

## 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



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