



**ENVIRONMENTAL
INVESTIGATION
AGENCY**

**Taking Stock: An assessment
of progress under the National
Ivory Action Plan process**



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WildlifeDirect; World Wide Fund for Nature (WWF); and Zoological Society of London (ZSL).

ABOUT EIA

We investigate and campaign against environmental crime and abuse.

Our undercover investigations expose transnational wildlife crime, with a focus on elephants, pangolins 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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Above: Elephants in Chobe National Park, Botswana

EXECUTIVE SUMMARY

The National Ivory Action Plan (NIAP) process is an important framework. It was developed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in response to the continuing elephant poaching crisis in Africa, the worst the continent has experienced since the 1970s and 1980s. If implemented effectively, the NIAP process can contribute significantly to a reduction in elephant poaching and the illegal trade in ivory.

“ A significant concern about the NIAP process is that the focus is on tracking actions of NIAP Parties rather than on impact. ”

NIAP process

The NIAP process identifies the key CITES Parties with high levels of elephant poaching and ivory trafficking. It calls for these countries to develop and implement robust time-bound action plans to address country-specific concerns, with the ultimate goal of achieving positive impact on the ground. For example, impact can be measured through progress made in reducing elephant poaching (resulting in stabilised or increased elephant populations) or improving legislation and enforcement actions (resulting in increased ivory seizures and successful prosecutions).

The NIAP process has prompted notable progress in some participating countries. For example, Kenya has strengthened national legislation and improved conviction rates. In 2015, Thailand took steps to regulate its domestic ivory market which, although falling well short of a ban, have measurably reduced illegal trade. In 2017, China closed its domestic ivory market almost entirely. Meanwhile, Uganda has reported that participating in the NIAP process has been positive by encouraging key Government officials to recognise the importance of tackling illegal ivory trafficking as well as by giving the issue more public prominence across the country.

There have already been some welcome developments in the process, such as the production of templates for NIAPs and progress reports. The NIAP Guidelines adopted at the 17th CITES Conference of the Parties in 2016 (CoP17),¹ recognise the need for performance indicators and targets to demonstrate progress. They include data on elephant poaching levels, number of ivory seizures, successful prosecutions and any relevant indicators from the International Consortium on Combating Wildlife Crime (ICWC). The CITES Standing Committee (SC) has the ultimate decision-making authority over who participates in, stays in or exits the NIAP process. Since the SC meets every year, this offers an opportunity for tracking progress, supporting implementation and securing strong country-specific decisions on a timely basis, rather than waiting for three years to secure action at a CITES CoP.

However, the NIAP process is in its infancy. As such, weaknesses are still being identified and there are opportunities for learning and making improvements. The NIAP Guidelines are an important step forward but they have not been fully implemented to date. One of the most significant concerns is that even though the NIAP Guidelines specifically encourage assessment of progress by independent experts, the process continues to rely on self-assessment progress reports submitted by Parties, without independent review. These progress reports may not fully reflect the key challenges being faced by the NIAP Party in question. There is a clear and pressing need for the mandatory use of independent experts in the assessment of progress against NIAP objectives.

Similarly, serious concerns have also been raised about the adequacy of certain NIAPs to address the problems they need to solve. Therefore, as well as being involved in the assessment of progress, it is important that independent experts participate in the development of the NIAP. Finally, independent experts should be involved in the ultimate assessment as to whether a country should exit the NIAP process. While the existing NIAP Guidelines do call for consultation with independent experts, necessary amendments to the NIAP Guidelines should be made at CoP18 to ensure that involvement of expert analysis becomes a standard part of the NIAP process and not an optional extra.

The underlying issues within a country may change during the period covered by a NIAP. If that happens, the SC should be able to work with the Party to revise its NIAP to address those changed circumstances, rather than wait for the end of the NIAP period to request the development of a new NIAP.

A significant concern about the NIAP process is that the focus is on tracking actions of NIAP Parties rather than on impact. Parties tend to focus on achieving a certain percentage of the NIAP objectives rather than assessing their actual impact in addressing the problems (for example, by demonstrating an increase in

elephant populations or disruption of organised criminal networks involved in ivory trafficking). Once a certain percentage of the NIAP objectives has been achieved, the Party may argue that it should exit the process. That would be premature. Before the SC decides that any Party should exit the NIAP process, there should be an assessment period involving detailed input from independent experts to establish whether the actions taken have actually made any difference to the underlying problems. If not, the NIAP should be revised. For example, if a country has made legislative changes, it would be premature for that country to exit the NIAP process, without demonstrating the impact of the changes such as increased prosecutions and disruption of the organised criminal networks implicated in ivory trafficking.

Objective and methodology

This report is intended to support CITES decision-making in relation to the NIAP process in advance of the 70th meeting of the SC (SC70). The report recognises that progress is being made by highlighting examples of best practice. It also identifies challenges and sets out recommendations for the NIAP process and for individual NIAP Parties. The report uses publicly available information to assess progress by 19 key NIAP Parties. Some of the indicators used for the assessment overlap with the Indicator Framework for Wildlife and Forest Crime developed by ICCWC. Our assessment does not include all of the ICCWC indicators because the information for many of these is held and maintained solely by governments. We urge all Parties, whether in the NIAP process or not, to employ the ICCWC indicators to evaluate the impact of their responses to wildlife crime.

The 19 key NIAP Parties of concern covered by this report are set out below:

CATEGORY A

Mainland China	Hong Kong SAR
Kenya	Malaysia
Singapore	Uganda
Tanzania	Vietnam

CATEGORY B

Cambodia	Cameroon
Congo	Gabon
Nigeria	South Africa
Thailand	

CATEGORY C

DRC	Japan
Laos	Mozambique

Key findings

While significant progress has been made by some NIAP Parties, there remain key gaps that continue to pose a challenge for effectively reducing elephant poaching and ivory trafficking. Common challenges for the majority of the 19 NIAP Parties assessed in this report include:

- lack of the full range of legislation for tackling ivory trafficking as an organised crime
- lack of a strong and coordinated criminal justice response to organised poaching and ivory trafficking (resulting in low levels of arrests, prosecutions and convictions, as well as inadequate sentences)
- poor ivory stockpile management (at least 10 of the NIAP Parties assessed had stockpiled ivory leaking into the illegal trade)
- lack of reporting to facilitate CITES decision-making (e.g. reports to ETIS)
- failure to address corruption which enables wildlife trafficking
- inadequate international cooperation, including among NIAP Parties themselves
- lack of capacity
- lack of use of financial investigation techniques
- lack of use of forensic evidence to secure convictions
- lack of centralised wildlife crime database.

Other than the NIAPs of Congo, Uganda and Gabon, the NIAPs of the Parties assessed in this report do not make commitments to tackle corruption. While several NIAPs refer to key indicators to demonstrate progress, very few NIAP progress reports are actually using these indicators – for example, they do not include information on arrests and prosecutions to demonstrate progress in tackling ivory trafficking.

The NIAP process offers a critical opportunity for world governments to take stock of the problems that have led to the ongoing elephant poaching crisis and to tackle these concerns in an effective way. To achieve that objective, this report demonstrates that there are a number of concrete actions that should be implemented urgently.



Above: successful enforcement requires the cooperation of a wide range of stakeholders

RECOMMENDATIONS

In light of the issues identified in this report, we make the following recommendations for the CITES Standing Committee and Conference of the Parties to CITES. In addition, recommendations for each country assessed in this report are included in the following individual country profiles.

Country status

- Japan, Singapore and South Africa should be requested to develop NIAPs
- DRC, Japan, Laos and Mozambique should move from Category C to Category A

Assessment of progress and exit from the NIAP process

- A technical advisory group (analogous to the MIKE Technical Advisory Group) should be established comprising the CITES Secretariat and independent experts with expertise in one or more of the five pillars of the NIAP process (e.g. from ICCWC member organisations, technically qualified non-governmental organisations and other experts). The group would be responsible for assisting the Secretariat at all stages of the NIAP process.

- The reasons for a Party participating in the process should be clearly identified. Firstly, to help the Party in developing its NIAP and, secondly, to provide the background for the later decision on whether a Party should exit the process. Effectively, the criteria for exit should be the reverse of the criteria for entering the process.
- Exit from the NIAP process should be underpinned by demonstrated impact against the performance indicators in the NIAP Guidelines, such as reducing poaching and increasing prosecutions. Where a Party has achieved a significant number of its NIAP actions but is yet to demonstrate such impact, its NIAP could be revised and/or its reporting obligations reduced to address only the relevant indicators.

Strengthening the NIAP process

- The CITES Secretariat should convene the representative of key enforcement agencies of NIAP Parties and other relevant countries with a view to improving international cooperation
- The NIAP Progress report template should be revised to include the format of the annual illegal trade report for reporting on enforcement actions in relation to illegal trade in ivory and other elephant specimens
- The CoP has called for all NIAPs to be published on the CITES website. This should be implemented to allow the SC and the CoP to make the most informed decisions.
- To ensure that every Party is treated equitably under the NIAP process, existing NIAPs should be revised to reflect the criteria in the NIAP Guidelines and the NIAP templates.
- The SC should decide whether a Party participates in or exits the NIAP process only at in-person meetings and not rely on postal ballots.
- The SC should request that a Party revise its NIAP to address changed circumstances during the period of a NIAP, rather than waiting for the end of the period to request that a new NIAP be developed.

NIAP Guidelines

- Annex 3 of Resolution Conf. 10.10 (Rev. CoP17) should be amended at CoP18 where necessary to provide for the changes to the NIAP process that we have recommended. In particular, the NIAP Guidelines should reflect that the use of independent experts is critical at three stages:
 - (1) Identifying Parties that should participate in the NIAP process and in which category they should be placed, taking into account not only the ETIS data but any other relevant information,
 - (2) Progress made in implementing the NIAP, and
 - (3) Identifying when Parties have made sufficient impact through implementation of their NIAP that they are no longer a Party of concern, enabling their exit from the process.

Increasing capacity

- Donors should provide technical support and funding for strengthening implementation of key aspects of NIAPs for countries that lack resources.



COUNTRIES AT A GLANCE

GOOD PROGRESS PARTIAL PROGRESS NO PROGRESS UNKNOWN

Our research covers the period January 2014 to August 2018, except where otherwise indicated.

Key indicators of NIAP progress

	CAMBODIA	CAMEROON	MAINLAND CHINA	CONGO	DRC	GABON	HONG KONG SAR	JAPAN	KENYA		LAOS	MALAYSIA	MOZAMBIQUE	NIGERIA	SINGAPORE	SOUTH AFRICA	TANZANIA	THAILAND	UGANDA	VIETNAM	
IVORY TRADE																					
Closed legal domestic ivory market																					
Offences are "serious crimes" per UNTOC																					
Offences are predicate offences																					
Formal collaboration between enforcement agencies																					
Improved methods of detection at borders																					
Applied financial investigation techniques																					
Used controlled deliveries																					
Conducted DNA origin analysis for all large-scale seizures ^a				^b	^b	^b		^b			^b			^b		^b					
Conducted DNA analysis to aid investigations																					
Convictions for offences																					
Seized assets and proceeds of crime																					
Convictions for related corruption																					
Inventory of stockpile																					
No stockpile thefts since 2000																					
Disposed of ivory stocks																					
Made requests for mutual legal assistance																					
Participated in international enforcement operations ^c																					
Participated in Interpol operations																					
GENERAL																					
ICCWC Toolkit action plan completed																					
Established centralised wildlife crime database																					
Improvement in perception of corruption ^d																					
Part of bi- or multi-lateral agreements on wildlife crime ^e																					

^a Large-scale seizure means 500kg or more
^b These countries have not made large-scale seizures
^c Other than Interpol operations
^d From 2014 to 2017, taken from 2017 Transparency International Corruption Perceptions Index
^e Excluding United Nations Convention against Organised Transnational Crime (UNTOC), United Nations Convention against Corruption (UNCAC) and Wildlife Enforcement Networks



CAMBODIA

Serving as a major ivory trafficking transit hub and with a growing ivory market, there is an urgent need for Cambodia to escalate its response to the illegal ivory trade.

BEST PRACTICE

Following a large-scale seizure in Sihanoukville on 9 May 2014, a two year investigation resulted in the offender being sentenced to three years' imprisonment and a fine of 50 million KHR (although the case is under appeal so the individual is still at large). More recently, a Vietnamese national was convicted in absentia, relating to a seizure in December 2016.

In June 2018, Cambodia passed a Declaration (Praka No. 240) that provides protection under the Law on Forestry for African elephants (as well as rhinos and pangolins). The new law also criminalises sale and possession of illegal ivory.

The genetics laboratory based at Royal University of Phnom Penh is training staff in DNA analysis techniques.

KEY CONCERNS

Major transit country

EIA investigations and analysis of seizure data have found that Cambodia serves as a major transit point for ivory trafficked from Africa to other Asian countries, especially Vietnam.^{1a} The ETIS report to CoP17 recommended a change in status from NIAP Category C to NIAP Category B because Cambodia is one of the countries that "repeatedly play important supporting roles in the illicit ivory trade, especially large movements of ivory."

Retail market and increase in ivory availability

Cambodia has a growing market for illegal African and Asian ivory (contrary to the position set out in its NIAP prepared in 2014, which said that "Cambodia does not have a significant domestic market for the consumption of ivory"). One report found that the total amount of ivory for sale in October/November 2017 was worth 11 times more than in a similar survey in 2015.² Another found that the number of retail outlets selling ivory had increased by 70 per cent in Phnom Penh and 60 per cent in Siem Reap over a six month period between June 2015 and January 2016.³ Some retail outlets maintain that their ivory comes from Cambodian elephants, although Asian elephants are listed under CITES Appendix I

and subject to strict trade prohibitions. In any event, the scale of the trade far exceeds what could come from poached or natural mortality of domesticated or wild elephants in Cambodia.

The majority of sales are targeted at Chinese nationals (tourists or immigrants), with 78 per cent of vendors reporting that Chinese nationals were the main consumers of ivory.⁴ After the closure of the Chinese domestic ivory market, there is a real risk that Cambodia and neighbouring countries will become the focus of Chinese consumers. In addition, a recent study has cautioned that Cambodians also have an appetite for ivory and may become major consumers of ivory in the near future.⁵

Continued presence of ivory carving workshops

Eighty five per cent of shop owners who were surveyed in February 2018 stated that they either owned a carving factory or had a close relationship with an ivory carving workshop.⁶

Few convictions

Despite 15 seizures in Cambodia from 2013 to the end of 2015, amounting to 6,861kg of ivory, there have only been the two convictions, referred to earlier (neither of which have so far led to imprisonment of the offenders).

Inadequate stockpile management

Cambodia has started using recognised protocols for tracking ivory but this has only resulted in a partial inventory of Forestry Administration stocks. Ivory still being used in court cases, such as the large-scale seizure in Sihanoukville, is yet to be inventoried. Good inventory procedures have yet to be institutionalised within any agency nor is there any national database or regular audits conducted.

Refusal to dispose of ivory stocks

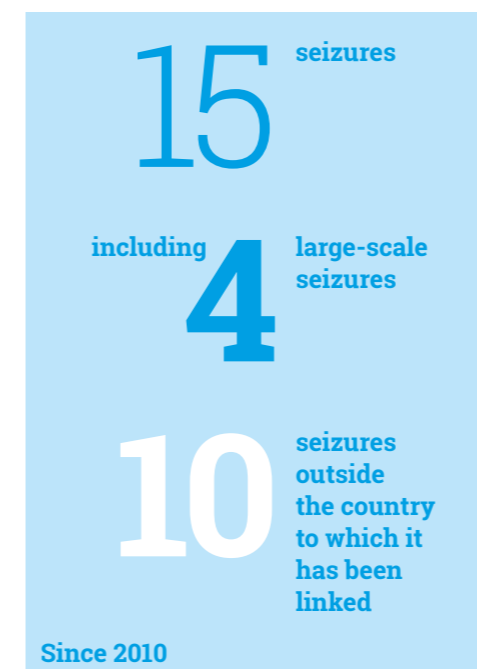
Anecdotal evidence from traders indicates that ivory is leaking out of the Government's ivory stockpile yet the Government has stated publicly that it prefers to keep seized ivory for display and educational purposes rather than dispose of it.⁷

Corruption

Government officials are reported to be consumers of ivory and involved in operating or protecting large-scale retail outlets across the country. Seventy per cent of shop owners reported good connections with the authorities, with some even saying they receive confiscated ivory from the authorities to sell in their shops.⁸

Lack of international cooperation

Cambodia has not signed any agreements with other countries to tackle wildlife crime, despite its clear role in the trade chain for trafficked ivory. With 50 per cent of ivory seized in Cambodia coming from Mozambique alone⁹, there is a clear need for closer cooperation between Cambodia and individual source countries. Further, given that ivory from Cambodia is flowing into Vietnam and China, there is also a need to strengthen cooperation with these countries.



Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Increase law enforcement to stop ivory sales, especially in Phnom Penh and Siem Reap, resulting in the closure of ivory carving workshops and retail outlets and prosecution of offenders
- Improve detection at border points, particularly the sea ports handling trade from Africa and to China and key road border crossings
- Collaborate with China to target ivory purchases in Cambodia by Chinese consumers
- Inventory then dispose of ivory stocks
- Improve enforcement efforts directed at reducing corruption
- Improve bi- and multi-lateral cooperation with relevant countries
- Conduct targeted awareness-raising campaigns, taking into account consumers' perspectives and motivations (e.g. religious significance of ivory Buddha figurines)

Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
- Applied financial investigation techniques
- Used controlled deliveries
- Conducted DNA origin analysis for all large-scale seizures
- Conducted DNA analysis to aid investigations
- Convictions for offences
- Seized assets and proceeds of crime
- Convictions for related corruption
- Inventory of stockpile
- No stockpile thefts since 2000
- Disposed of ivory stocks
- Made requests for mutual legal assistance
- Participated in international enforcement operations
- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi- or multi-lateral agreements on wildlife crime



CAMEROON

A number of arrests have led to a decrease in ivory openly available for sale, but Cameroon's elephants continue to be threatened by poaching and it is also an important transit point for illicit ivory

BEST PRACTICE

Cameroon has had some success in reducing the amount of trade in its domestic ivory market, as noted in the ETIS report to CoP17. There have also been several arrests of poachers and ivory traffickers by enforcement agencies working closely with non-governmental organisations such as the Last Great Ape Organisation (LAGA). There has also been a decrease in ivory openly for sale in Cameroon due to good enforcement; however, in some places ivory processing operations have merely shifted from business/retail locations to traders' homes.¹⁰

Cameroon's NIAP is fairly comprehensive, but it should be revised to address the concerns outlined below (e.g. gaps in legislation).

KEY CONCERNS

Significant source of illegal ivory

Cameroon has lost several thousand of its endangered forest elephants from its section of the Tri-National Dja-Odzala-Minkébé (TRIDOM) region and the loss of more than 50 per cent from several smaller populations.¹¹ Cameroon, along with Gabon and Congo, is the source of the most significant quantities of ivory going into trade from the Central African region.¹² Much of the evidence for this stems from the forensic work on large-scale seizures that occur outside of these countries.¹³

Key role in ivory trafficking

Since 2014, Cameroon has been implicated in 15 ivory seizures of three tonnes of ivory, roughly equivalent to ivory sourced from 413 elephants.

Four of these were large-scale ivory seizures amounting to a total of 2.7 tonnes of ivory. In addition to being a source country, Cameroon is also a transit country for illicit ivory coming from Gabon, Congo and other source countries which either leaves the country directly or moves onwards to Nigeria destined for Asian markets. Djoum in southern Cameroon is a crucial transit hub for ivory coming from the south (i.e. from Gabon) and from the east.¹⁴

Lack of coordination between enforcement agencies

There is a lack of formal collaboration among relevant national government agencies to investigate poaching/ivory trafficking and no centralised intelligence database to facilitate law enforcement, leading to inadequate investigation of the organised elements that are fuelling poaching and ivory trafficking in and through Cameroon.

Failure to close legal domestic ivory market

Possession and processing of worked ivory for commercial gain are both authorised subject to permits, under conditions set out in a ministerial decree.¹⁵ The domestic ivory trade is therefore permitted subject to authorisation.

Weak legislation hindering enforcement

Domestic legislation does not contain the full range of measures necessary for tackling the illicit ivory trade. Ivory offences are not predicate offences for money laundering and there is no law permitting use of controlled deliveries or other covert law enforcement methods, including the use and management of human sources.

Lenient sentencing

Despite the progress in number of arrests, there is a concern that sentences are too lenient. Some ivory traffickers have said that they prefer to operate in Cameroon because, if arrested, they will face only minimal penalties.¹⁶

Lack of reporting to facilitate CITES decision-making

Although a significant number of ivory seizures occur in Cameroon, the CITES Management Authority rarely reports them to CITES. In recent years, most seizures for Cameroon have been reported by the World Customs Organisation as part of the annual data exchange with ETIS or by the NGO community engaged in collaborative law enforcement actions including the Eagle Network, LAGA and WWF.

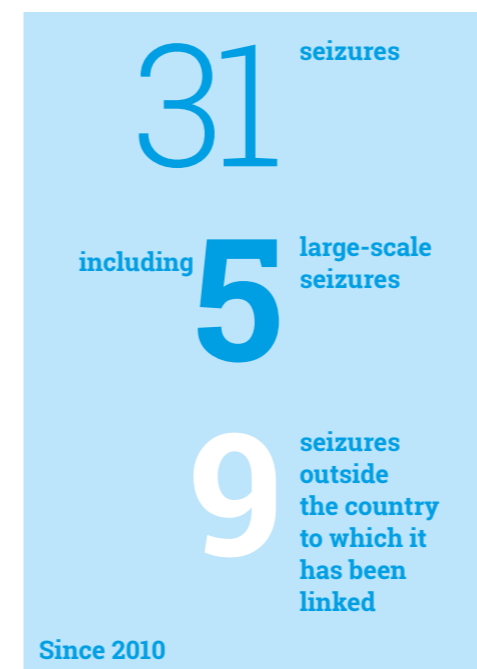
Poor ivory stock management

Cameroon seems to lack an accountable, transparent ivory stock management system that tracks the accumulation of ivory from protected areas, seizures and human elephant conflict. Lack of proper security and management of the Government's ivory stockpile has also resulted in ivory leaking into the black market.¹⁷ The legal chain of custody for ivory once it comes into the hands of government authorities for any reason needs to be clearly codified.

Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Amend legislation to recognise wildlife crime as a predicate offence enabling financial and money laundering investigations and asset forfeiture.
- Amend legislation to prohibit any exemptions for legal trade in ivory, effectively closing Cameroon's legal domestic ivory market
- Adopt legislation permitting controlled deliveries for wildlife crime
- Establish an effective collaboration mechanism between national agencies to combat wildlife crime
- Establish a centralised intelligence database to aid law enforcement
- Develop sentencing guidelines to aid prosecutors and the judiciary resulting in deterrent sentencing in wildlife crime cases
- Improve elephant product seizure reporting to ETIS
- Establish an ivory stock management system that is accountable and transparent and dispose of the stock after inventory and completion of enforcement action



Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
- Applied financial investigation techniques
- Used controlled deliveries
- Conducted DNA origin analysis for all large-scale seizures
- Conducted DNA analysis to aid investigations
- Convictions for offences
- Seized assets and proceeds of crime
- Convictions for related corruption
- Inventory of stockpile
- No stockpile thefts since 2000
- Disposed of ivory stocks
- Made requests for mutual legal assistance
- Participated in international enforcement operations
- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime

Below: Ivory ornaments for sale





MAINLAND CHINA

China's recent market closure is a very positive step but it remains one of the largest markets for illegal ivory and there has to be persuasive evidence of significantly reduced levels of illegal ivory being trafficked into the country before China can exit the NIAP process.

BEST PRACTICE

As the world's largest destination for ivory,¹⁸ China's recent action to close all legal ivory carving workshops and introduce tougher restrictions on the domestic ivory trade is commendable. Alternative training and livelihood support for ivory carvers is being provided, which is essential to dissuade people from being involved in illegal trade.

China has also revised its Wildlife Protection Law to prohibit the online sale of ivory and has made progress in strengthening law enforcement. Significantly, the Anti-Smuggling Bureau of China Customs has included wildlife crime as one of its top enforcement priorities and major seizures have resulted in high deterrent sentencing.

KEY CONCERNS

Implementing effective ivory market closure

More needs to be done to raise awareness of the domestic market closure and educate the public and traders alike about what it means, which is essential for it to be successful. The closure contains a worrying exemption for auctions of "cultural relics", the exact scope of which has not been defined. It is potentially a major loophole that could be exploited by ivory traffickers.

Chinese nationals and businesses operating abroad

Chinese nationals are playing an increasing role in trafficking and consumption in neighbouring countries with well-established markets for ivory and other products from endangered species. A recent study showed that the number of Chinese-owned retail outlets selling ivory had increased significantly in Vietnam and Laos between 2013-16 and that the majority of buyers in Laos were visitors from China.¹⁹ Most of the ivory traded in China since 2008 has been traded illegally, outside the legal permitting scheme. Shuidong, in Guangdong Province in southern China, is one of the most important hubs in Asia for trafficking ivory. EIA's report *The Shuidong Connection*²⁰ documents the role of a transnational Chinese-led criminal syndicate that has been trafficking ivory from Africa to Shuidong 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 savanna elephants in eastern Africa, this group switched to smuggling ivory from forest elephants in West and Central Africa, which sells for a higher price.

Tackling online trade

The main channels for illegal trade in China are social media platforms such as WeChat where closed user groups are established and operate with relative impunity. In general, law enforcement has so far been unable to penetrate this type of trading network effectively.

Stockpile management

There is no clear directive regarding the management of the existing ivory stockpile.²¹ Ivory stockpiles worldwide are a major source of ivory entering illegal trade as demonstrated by thefts from supposedly secure stockpiles in several countries, including China.²² 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.²³ It is unclear whether the commercial stocks in the hands of the processors and retail sellers were ever inventoried, marked, catalogued or otherwise formally declared to the Government at the time the factories/shops were closed and if these stocks will be subject to periodic audits in the future to ensure they do not leak into illegal trade.

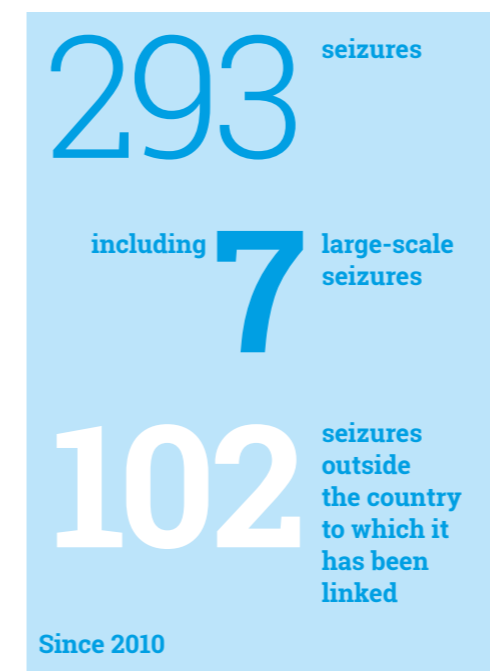
Lack of reporting to facilitate CITES decision-making

China is generally late in reporting ivory seizure data to ETIS and, with very few exceptions, only reports Customs data even though provincial law enforcement agencies are also making a considerable number of elephant product seizures. A number of these latter cases have been verified and entered into ETIS to augment the official figures, which have represented a diminishing number of cases over the past five years, leading to concerns about the completeness of the data submitted by China.

China has not submitted regular and adequate NIAP progress reports to the CITES Secretariat in accordance with its reporting obligations (only two reports have been submitted, for SC66 and SC67).

Outdated NIAP

China's NIAP was developed in 2013 and has been overtaken by developments, including the market closure. It is now inadequate to deal with the key problems highlighted in this report and contains no indicators by which impact can be measured.



Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Issue a notification removing the exemption for cultural relics
- Increase awareness of the market closure throughout China, using traditional and social media, including the applicable penalties and the potentially positive impact on elephants
- Further strengthen law enforcement within China, including detection, investigation, prosecution and recovery of proceeds of crime by working closely with other source and transit countries/regions particularly Mozambique, Nigeria, Ethiopia, South Africa, Kenya, Tanzania, Malaysia, Singapore, Hong Kong, Japan and Vietnam
- Work closely with Vietnam, Laos, Myanmar and Cambodia to tackle consumption of ivory by Chinese nationals and improve collaboration with relevant African countries where processing operations for the China market appear to be growing
- Work closely with the EU to support closure of the EU ivory markets, in particular with EU countries implicated in exporting illegal ivory to China such as France, Italy, Belgium, the Netherlands, Portugal, Spain and the UK
- Devote specific resources to illegal trade through social media such as WeChat
- Conduct a transparent audit of the ivory stocks in Government (including seized stock) and private hands, then dispose of the seized stock to prevent leakage into the illegal trade
- Submit accurate and regular reports to CITES (e.g. for ETIS) in coordination with all relevant national and provincial enforcement agencies such as Customs and State Forestry police

Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
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- Used controlled deliveries
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- Convictions for related corruption
- Inventory of stockpile
- No stockpile thefts since 2000
- Disposed of ivory stocks
- Made requests for mutual legal assistance
- Participated in international enforcement operations
- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime



THE REPUBLIC OF CONGO (CONGO)

Along with Gabon, Congo is home to the most important forest elephant populations and should considerably increase efforts to stop poaching and regional ivory trade flows.

BEST PRACTICE

In 2018, joint operations through the Lusaka Agreement Task Force (LATF) resulted in the arrest of eight African nationals in Congo and the Democratic Republic of Congo (DRC), including three Government officials.²⁴ Five have already been sentenced to prison terms and significant fines for illegal trade in ivory and pangolins. They were linked to shipments of tusks seized in Thailand in September 2017. The success of the operation has been attributed in part to training for the investigators in advanced analytics technology at a new analytical centre (ACE) in Congo. Since 2014, the proportion of maximum sentences (five years in prison and/or 5,000,000 CFA francs) for ivory offences has increased significantly.

There has been some success in reducing the amount of trade in Congo's local ivory market (which was recognised in the ETIS report to CoP17). Congo has adopted the Stop Ivory Management System for its stockpile. There has been an increase in inter-agency cooperation and the involvement of multi-sector actors/institutional structures.

Congo is in the process of developing national legislation to implement CITES: to strengthen the ability of enforcement agencies to conduct investigations and use controlled deliveries to better address wildlife crime. Congo has engaged successfully with NGOs: in reviewing its CITES legislation, training law enforcement officials and creating a database to track wildlife crime cases through arrest, conviction and sentencing, as well as subsequent enforcement efforts.

Congo has developed an action plan under the ICCWC Toolkit process but the recommendations have not yet been implemented (despite implementation being scheduled for April-September 2016 in its NIAP)²⁵ The ICCWC Toolkit process provides a useful opportunity to conduct a comprehensive analysis of the strengths and weaknesses of preventive and criminal justice responses to curtailing wildlife and forest crime.

Congo's NIAP is fairly comprehensive but its timelines need to be updated and it should be revised in line with the recommendations set out below.

KEY CONCERNS

Significant source of illegal ivory

Congo has experienced a significant decline in its elephant populations through poaching, including the loss of approximately 3,000 elephants (50 per cent of the population) in the Ndoki region.²⁶ Congo, Cameroon and Gabon are the source of the most significant quantities of ivory going into trade from the Central African region.²⁷ DNA analysis by the University of Washington demonstrated that the majority of ivory in large-scale seizures between 2006-14 was poached in only two areas. In the case of forest elephants, 86 to 93 per cent of seized ivory came from the TRIDOM region of Congo, northern Gabon and the adjacent Dzanga Sangha of SW Central African Republic. Because the number of poaching hotspots are so few and concentrated, a focus of law enforcement efforts on these key areas could result in significant reductions in elephant poaching, choking the biggest flow of contraband ivory entering the criminal networks that allow this transnational crime to operate.²⁸

Ivory processing in Congo

There is increasing concern that ivory carving/processing is taking place in Congo and elsewhere in West and Central Africa. Chinese-operated syndicates are turning to exporting worked ivory directly from Africa in small but frequent quantities, trying to minimise financial losses from seizures of large shipments of raw ivory.²⁹ Processing is taking place in remote areas from where the finished products are transported to bigger cities such as Brazzaville and then exported abroad.³⁰ Commercial consignments of worked ivory products exported from Congo have been seized in Asia with increasing frequency since 2012.

Lack of deterrent sentencing for wildlife crime

Congo's legislation does not provide greater penalties for those higher up the illicit trade chain than for a poacher. Further, while there have been arrests for ivory trade-related offences, the penalties imposed are often weak and fail to serve as a deterrent.

Lack of reporting to facilitate CITES decision-making

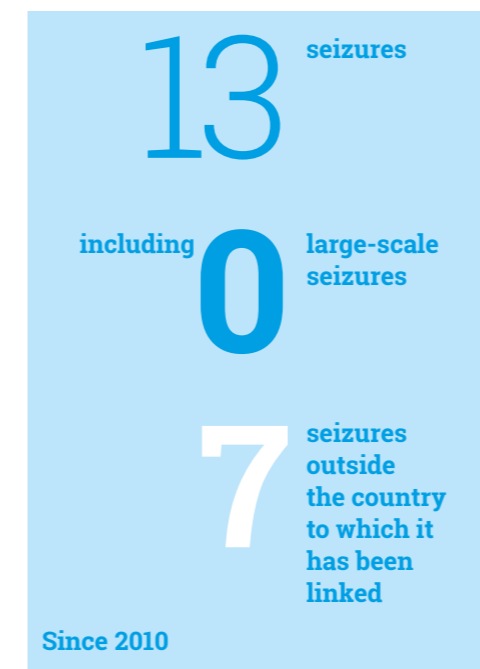
The Congolese CITES Management Authority rarely reports elephant product seizure cases to ETIS. In recent years, most seizure cases for Congo have been reported by the NGO community engaged in collaborative law enforcement actions, including the Eagle Network and the WCS.

Lack of enforcement at borders

There is a lack of resources in detection operations at the border crossings. For example, the canine unit at Brazzaville airport was discontinued and needs to be reinstated.

Corruption

Corrupt public officials impede law enforcement. There is an anti-corruption framework but it has not been fully implemented. Complaints to the Anti-Corruption Observatory filed by several lawyers have so far remained unanswered.



Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Implement the recommendations resulting from the ICCWC Toolkit process
- Strengthen collaboration with China to address the role of Chinese nationals in Congo in processing and trafficking of ivory
- Conduct a focused national campaign through TV, radio and social media to raise awareness of poaching and the illegal ivory trade
- Submit regular reports to ETIS and CITES to support decision-making related to ivory trafficking
- Fully implement an effective ivory stockpile management system
- Amend legislation to provide for deterrent sentences for organised wildlife crime
- Establish a secure national database for wildlife crime cases to capture information on arrests to prosecution/enforcement
- Crack down on corruption by enforcing existing national anti-corruption legislation
- Strengthen regional enforcement collaboration to stop ivory trafficking, particularly with Angola, DRC and Gabon
- Increase capacity to detect wildlife trafficking at key border points

Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
- Applied financial investigation techniques
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- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime



THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

Closure of Kinshasa's ivory market, significantly improved law enforcement making full use of DRC's tough legal penalties and a crack down on corruption are essential to stopping ivory trafficking and protecting the last remaining forest elephants in DRC.

BEST PRACTICE

In 2018, joint operations through the Lusaka Agreement Task Force (LATF) resulted in the arrest of eight African nationals in DRC and Congo, including three Government officials.³¹ Five have already been sentenced to prison terms and significant fines for illegal trade in ivory and pangolins. They were linked to shipments of tusks seized in Thailand in September 2017. The success of the operation has been attributed in part to training for the investigators in advanced analytics technology at a new analytical centre (ACE) in Congo.

A February 2014 law on the conservation of nature clarified previous confusion over the agencies responsible for wildlife protection, by conferring wildlife law enforcement jurisdiction on the Congolese Institute for the Conservation of Nature – DRC, in addition to powers related to ivory stockpile management. According to TRAFFIC in a 2017 report,³² "if enforced, the law may have the strongest deterrent effect among wildlife laws in the whole of the Central African region, as Article 79 mandates prison terms of five to 10 years and fines of 20 to 100 million Congolese Francs (approximately \$20,000 to \$100,000) as penalties". However, it appears that the law is not being enforced, judging by Kinshasa's flourishing ivory market and lack of convictions.

DRC's NIAP is fairly comprehensive but its timelines need to be updated and it should be revised in line with the recommendations set out below.

KEY CONCERNS

Organised poaching in national parks

In 2016, the ICUN reported that the elephant population in Garamba NP has continued to decline "as a result of intense poaching from different groups, including the Lord's Resistance Army."³³ The human cost paid by rangers is well documented.³⁴

Kinshasa's flourishing ivory market

Kinshasa is the largest ivory market in Central Africa, still openly selling ivory items at a new location in the capital with little or no interference from the police. The 2017 report by TRAFFIC assessed the ivory trade in five Central African countries (DRC, Cameroon, Central African Republic, Congo and Gabon) and confirmed that Kinshasa's ivory market is thriving. DRC alone accounted for 1,355kg of ivory items sold, more than 65 per cent of the worked ivory sold in all five countries. The other four countries showed significant declines in trade in worked ivory, but not DRC.

According to the ETIS report to CoP17, "bringing this market into compliance with CITES requirements for internal trade in ivory is an unfulfilled goal of the country's NIAP and DRC should continue to be held accountable for the lack of progress in this regard."

Continued presence of ivory carving workshops

Although fewer in number than in previous years, TRAFFIC found that there were still workshops carrying on Kinshasa's long tradition of ivory carving that had been allowed to continue operating.

Poor rule of law and inadequate law enforcement

Although the elephant is totally protected under DRC legislation (and has been since

1982), law enforcement effort is negligible: "With ivory still openly displayed, it was evident that the vendors have little or no pressure from wildlife or law enforcement authorities," according to TRAFFIC.

Large amounts of ivory pass through DRC undetected, trafficked by organised criminal syndicates. For example, DRC was linked to a multi-tonne container shipment of ivory seized in Thailand in April 2015 declared as 'beans'.³⁵ Air shipments of ivory have left DRC and travelled to Malaysia (e.g. two ivory air shipments declared as 'wood samples' seized in Malaysia during 2016 and 2017).³⁶ It is likely such consignments are destined for re-export to other Asian countries.

Since 2010, research indicates only the five convictions in 2018 referred to earlier.

TRAFFIC found that the lack of enforcement is demonstrated by the fact that for decades, "traffickers [have been] using the same traditional routes, roads and rivers" (such as the Congo river, which provides an easy means of transporting raw ivory poached in northern and eastern Congo and DRC) and there is "a constant movement of worked and raw ivory between the two capital cities of Brazzaville and Kinshasa, which sit on opposite sides of the river."

Corruption

TRAFFIC found evidence that politicians and high-ranking Government officials were reported to be organising the trade in raw ivory, working closely with organised criminal networks including Chinese syndicates to export large quantities of raw ivory out of the country. One ivory vendor said the main

suppliers are Government officials and one commented that he had "a relative who is a General in the army and who supplies him raw ivory for a cut after sales."

Inadequate stockpile management

According to TRAFFIC, the authorities responsible for management of the stockpile do not know precisely how much ivory it contains and there is no robust and transparent mechanism for its effective management.

Lack of reporting to facilitate CITES decision-making

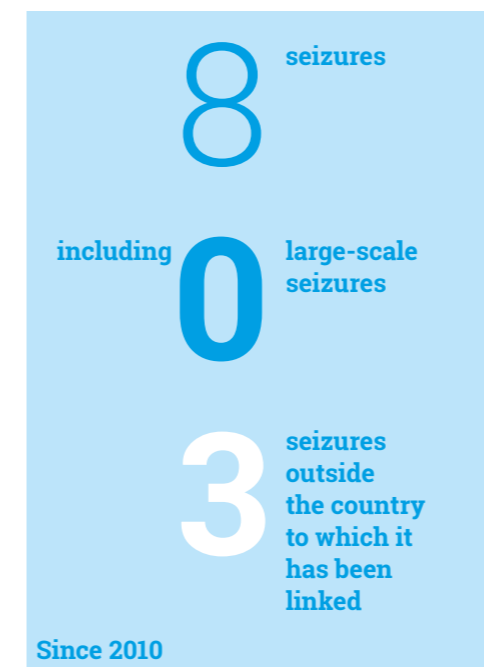
DRC's CITES Management Authority rarely reports seizures to ETIS. In recent years, most seizure cases for DRC have been reported by the World Customs Organisation as part of the annual data exchange with ETIS or the NGO community engaged in collaborative law enforcement actions, including Juristrale and TRAFFIC.

Is there a need to revise the existing NIAP or develop a new one? **YES**

DRC should be moved from Category C to Category A.

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Reinforce anti-poaching operations in key protected areas
- Close Kinshasa's ivory market and ivory carving workshops in the country and prosecute those involved in such trade
- Enhance law enforcement operations, particularly focused on the Congo river and border exit points
- Improve regional collaboration particularly with Congo, Central African Republic, Burundi, Rwanda, Uganda and Tanzania
- Implement meaningful operations to eliminate corruption
- Conduct a full inventory of the ivory stockpile
- Improve elephant product seizure reporting to ETIS



Key indicators of NIAP progress



- ### IVORY TRADE
- Closed legal domestic ivory market
 - Offences are "serious crimes" per UNTOC
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- ### GENERAL
- ICCWC Toolkit action plan completed
 - Established centralised wildlife crime database
 - Improvement in perception of corruption
 - Part of bi or multi-lateral agreements on wildlife crime



GABON

Tackling poaching, improving law enforcement and cracking down on corruption are Gabon's key challenges in protecting Africa's largest remaining population of forest elephants.

BEST PRACTICE

Gabon has applied the ICCWC Toolkit and is using the Stop Ivory protocol to manage its ivory stockpile, which are welcome steps. Gabon is in the process of implementing measures to increase security of its national ivory stockpile and to set up a laboratory for DNA analysis.³⁷

Gabon has been taking steps to try to combat the increased poaching within the country, including the creation by Presidential order of a 240-strong special forces unit within the ANPN.³⁸

The ETIS report to CoP17 found that Gabon has taken active measures to suppress local ivory markets and appears to be sustaining this challenge with relative success.

Gabon's NIAP is fairly comprehensive but its timelines need to be updated and it should be revised in line with the recommendations set out below.

KEY CONCERNS

Significant source of illegal ivory

Gabon has roughly half of all the remaining forest elephants in Central Africa, according to the IUCN, and it is therefore extremely concerning that the country is a source of

illegal ivory. Poaching is a significant problem, particularly in Minkébé National Park which in 10 years lost between 16,000-20,000 forest elephants, representing 60 to 80 per cent of the population.³⁹

Gabon, Congo and Cameroon are the source of the most significant quantities of ivory going into trade from the Central African region.⁴⁰ DNA analysis by the University of Washington demonstrated that the majority of ivory in large-scale seizures between 2006-14 was poached in only two areas. In the case of forest elephants, 86-93 per cent of seized ivory came from the TRIDOM region of Congo, northern Gabon and the adjacent Dzanga Sangha of SW Central African Republic. Because the number of poaching hotspots are so few and concentrated, a focus of law enforcement efforts on these key areas could result in significant reductions in elephant poaching, choking the biggest flow of contraband ivory entering the criminal networks that allow this transnational crime to operate.⁴¹

Evidence of bribery/corruption

There have been documented attempts at bribery and court cases resulting in acquittals/cases being dropped despite individuals being found in possession of ivory, likely due to corruption in the judicial system.⁴²

According to a US Government analysis, "The Commission to Combat Illicit Enrichment (CNLCEI), established in 2004 and charged with publishing quarterly and annual reports on its activities, has done little to increase transparency. Corruption is rarely, if ever, prosecuted in Gabon. To date, CNLCEI has brought no-one to trial." The analysis also concludes that the National Financial Investigations Agency (ANIF), which serves to investigate corruption and money laundering, lacks the necessary resources to be effective and the judiciary in Gabon remains inefficient and susceptible to inappropriate influence.⁴³

Known incidents of stockpile thefts

In 2015, 300kg of ivory were stolen from the Government's stockpile. The theft was reported to be the third time confiscated ivory had disappeared from the stockpile, yet no-one has been brought to justice.⁴⁴

No DNA analysis

Gabon has not carried out DNA analysis to aid investigation of ivory offences, or facilitated such analysis by others, despite there being at least 31 ivory seizures since 2010 in Gabon.

Lack of reporting to facilitate CITES decision-making

Although a significant number of ivory seizures occur in Gabon, the CITES Management Authority of the country rarely reports them to ETIS. In recent years, most seizure cases for Gabon have been reported by the NGO community engaged in collaborative law enforcement actions, including Conservation Justice and the Eagle Network.

Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Increase resources to tackle poaching in key protected areas, especially in Minkébé National Park
- Ensure that Government agencies with the mandate to investigate corruption have adequate resources and increase prosecutions of corrupt officials
- Adopt measures to increase the efficiency and independence of the judiciary to ensure increased convictions for ivory offences
- Continue to implement effective stockpile management procedures and prosecute those responsible for the past stockpile thefts
- Carry out DNA analysis to aid investigation of ivory offences

Key indicators of NIAP progress



IVORY TRADE

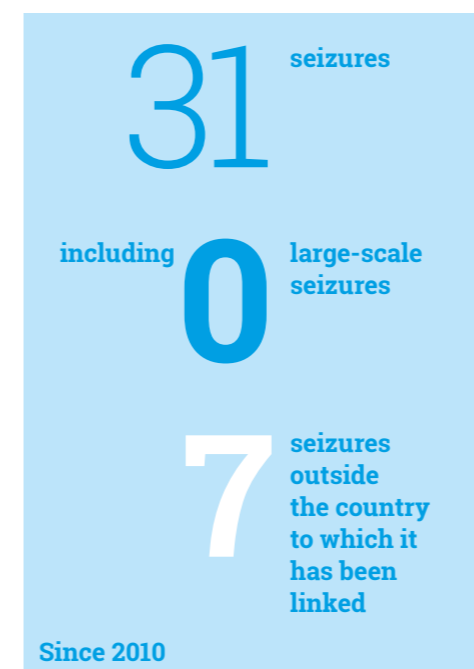
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GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
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HONG KONG SAR

The announced closure of Hong Kong's legal ivory market is welcome but law enforcement agencies need to give greater priority to wildlife crime and increase international cooperation to disrupt organised criminal networks.

BEST PRACTICE

In 2018, Hong Kong adopted new legislation increasing penalties on indictment from a maximum of HK\$5,000,000 and two years' imprisonment to a maximum of HK\$10,000,000 and 10 years' imprisonment.⁴⁵ Pre-convention ivory imports and re-exports were banned from 1 August 2018. Hong Kong has also improved detection controls and increased the focus on air cargo and passengers, demonstrated by the increase in ivory seizures.⁴⁶

Hong Kong has taken the welcome step of banning possession for commercial purposes of all ivory (except antique ivory), although the five-year timescale under which the ban comes into force in 2021 is unreasonably long.

More than 28 tonnes of seized ivory has been disposed of in monthly tranches since May 2014, at a rate of 1.5 tonnes in each round of incineration.⁴⁷

KEY CONCERNS

One of the world's largest domestic ivory markets

According to the ETIS report to CoP17, large stocks of worked ivory products remain in numerous retail outlets in the city. Hong Kong's ivory licensing system has historically been fraught with significant loopholes enabling illegal tusks to enter into existing stockpiles thereby enabling illegal ivory trafficking, although the situation is improving.⁴⁸ Tourist buyers from mainland China and South Korea dominate retail ivory sales, even though import back to those countries without a licence is illegal. While Hong Kong's domestic ivory ban is welcome, it is a concern that it will only come into full force in 2021.

Lack of prosecution of mid-high level traffickers

Hong Kong has been implicated in the global seizure of 29,069kg of ivory since 2010, roughly equivalent to ivory sourced from 4,338 elephants. Hong Kong is a key transit route for ivory smuggled from Africa into the Chinese mainland. While there have been some convictions resulting from seizures carried out by Hong Kong customs, this has not been sufficient to address the significant organised level of criminality involved in ivory

trafficking through Hong Kong. This situation is compounded by the gaps in legislation and enforcement outlined below.

Inadequate legislation to deal with all aspects of wildlife trafficking

Offences connected with the illegal trade in wildlife are not treated as predicate offences under the Cap 586 Protection of Endangered Species of Animals and Plants Ordinance, meaning that relevant enforcement agencies do not have the necessary tools to seize and dispose of assets. Given the increase in penalties and the Government's recognition of the seriousness of wildlife crime, the most serious Cap 586 offences should now be incorporated into the Cap 455 Organised and Serious Crimes Ordinance (OSCO).

Insufficient priority given to wildlife crime by law enforcement agencies

The Hong Kong Police Force does not currently play a leading role in the investigation of the most serious wildlife crime. The Government should use the serious crime and financial investigation capabilities of the Joint Financial Intelligence Unit of the Hong Kong Police to interdict transnational organised wildlife crime jointly with Hong Kong Customs, as it does with other offences under OSCO.

Hong Kong is a significant transit route for large shipments of wildlife products such as ivory and pangolins, which indicate transnational organised crime involvement, making the case for wildlife crime to come under the responsibility of the Security Bureau in the same way as firearms, drugs and financial crimes.

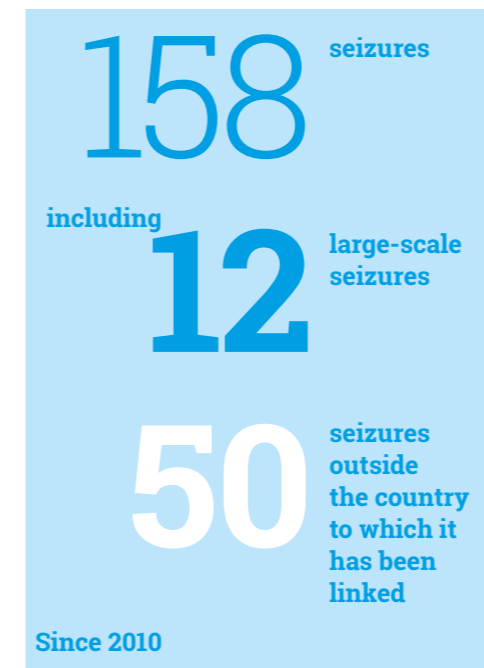
Inadequate national and international cooperation

There is an apparent lack of cooperation between Hong Kong Customs and the Hong Kong Agriculture, Fisheries and Conservation Department (AFCD), which is the CITES Management Authority of Hong Kong. At the international level, there is inadequate cooperation that could facilitate intelligence sharing to disrupt transnational organised criminal networks involved in smuggling large volumes of ivory from Africa. Hong Kong is not party to any bi- or multi-lateral agreements with other countries that would assist in the

detection, enforcement and prosecution of illegal wildlife traffickers (other than international conventions).

Outdated NIAP

Hong Kong's NIAP was developed in 2013 and has been overtaken by developments, including its planned market closure. The NIAP is now inadequate to deal with the key problems highlighted in this report and contains no indicators by which impact can be measured. Hong Kong has also not submitted regular and adequate NIAP progress reports to the CITES Secretariat in accordance with its reporting obligations.



Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Amend legislation so that offences connected with the illegal wildlife trade are treated as predicate offences
- Incorporate the most serious Cap 586 offences into the Cap 455 Organised and Serious Crimes Ordinance
- Create a dedicated wildlife crime unit within Hong Kong Customs
- Place wildlife crime under the responsibility of the Security Bureau
- Ensure a leading role for the Hong Kong Police Force in the investigation of wildlife crime, particularly the Joint Financial Intelligence Unit
- Apply the ICCWC Toolkit
- Increase detection operations for illegal wildlife products at the border with mainland China
- Improve international cooperation with key source and transit countries implicated in ivory trafficking
- Conduct comprehensive awareness-raising and demand reduction campaigns within Hong Kong aimed at local residents and international visitors

Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
- Applied financial investigation techniques
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- Participated in international enforcement operations
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GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi- or multi-lateral agreements on wildlife crime



JAPAN

Japan should honour its international obligations by closing its domestic ivory market, increasing prosecutions and clamping down on illegal ivory exports to China.

BEST PRACTICE

On 1 June 2018, the Amended Law for the Conservation of Endangered Species of Wild Fauna and Flora came into effect, tightening regulations on business owners who deal in ivory products (requiring registration rather than just filing a notification). Penalties have been increased significantly. However, serious concerns remain about Japan's ivory control system.

Further enforcement measures are said to have been introduced along with tighter border controls in cooperation with the Chinese Government. In light of the concerns about illegal exports to China, these steps are welcome, but much more needs to be done.

KEY CONCERNS

Export of illegal ivory to China

There have been high numbers of illegal exports from Japan to China as traffickers take advantage of Japan's lax trade controls. Since 2009, at least 5.8 tonnes of ivory have been seized.⁴⁹ In one case in August 2016, 101.4kg of ivory pieces from Japan were seized in Langfang, China, hidden in 15 shipments labelled as "handicrafts".⁵⁰ The ETIS Report to CoP17 identified these exports as a concern, representing a significant contribution by Japan to the illegal ivory trade.

No intention to close its domestic ivory market

Japan continues to be one of Asia's largest ivory markets.⁵¹ Investigations by EIA US have revealed widespread illegal trade in ivory: 30 out of 37 Japanese ivory traders contacted by investigators offered to engage in illegal activity to buy, sell or fraudulently register a tusk that did not qualify for registration; four companies admitted to selling ivory on a daily basis to Chinese buyers and boasted of the vast amounts of ivory illegally exported to China and Hong Kong; and most of Japan's ivory tusk imports from before the 1989 international trade ban were from poached elephants (so the tusk registration scheme is effectively an amnesty for large quantities of pre-1989 poached ivory).⁵²

Despite the evidence, the Japanese Government maintains that Japan's market does not contribute to poaching or the illegal ivory trade and as such does not need to be closed. Other major countries such as the USA,

China and the UK have taken the opposite view, accepting that their markets do make such a contribution and should be closed.

Trade in raw ivory is still permitted

The most recent amendments to Japan's legislation will make very little difference to the reality of the ivory trade in Japan; their purpose seems to be not to close Japan's domestic ivory market but to help it continue. Japan's Notification to the Parties dated 13 June 2018 stated that Japan's regulations on ivory transactions "are already on a par with those of other major countries".⁵³ In fact, Japan is completely out of step with other major countries. Japan still allows trade in raw ivory, subject only to registration, whereas it has been banned in virtually all other major countries. As most countries, including China, close down their local carving industries, Japan refuses to do so.

Loopholes in the regulations for transactions involving whole tusks

There is assumed to be a huge quantity of whole tusks (raw and worked) in private possession that is unaccounted for, providing room for laundering into domestic trade or leakage into international illegal trade. The current registration scheme only applies to whole tusks (raw and worked) and is flawed, being open to abuse and fraud. Regulatory loopholes have been exposed "whereby unregistered 'personal effects' ivory is being sold to local manufacturers without first being registered in the Government's database of all commercially eligible stocks of ivory as required by law".⁵⁴ Documentary proof of legal acquisition or origin is not currently required (for example, third party statements are accepted for registration purposes).⁵⁵ The amended legislation in force from June 2018 does not address these loopholes.

To address concerns about the registration system, the Government is planning to introduce carbon dating as a requirement for registering whole tusks, beginning in June 2019.⁵⁶ While this would be welcome, there are fears of increased registration of ivory from dubious origins before the new measures are introduced.

Cut pieces (raw and worked) and ivory products are still exempt from the regulations

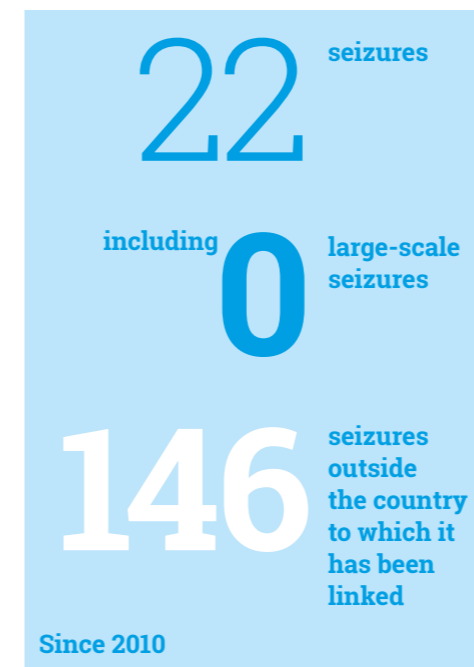
Under the new rules from June 2018, registered businesses can still transfer cut pieces of raw and worked ivory and ivory products, subject only to self-certification. Law enforcement agencies will not be able to intervene. In addition, private buyers and sellers not dealing with ivory products in the course of business will be able to trade them freely.

Inadequate regulation of online trade

Monitoring of internet trading in ivory products in Japan has also exposed a number of problems, according to the ETIS report to CoP17. Many private sales of cut pieces of raw and worked ivory and ivory products take place online and these are wholly unregulated.

Lack of reported seizures, prosecutions and convictions

Open source research does not reveal any significant convictions of Japanese citizens for ivory offences since 2014, except for examples of administrative penalties and minor summary indictments.⁵⁷ Two Chinese nationals were convicted for attempting to smuggle ivory from Japan in connection with a seizure in November 2017, but the Japanese dealer was not prosecuted.⁵⁸ There is no distinct agency for wildlife crime and no formal collaboration mechanism for relevant agencies.



Is there a need to develop a NIAP? YES

Japan should be moved from Category C to Category A

RECOMMENDATIONS FOR NIAP/PRIORITY AREAS OF IMPLEMENTATION:

- Close Japan's domestic ivory market, including trade in raw and worked ivory
- Close all carving factories
- Establish a distinct government agency dedicated to tackling wildlife crime
- Establish a formal collaboration mechanism between relevant law enforcement agencies
- Increase prosecutions of wildlife crime
- Apply the ICCWC Toolkit
- Improve international cooperation particularly with China in relation to illegal exports from Japan, including joint investigation and enforcement resulting in prosecutions and deterrent sentencing
- Raise awareness among ivory consumers about the impact of the ivory trade on elephants

Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
- Applied financial investigation techniques
- Used controlled deliveries
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GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime



KENYA

While significant progress has been made to curb poaching and the illegal wildlife trade in Kenya, the country remains a key exit point for illegal ivory destined for Asia.

BEST PRACTICE

The Great Elephant Census found that Kenya has a “relatively stable population” of elephants and the IUCN African Elephant Status Report (2016) concluded that significant range expansion had occurred in Kenya.⁵⁹ Kenya has strengthened its legislative framework, with more severe penalties introduced by the new Wildlife Conservation and Management Act (WCMA). Kenya was the first country, in 2015, to launch a “Points to Prove” rapid reference guide for wildlife crime prosecutors.

The ETIS report to CoP17 noted there has been active suppression of local trade in ivory curios, which is particularly important given the large tourist industry in Kenya. The Report also stated that since 2013, Kenya, Tanzania and Uganda “seem to have met with greater success in interdicting large-scale movements of ivory prior to export abroad”. The report noted that arrests had resulted from some of the seizures and extraditions from China to Kenya, and from Tanzania back to Kenya, were demonstrating effective regional and international collaboration between law enforcement agencies.

Kenya has established a well-trained Wildlife Prosecution Unit, a Regional Genetic and Forensic Laboratory to enhance prosecution of wildlife crimes through provision of admissible scientific evidence and a Joint Port Control Unit in Mombasa as part of the UNODC-WCO Container Control Programme. Canine units have been deployed at sea and airports.

However, many of these initiatives are yet to demonstrate comprehensive impact on the ground. Mombasa continues to be a significant point of exit for illegal ivory destined for Asian markets. Experts from the Nairobi National Museum, and not the new laboratory, are still being used in court as the experts to identify seized ivory based on visual examinations. A report published as recently as September 2018 found that successful prosecutions are mainly limited to low level wildlife traffickers.⁶⁰

KEY CONCERNS

High levels of illegal exports from Mombasa
Despite some improvements, export of poached ivory continues at a high level through the port of Mombasa.

There have been no large-scale seizures in Mombasa port since December 2016 (one shipment that month destined for Cambodia initially cleared Mombasa but was recalled on intelligence from Vietnam). Given the significant quantities of illegal ivory passing through Mombasa, the lack of large-scale seizures demonstrates either inadequate detection operations or systemic corruption (or a combination of both). Further, other than the Feisal prosecution (see below), there have been no convictions in Kenya in relation to nearly 20,083kgs of ivory seized in Mombasa (2011-16) or 26,255kgs of ivory seized outside Kenya but having passed through Mombasa (2009-16), which is equivalent to ivory sourced from approximately 6,916 elephants.

Low conviction rate and lenient sentencing
Despite there being 12 large-scale seizures of ivory in Kenya since 2010, there has only been one conviction in relation to a large-scale seizure (Feisal Mohammed Ali), and even that was overturned on appeal on 3 August 2018. The Office of the Director of Public Prosecution has appealed against the ruling and it is hoped that the conviction will be reinstated.

A 2016 report by NGO Wildlife Direct on 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 (and decreased to 1.1% in their 2018 report).⁶¹ The study found that nearly all foreigners arrested at JKIA in 2014 and 2015 were in transit and were able to leave the country after paying a fine, resulting in missed opportunities to gather information about transnational criminals and their networks. In addition, Kenya does not have a centralised national database on known and suspected wildlife criminals, which is essential to facilitate intelligence-led enforcement. In its 2018 report, Wildlife Direct found that suspects in major ivory trafficking cases were not prosecuted.

Corruption impedes effective detection, investigation, prosecution and sentencing

There is a serious concern about endemic corruption in Kenyan investigative agencies: for example, the lack of large-scale seizures in Mombasa despite large amounts of ivory moving through the port and the fact that although wildlife poaching/trafficking convictions appear to be on the rise, cases involving police/organised cartels still linger before the courts. In a case involving three Kenya-related seizures from January 2013 presently before the Mombasa courts, an NGO received serious death threats and warnings to back off the monitoring of the prosecution. In numerous cases, suspects of serious crimes have not been investigated and/or prosecuted.⁶² There were several allegations of corruption connected to the trial of ivory trafficker Feisal Mohammed Ali (including allegations of evidence tampering) and the magistrate was suspended. The strengthened laws in the WCMA will have little or no impact on serious wildlife crime in Kenya unless corruption is brought under control.

No routine financial investigations and seizure of proceeds of crime

There have been no convictions for ancillary crimes linked to ivory offences, such as anti-corruption, anti-money laundering and criminal laws, nor seizures of the proceeds of crime, although some assets were frozen in one case.⁶³

Lack of reporting to facilitate CITES decision-making

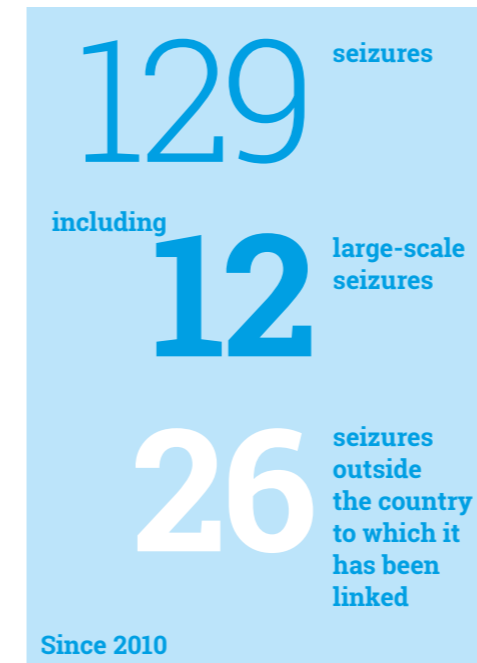
Kenya has not submitted regular and adequate NIAP progress reports to CITES and has not used key indicators in its NIAP to demonstrate impact.

Is there a need to revise the existing NIAP or develop a new one? YES

While Kenya has made significant progress, several key concerns remain, particularly corruption. Therefore this is not the appropriate time for Kenya to exit the NIAP process, although it could potentially exit the process in the future when these concerns have been effectively addressed.

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Significantly increase resources for customs officials at all exit points, especially in Mombasa, resulting in reduction of ivory being exported from Kenya
- Enhance international collaboration with key source and transit countries
- Prosecute corrupt officials facilitating ivory trafficking, particularly in customs and the judiciary
- Increase prosecutions of high-level trafficking
- Use ancillary legislation to prosecute offences linked to wildlife crime
- Strengthen regular collaboration between all relevant law enforcement agencies
- Create a national centralised database on known and suspected wildlife criminals



Key indicators of NIAP progress



- ### IVORY TRADE
- Closed legal domestic ivory market
 - Offences are “serious crimes” per UNTOC
 - Offences are predicate offences
 - Formal collaboration between enforcement agencies
 - Improved methods of detection at borders
 - Applied financial investigation techniques
 - Used controlled deliveries
 - Conducted DNA origin analysis for all large-scale seizures
 - Conducted DNA analysis to aid investigations
 - Convictions for offences
 - Seized assets and proceeds of crime
 - Convictions for related corruption
 - Inventory of stockpile
 - No stockpile thefts since 2000
 - Disposed of ivory stocks
 - Made requests for mutual legal assistance
 - Participated in international enforcement operations
 - Participated in Interpol operations

- ### GENERAL
- ICCWC Toolkit action plan completed
 - Established centralised wildlife crime database
 - Improvement in perception of corruption
 - Part of bi or multi-lateral agreements on wildlife crime



LAOS

Laos is the world's fastest growing market for ivory and a major transit point for illegal ivory from Africa to Vietnam and China. In the absence of real progress on the ground to prosecute criminals implicated in ivory trafficking, EIA calls for CITES trade suspensions against Laos.

BEST PRACTICE

An Order issued by the Prime Minister in May 2018 refers to prohibiting trade in species listed on CITES Appendix I and calls for investigation and prosecution of offenders implicated in illegal wildlife trade. Further, the Order directs all relevant Ministries and local authorities "to increase efforts to improve coordination in the inspection and monitoring of the implementation of CITES."⁶⁴ The ICCWC Toolkit assessment report for Laos is publicly available; however, the resulting recommendations from 2014 are yet to be implemented.

Since December 2017, the Government has taken some action against shop owners selling ivory in Vientiane, Vangvieng, Luang Prabang and Bokeo, confiscating openly displayed stocks and warning traders. While welcome, far more action is needed, particularly prosecutions.

KEY CONCERNS

Laos is the world's fastest growing market for ivory

A study published in 2017 demonstrated that Laos has become the fastest growing ivory market in the world.⁶⁵ It has developed a globally significant role in the illegal ivory trade and, as such, the country's status should be elevated from Category C to Category A. Ivory

is openly offered for sale in Luang Prabang, the Sanjiang market of Vientiane and the Golden Triangle Special Economic Zone, although there are signs that some traders are becoming more discrete (e.g. keeping ivory in backroom stores and arranging appointments online). Ivory carving and production facilities are being moved from China to Laos.⁶⁶ EIA investigations have documented how Vietnamese criminal syndicates are smuggling large amounts of ivory from Africa via Laos to Vietnam.^{66a}

Government-authorized large-scale ivory exports

In 2014, the Government authorised at least two Laotian companies to export ivory, in serious contravention of CITES: 20 tonnes by Vinasakhone Trading Company and 90 tonnes by Vannaseng Company.⁶⁷ Further authorisations were given in 2015 to the same companies, before being revoked in August 2015. Vannaseng has been implicated in a prosecution in Uganda involving 1,303kg of ivory (437pcs) seized in February 2017.⁶⁸

Revision of Penal Code not yet ratified

The proposed revisions to the Penal Code include fines and imprisonment for illegal trade and possession for CITES-listed species but this has not yet been ratified and has therefore not come into force.

Wildlife legislation urgently needs reform

There are major gaps in Laos' legislation. There is confusion over whether legislation protects African elephants because the Wildlife and Aquatic Law only protects native species. Ivory from captive elephants can be traded, allowing the opportunity for illicit ivory to be laundered through the legal system. While the Prime Minister's Order of May 2018 mentions protection for CITES species, it is critical that Laos urgently ratifies its national CITES legislation and amended Penal Code.

Zero prosecutions for ivory trafficking

The Government has benefited from a significant amount of training and support to tackle the illegal wildlife trade⁶⁹ but these initiatives are yet to result in improvements in prosecutions and convictions. Despite the May 2018 Order issued by the Prime Minister, there appears to be a lack of political will by the Laos authorities to tackle ivory trafficking. Research has shown that over 19 tonnes of ivory have been intercepted en route to Laos, but other than one ivory seizure of 48kg in 2015, the country has not made any ivory seizures let alone prosecutions or convictions⁷⁰

Law enforcement in Laos is poor, which is one of the reasons Laos is used by organised criminal networks to move large quantities of illegal ivory.⁷¹ Customs has scanners and systems in some locations (six fixed and two mobile container scanners), but not all of these scanners are operational.

Displacement from China to Laos

There has been a significant increase in the number of Chinese-owned retail

outlets selling ivory in Laos since 2013.⁷² Laos is also a growing market for ivory sales to visiting Chinese consumers because prices are cheaper than in China.

Rampant corruption

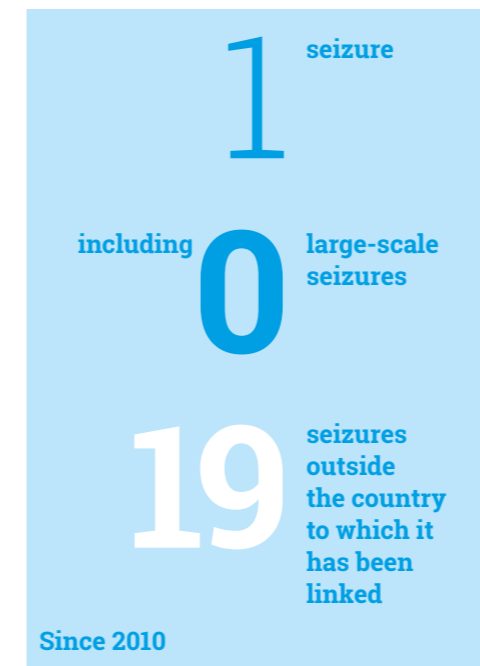
Corruption is a major problem. Major wildlife criminals reportedly have direct connections to corrupt Government officials, with bribes enabling ivory to enter Laos.⁷³

Is there a need to revise the existing NIAP or develop a new one? YES

Laos should be moved from Category C to Category A. Further, in light of lack of progress, trade suspensions should be implemented under the CITES Article XIII procedure that currently applies to Laos.

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Close gaps in Wildlife and Aquatic Law, including specific protection for both Asian and African elephants
- Expedite the adoption and implementation of the revised Penal Code
- Address corruption associated with wildlife trafficking
- Implement the recommendations identified in the ICCWC Toolkit assessment
- Ensure multi-agency coordination unit is fully operational and takes effective coordinated enforcement action
- Set targets for enforcement operations resulting in prosecution of mid/high level offenders
- Increase inspections at ports and border crossings
- Increase regional law enforcement cooperation, particularly with China to address increased Chinese involvement in Laos' ivory market



Key indicators of NIAP progress

GOOD PROGRESS (green elephant icon) PARTIAL PROGRESS (orange elephant icon)
NO PROGRESS (red elephant icon) UNKNOWN (grey elephant icon)

- ### IVORY TRADE
- Closed legal domestic ivory market
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 - Participated in international enforcement operations
 - Participated in Interpol operations

- ### GENERAL
- ICCWC Toolkit action plan completed
 - Established centralised wildlife crime database
 - Improvement in perception of corruption
 - Part of bi or multi-lateral agreements on wildlife crime

Below: Ivory for sale in Laos in 2016



MALAYSIA

While Malaysia is a well-known transit country for large quantities of illegal ivory, it has also emerged as a consolidation and re-packaging point for ivory consignments. Malaysia has been a country of primary concern since the NIAP process was initiated and has failed to demonstrate sufficient progress; trade suspensions must be considered under CITES if Malaysia fails to enhance risk-profiling and intelligence-led investigations resulting in prosecutions and anti-corruption efforts.

BEST PRACTICE

Malaysia has a strong legislative framework to tackle illegal wildlife crime, including organised criminal networks. In 2014, the Government recognised offences under the Wildlife Conservation Act 2010 and the International Trade in Endangered Species Act 2008 as serious offences for the purposes of anti-money laundering, anti-terrorism and proceeds of crime legislation.

In its rapid assessment of Malaysia's response to wildlife and forest crimes⁷⁴, UNODC found that the country's law enforcement is very active against domestic offenders (albeit mainly low-level couriers) and "given the right institutional context, it has the potential to step up its operations against transnational crime. However, it needs to improve the coordination between regional authorities and make better use of the nation-wide customs and police forces." UNODC also found that "enforcement capacity in Peninsular Malaysia is particularly strong and includes good communications and the latest investigation techniques."

However, despite that law enforcement activity, research suggests there have been very few convictions for ivory offences since 2014.⁷⁵

KEY CONCERNS

Major transit hub

Since 2009, Malaysia has emerged as the leading transit destination for large ivory consignments heading to markets such as mainland China, Hong Kong and Vietnam, resulting in Malaysia's participation in the NIAP process.⁷⁶ A vast quantity of ivory passes through Malaysia, demonstrated by the large number of seizures within the country and elsewhere that are linked to Malaysia. Since 2010, there have been 18 seizures within Malaysia (of which nine were large-scale and the largest was more than 6,000kg) and 34 seizures in other countries that were linked to

Malaysia (both source and demand). Most of the seizures in other countries involved ivory that had already passed through Malaysia undetected. The ETIS report to CoP17 found that: "The scale of the trade directed to Malaysia remains a serious concern and has increased in the more recent period."

Insufficient checks on goods in transit

It is highly likely that the amount of illegal ivory passing through Malaysia is far higher than the amount seized, due to poor examination of goods in transit. There are insufficient investigations and intelligence gathering to detect illicit shipments. The ETIS report to CoP17 recommended that Malaysia (along with Singapore) "needs to focus upon risk assessment, intelligence gathering and targeting with respect to containerised sea and air cargo moving between Africa and prominent destination locations in Asia; the use of controlled deliveries and sniffer dogs is another important consideration for supporting effective law enforcement."

Increasing use as an entrepot/consolidation point

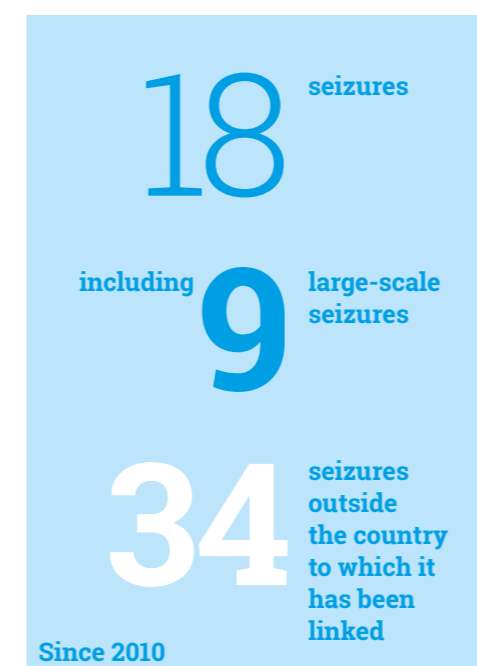
A recent and worrying development is that Malaysia is being used as an entrepot/consolidation point, using large quantities of African ivory that have been stockpiled within the country. The Hong Kong mega-seizure of more than seven tonnes of ivory (the second largest in ETIS) in July 2017 was packed in the interior of Malaysia; the container left the Port Klang and returned loaded for shipping to Hong Kong. Vietnam has also made a large seizure of ivory that originated from Malaysia (again, not transit). UNODC identified Malaysia's role in consolidation and re-export activities, assisted by "at least some complicity from officials in the supply chain."⁷⁷ EIA investigations also confirm that Malaysia is used by organised criminal syndicates to consolidate and repackage large-consignments of ivory for

onward export to Vietnam; further prolific ivory traffickers are working closely with corrupt customs officials at Johor port to facilitate large-scale wildlife trafficking.^{77a} Therefore, Malaysia's role is no longer restricted to that of a transit country.⁷⁸ It is critical that Malaysia's law enforcement efforts extend beyond their ports and transit trade.

Lack of convictions

Despite the high number of seizures in country, including several large-scale seizures, there have been very few convictions and none in relation to ivory trafficking via the sea route. During a period of just over 11 years, between January 2003 and February 2014, Malaysia made 19 seizures totalling close to 15 tonnes of ivory, yet not a single arrest or prosecution followed.⁷⁹ A few prosecutions have happened more recently but law enforcement efforts need to be increased significantly. Malaysia's NIAP progress report submitted in 2017 indicated a list of foreign nationals refused future entry into Malaysia due to their involvement in wildlife smuggling; however it is unclear how many of these suspects were prosecuted and convicted under Malaysian laws and whether this included any mid-high level ivory traffickers.

Almost all of the seizures made in Malaysia were based on intelligence from other countries, indicating a degree of collaboration, but Malaysia needs to cooperate to a much greater extent with other countries along the illegal trade chain to gather intelligence to assist investigations.



Is there a need to revise the existing NIAP or develop a new one? YES

If Malaysia fails to demonstrate adequate progress by 2019, CITES Standing Committee should consider the application of CITES trade suspensions against Malaysia.

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Significantly improve detection of ivory in transit by sea and air, including by use of sniffer dogs and scanners and intelligence-led enforcement
- Employ risk indicators and profiling to investigate organised criminal networks operating within the country, rather than focusing on low-level offenders
- Cooperate more closely with source and destination countries to gather intelligence on criminal networks and traffickers to assist detection activities, both at and beyond air and sea ports
- Increase prosecution in relation to all ivory seizures, including large-scale seizures, that have already taken place in Malaysia
- Improve coordination between regional authorities and make better use of the national customs and police forces
- Make use of controlled deliveries in close collaboration with relevant countries along the illegal trade chain

Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
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- No stockpile thefts since 2000
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- Made requests for mutual legal assistance
- Participated in international enforcement operations
- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime



MOZAMBIQUE

Mozambique's besieged elephants continue to be threatened by poaching and the country provides a safe haven for Chinese and Vietnamese-led organised criminal syndicates involved in large-scale ivory trafficking.

BEST PRACTICE

New laws have been enacted removing ambiguities and increasing penalties: revisions to the Conservation Law 2014, which came into force in May 2017, have clarified that African elephants are fully protected and maximum prison terms for wildlife offences have been increased to 16 years. There have been some arrests related to ivory trafficking; however, Mozambique continues to serve as a hub for organised ivory trafficking networks.⁸⁰

Cooperation with South Africa and Tanzania has resulted in arrests of poachers and ivory traffickers. An MoU to underpin cooperation on wildlife trafficking with Vietnam signed in August 2017 is a significant and positive step, as is the pending MoU with China on organised crime. Mozambique and Vietnam have also agreed to develop a Mutual Legal Assistance Treaty (MLAT) to strengthen law enforcement cooperation between the countries, which is expected to be signed before the end of 2018. However, there is an urgent need to implement these commitments to improve transnational cooperation to disrupt criminal networks using Mozambique as a base from which to export illegal ivory.

A Rapid Reference Guide on wildlife crime is being developed for prosecutors, rangers and police.

KEY CONCERNS

Major source of ivory and trafficking hub

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 species' range. In only five years (2009-14), the country lost 53 per cent of its elephants, according to the Great Elephant Census (GEC 2016). At Mozambique's Niassa Game Reserve, the number of illegally killed elephants increased from 92 in 2016 to 124 in 2017.⁸¹ Mozambique almost never reports seizure data to ETIS but has been linked to a number of large seizures elsewhere.⁸²

EIA investigations in 2016 and 2017 confirmed that ivory traffickers connected to Asian criminal syndicates had moved operations to Mozambique, following a relative improvement in enforcement in neighbouring Tanzania.^{83,83a} Ivory 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.

Rampant corruption

Mozambique is ranked as one of the most corrupt countries in Africa.⁸⁴ Bribes to corrupt customs officials are an essential part of the trafficking operations moving illegal ivory from Mozambique to Asia. As one of the ivory traffickers exposed by EIA's investigations confirmed: "We're able to move anything through Pemba. Everyone there has been bought."⁸⁵

Repeated thefts from Government ivory stockpiles

Of three tonnes of ivory confiscated in Maputo in April 2018, almost one-third had been taken from official stockpiles. Three policemen and a technician of the Forestry service were arrested in relation to the theft of 105 tusks from Government stockpiles in Mozambique in 2016-17 (all were later released and all investigations are still pending).⁸⁶ Other ivory tusks from the official stockpile turned up in a large seizure in Cambodia in December 2016.⁸⁷ Most recently (August 2018), 217 ivory pieces disappeared.⁸⁸ The thefts from the stockpile reinforce the need for Mozambique to improve its stockpile management and to inventory and dispose of its ivory stocks when no longer required for prosecution.

No notable prosecutions and lenient penalties

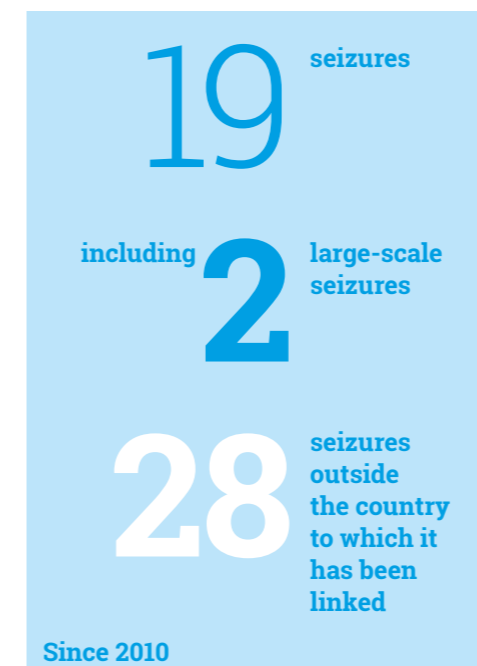
Mozambique's wildlife trade penalties have been far too lenient, a fact noted in the ETIS report to CoP17. Moreover, poachers have been convicted but not those higher up the chain. The recent increases in maximum penalties were welcome but now need to be translated into sentences that impose those higher penalties. The new legislation will be meaningless unless it is effectively enforced.

Continuing domestic market for ivory

Mozambique's domestic ivory market is also problematic. In various coastal cities, fewer ivory carvings are displayed openly but they are still readily available in local markets on request.⁸⁹ Ivory is sold openly in the markets of the capital Maputo, clearly aimed at Chinese visitors/consumers (traders have been observed using 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, 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.⁹⁰

Lack of inter-agency collaboration/communication

Systemic structural issues continue to complicate the situation in Mozambique, with a lack of cooperation and communication between national and provincial authorities, particularly around the implementation of newly-enacted laws.



Is there a need to revise the existing NIAP or develop a new one? **YES**

Mozambique should be moved from Category C to Category A.

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Develop effective anti-corruption measures and ensure they are implemented, especially at exit points
- Improve detection methods at exit points
- Take further enforcement action against the illegal domestic market for ivory carvings
- Ensure that pending ivory trade court cases, especially those involving stockpile thefts, are thoroughly investigated and prosecuted
- Improve stockpile management and inventory and dispose of ivory stocks when no longer required for prosecution
- Launch community engagement projects in natural resource management, to give communities a greater say in decision-making and a share in the proceeds of successful conservation
- Create a formal multi-agency team to combat wildlife and forest crime
- Strengthen international cooperation particularly with South Africa, Malaysia, Vietnam and China

Key indicators of NIAP progress



IVORY TRADE

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- Offences are "serious crimes" per UNTOC
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- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime



NIGERIA

Lack of serious commitment to tackle wildlife trafficking and rampant corruption has resulted in at least 29,173kg of ivory leaving Africa through Nigeria, equivalent to ivory sourced from 4,354 elephants.

BEST PRACTICE

Reporting of seizure data has improved, according to the ETIS report to CoP17, which noted that data had been sent on a regular basis for the first time.

Nigeria has amended its endangered species legislation with a particular focus on increasing fines.⁹¹ A new National Wildlife Protection Bill has been approved, including penalties sufficient to serve as a deterrent. Legislation at Federal and State level has been strengthened and harmonised. A summary of existing legislation and penalties has been prepared for dissemination to the judiciary. Specialised wildlife prosecutors have been proposed.

Nigeria's stockpile has been inventoried, there has been increased parcel screening by the Nigerian Postal Service and some efforts have been made to raise awareness among airlines and passengers about the rules on shipping illegal wildlife products.

KEY CONCERNS

Important export hub for forest elephant ivory
EIA investigations have documented the growing prominence of Nigeria as a key transit and export hub for large volumes of forest elephant ivory destined for Asian markets.⁹² Organised criminal networks based in Nigeria are operating to traffic large volumes of ivory in the absence of effective law enforcement to serve as a deterrent. The ETIS report to CoP17 found that "Nigeria is, after Togo, the second most prominent ivory exporting nation on the western side of the African continent, functioning as a major ivory entrepôt that draws in ivory from Central Africa and, increasingly, as far away as East Africa."

Domestic trade and processing of ivory
Nigeria harbours a large unregulated domestic ivory market. Open source research indicates ivory is being sold in Lagos in markets and hotels under the guise of woodwork and beadwork.⁹³ There appears to be a lack of political will to close down the domestic market.

Processing of ivory products for export to China is taking place on a commercial scale (primarily bangles and name seals) using courier services or individual carriers. According to one report, Nigeria had the greatest number of seizures of ivory being processed in Africa for Asia.⁹⁴

Key role in ivory trafficking

Since 2010 there have been at least 36 ivory seizures in Nigeria totalling 1,464kg. There have been no large-scale seizures in Nigeria; however, large amounts of ivory flow undetected via Nigeria and have been seized abroad (approximately 29,173kg) including at least 13 large-scale ivory seizures outside Nigeria.

Corruption

Corrupt customs officials enable the illegal export of ivory. In the course of EIA's investigations, one ivory trafficker "claimed to have built good financial relationships with customs officers in Lagos port; once the ivory tusks were ready to be shipped, corrupt customs officials would come to weigh them, charging a fee of \$30 per kg to ensure the container was not inspected."⁹⁵

Poaching is still an issue

Nigeria's elephants live in small isolated populations, five of which have been reported as lost. The only relatively well protected population is in the Yankari National Park, in eastern Nigeria, but poaching continues to be a threat even there.⁹⁶

Lack of convictions

A significant weakness in Nigeria is the lack of prosecutions. The Nigeria Customs Service has made a number of seizures

and cases are then handed over to the National Environmental Standards and Regulations Enforcement Agency but no prosecutions happen. There does not appear to have been any successful prosecution for ivory offences in recent years.

No DNA analysis

Nigeria has not carried out DNA analysis of seized ivory to aid investigations.

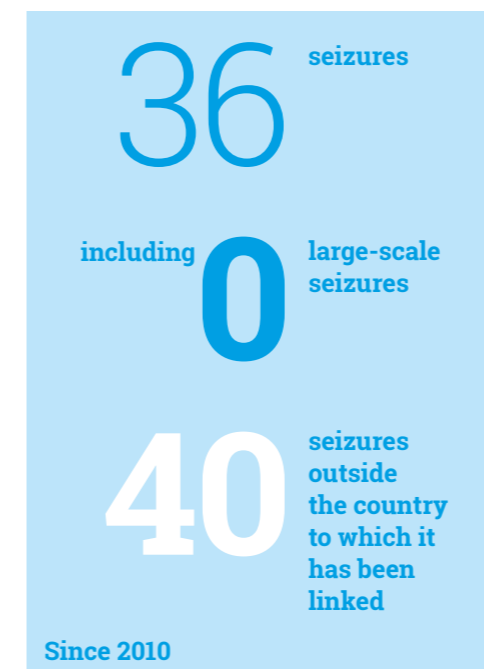
ICCWC Toolkit

Nigeria has not applied the ICCWC Toolkit nor expressed any intention to apply it.

Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Improve detection and monitoring at all exit points to restrict the flow of illegal ivory from and through Nigeria
- Strengthen regional and international collaboration to investigate ivory flows from neighboring countries to Nigeria and ivory exported from Nigeria to Asia
- Increase law enforcement efforts directed at the domestic ivory market, including sales to tourists
- Close down all ivory processing workshops
- Tackle corruption among customs officials
- Carry out DNA analysis of all seized ivory to aid investigations
- Ensure prosecutions for ivory trafficking from and through Nigeria
- Apply the ICCWC Toolkit



Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
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- ICCWC Toolkit action plan completed
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Below: Lagos port is a key exit point for illegal ivory.





SINGAPORE

Singapore continues to play a key role as a transit country for organised large-scale ivory trafficking. Despite the fact that it has failed to demonstrate prosecution of individuals and companies involved in ivory trafficking via Singapore, it is the only country in NIAP Category A which has not been requested to develop a NIAP.

BEST PRACTICE

There was a large-scale seizure in March 2014, which led to a multi-agency investigation involving the Lusaka Agreement Task Force (LATF), ASEAN-WEN and its member agencies in South-East Asia. The investigation resulted in the arrest of seven members of the illicit supply chain in multiple countries.⁹⁷

It has been recognised that Singapore's domestic ivory market has declined substantially.⁹⁸

KEY CONCERNS

Major transit hub

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 worldwide. In addition, at least 14 large-scale ivory seizures outside Singapore have been linked to Singapore. EIA investigations have documented how

organised criminal networks smuggle ivory in containers via Singapore unhindered (e.g. by using the Singaporean shipping line Pacific International Lines to transport illegal ivory from Mozambique).⁹⁹

Insufficient checks on goods in transit

It is highly likely that the amount of illegal ivory passing through Singapore is far higher than the amount seized, particularly because of inadequate law enforcement. The ETIS report recommended that Singapore (along with Malaysia) "needs to focus upon risk assessment, intelligence gathering and targeting with respect to containerised sea and air cargo moving between Africa and prominent destination locations in Asia; the use of controlled deliveries and sniffer dogs is another important consideration for supporting effective law enforcement."

Low levels of prosecutions

Singapore submitted a lengthy report to SC69 about its progress in tackling the illegal ivory trade, emphasising its strong law enforcement

record, yet the report mentioned only one fine and two prosecutions resulting in prison sentences for ivory trafficking through Singapore.¹⁰⁰

Not applied ICCWC Toolkit

Singapore has not applied the ICCWC Toolkit nor expressed any intention to do so.

Category A country yet no NIAP

The ETIS report to CoP17 identified Singapore as a Category A country because of its role as a major transit hub in the illegal ivory trade: "China, Hong Kong SAR, Kenya, Malawi, Malaysia, SINGAPORE [emphasis added], Tanzania, Togo, Uganda and Vietnam collectively account for the greatest quantity of illegal ivory in trade, according to the seizures data in ETIS. On the basis of this analysis, Malawi, Singapore and Togo now emerge as countries which the Parties could consider for inclusion in the CITES oversight process to address illegal trade in ivory."

There is a presumption under the NIAP Guidelines that Category A countries should participate in the NIAP process and Singapore should be no exception. The NIAP process provides a structure, a template for objectives, the requirement to submit progress reports and the potential for measures to be taken against a Party in default. None of that is available when a Party remains outside the NIAP process, even though its participation in the illegal ivory trade is significant enough to place it in Category A.

Is there a need to develop a NIAP? YES

RECOMMENDATIONS FOR NIAP/ PRIORITY AREAS OF IMPLEMENTATION:

- Cooperate more closely with source, transit and destination countries to gather intelligence on criminal networks and traffickers to aid the focus of detection activities and to ensure that all relevant information is harnessed for effective profiling and targeting purposes
- Conduct investigations and enforcement resulting in prosecution of individuals and businesses using Singapore as a transit hub
- Make use of controlled deliveries
- Employ risk indicators and profiling to target organised criminal networks
- Significantly improve detection of illegal wildlife in transit by sea and air
- Apply the ICCWC Toolkit

Key indicators of NIAP progress



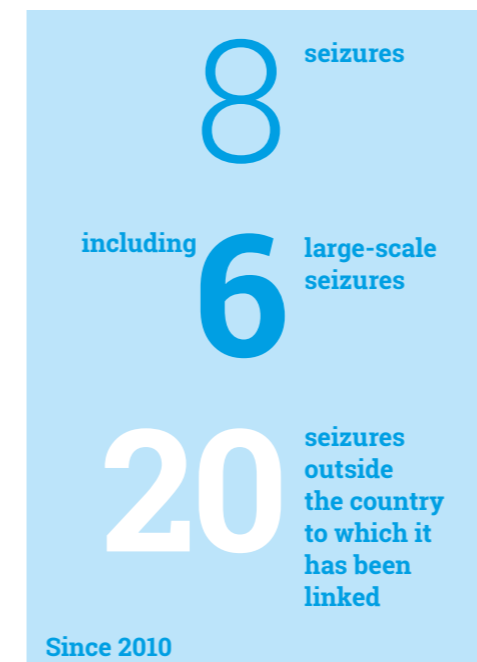
IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
- Applied financial investigation techniques
- Used controlled deliveries
- Conducted DNA origin analysis for all large-scale seizures
- Conducted DNA analysis to aid investigations
- Convictions for offences
- Seized assets and proceeds of crime
- Convictions for related corruption
- Inventory of stockpile
- No stockpile thefts since 2000
- Disposed of ivory stocks
- Made requests for mutual legal assistance
- Participated in international enforcement operations
- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime

Below: Singapore has been implicated in several large-scale ivory seizures and is yet to develop a NIAP





SOUTH AFRICA

South Africa should be requested to develop a NIAP, particularly due to the role of organised wildlife trafficking criminal syndicates, an increase in processing of ivory in the country and increased poaching.

BEST PRACTICE

In 2014, it was reported that a successful prosecution had resulted in the highest penalty ever imposed in South Africa for the illegal possession of ivory: 10 years' imprisonment and a R5 million fine for a convicted Chinese national, which represents a real deterrent.¹⁰¹

The Government has developed a comprehensive National Integrated Strategy to Combat Wildlife Trafficking (NISCWT). If fully implemented, the NISCWT will address many of the issues faced by South Africa.

In 2018, the Government allocated an additional amount of R104 million for combating wildlife crime.¹⁰² Relevant Government agencies cooperate in the fight against wildlife trafficking through a coordination mechanism. Law enforcement officials receive training and awareness-raising, with assistance from NGOs.

KEY CONCERNS

Increased level of poaching

In its 2016 report on the status of African elephant populations, the IUCN noted that there had been an increase in the level of poaching in South Africa, in particular a rise in Kruger National Park.¹⁰³ The report to CoP17 on Monitoring the Illegal Killing of Elephants (MIKE) also noted with concern that there had been a substantial increase in the level of illegally killed elephants in the Kruger, which had been one of the most secure sites for elephants in Africa.¹⁰⁴ The MIKE report in 2018 also highlights an increase in poaching in Kruger where the number of illegally killed elephants increased from 46 in 2016 to 67 in 2017.¹⁰⁵

Ivory processing operations

The ETIS report to CoP17 also notes "increasing evidence of direct Chinese involvement in Africa-based ivory processing operations in many countries" in South Africa and other African countries. Worked ivory products such as bangles, name seals and chopsticks are being produced and shipped to Asia using courier companies as well as individuals who sometimes carry contraband on their person.

Lack of reporting to facilitate CITES decision-making

In the ETIS analysis for CoP16, South Africa was regarded as a Party of Primary Concern but changed to Secondary Concern in the ETIS report to CoP17 because it had not been implicated in any large-scale ivory seizures since 2012. However, the report to CoP17 also noted that South Africa has a very poor record of submitting seizure data to ETIS in recent years. South Africa's status as a Party of Secondary Concern is clouded by its failure to share information transparently on ivory trade from and through the country.

Limited enforcement effectiveness

Despite the welcome example of the 2014 penalty mentioned above, the prosecution rate for wildlife crime in South Africa is very low, due in part to inadequate law enforcement.¹⁰⁶

Vietnamese criminal syndicates operating in South Africa

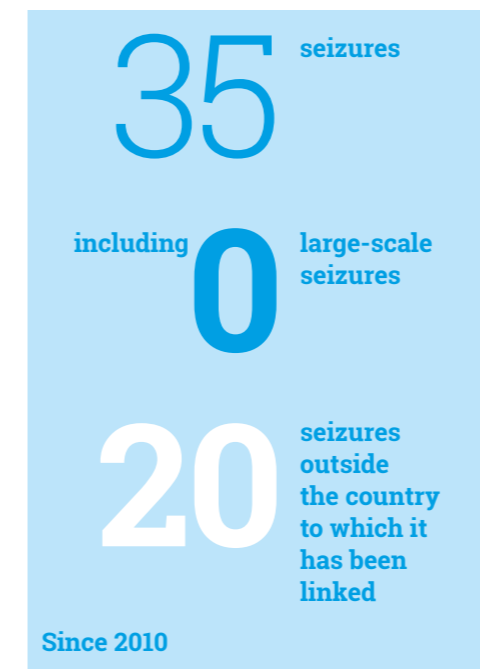
The ETIS report to CoP17 noted an increasing concern at the number of Vietnamese nationals being apprehended in, or coming from, Africa with ivory, some of whom appear to be organised by criminal syndicates operating in South Africa as well as Angola, Mozambique and Togo. EIA investigations also confirm that Vietnamese syndicates based in South Africa are involved in smuggling ivory and rhino horn from Africa to Asian markets.^{106a}

Corruption

Corruption is an obstacle to effective enforcement relating to wildlife crime. For instance, 11 policemen were arrested in 2015 in relation to trading in rhino horn. While various anti-corruption bodies exist, according to a report published by the Global Initiative in 2016, there is no effective anti-corruption strategy within the police and the Department of Environmental Affairs also lacks a specific anti-corruption programme.¹⁰⁷ The Global Initiative report also states that corruption is a serious problem in Kruger National Park, where two rangers were arrested in relation to rhino poaching in June 2016, and in certain provincial conservation offices, including KwaZulu Natal.

Provincial autonomy leads to inconsistent law enforcement

The National Environmental Management: Biodiversity Act 2004 (NEMBA) provides the broad framework for wildlife protection in South Africa but each of the country's nine provinces has autonomy to implement the national law with their own legislation. According to a 2016 study, substantial differences exist between provincial wildlife laws thereby creating numerous loopholes that undermine effective law enforcement.¹⁰⁸ Significant discrepancies also exist in the prosecutorial capacity of different provinces.



Is there a need to develop a NIAP? YES

RECOMMENDATIONS FOR NIAP/PRIORITY AREAS OF IMPLEMENTATION:

- Implement the National Integrated Strategy to Combat Wildlife Trafficking
- Conduct effective enforcement in relation to the networks operating in Kruger National Park and take pre-emptive action to prevent an escalation in poaching
- Ensure timely and complete reporting on elephant poaching and ivory trade
- Train investigators, prosecutors and the judiciary in wildlife-specific offences to ensure more prosecutions, convictions and deterrent sentences
- Strengthen regional and international collaboration with relevant African countries and key transit and destination countries such as Vietnam
- Strengthen enforcement to target ivory processing operations in South Africa
- Develop and implement an effective anti-corruption strategy
- Apply the ICCWC Toolkit
- Ensure consistent legislation and law enforcement across the provinces

Key indicators of NIAP progress

GOOD PROGRESS (green elephant icon), PARTIAL PROGRESS (orange elephant icon), NO PROGRESS (red elephant icon), UNKNOWN (grey elephant icon)

IVORY TRADE

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GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime





TANZANIA

While enforcement efforts have significantly improved in Tanzania, much more needs to be done to target individuals and businesses implicated in the decimation of Tanzania's elephant population and the rampant corruption fueling ivory trafficking.

BEST PRACTICE

Collaboration between national agencies has improved. A National Task Force Anti-Poaching (NTAP) has been established and co-operates with National Prosecution Services. A Wildlife Crime Rapid Reference Guide for prosecutors and investigators was prepared with UNODC assistance and became operational on 1 January 2018, providing guidance and consistency between agencies.

In 2016, the Tanzanian courts imposed the highest penalties ever for ivory trafficking in Africa with two Chinese nationals each sentenced to 30 years in prison or fines of nearly US\$25 million.¹⁰⁹ Notably, they were also convicted of attempted bribery and sentenced to a further five years in prison or a fine.

Canine units at Dar es Salaam port and airport and at Kilimanjaro airport have contributed to several arrests.¹¹⁰ A scanner at Julius Nyerere International Airport provided evidence against traffickers of tusks to Switzerland.¹¹¹ Applying the ICCWC Toolkit is a positive step.

Tanzania has stepped up its international cooperation. Several cross-border cooperation activities took place during 2017, in particular with Kenya, Malawi and Mozambique, which led to the arrest of significant figures involved in ivory trafficking.¹¹² A request for mutual legal assistance was successfully submitted to Switzerland in relation to ivory trafficking¹¹³ and Tanzania has an MoU with China (although strong enforcement cooperation seems to be lacking).

KEY CONCERNS

Significant decline in elephant populations

Tanzania has suffered one of the most dramatic declines in its elephant populations of any African range state. The country lost more than 60 per cent of its elephants in about 10 years, described by the IUCN as a "catastrophic time for elephants in [Tanzania], which is especially tragic following the strong recovery they experienced following the last poaching crisis in the 1970s and 1980s." Despite this catastrophe, it seems that hardly anyone has been held responsible.¹¹⁴ There has been a

noticeable lack of prosecutions of Government officials or private individuals (with the exception of Boniface Mathew Maliango).¹¹⁵

Chronic corruption

Corruption is a significant issue, both in customs and at high levels in the ruling party. EIA's investigations in 2014 revealed that Chinese-led criminal networks were conspiring with corrupt Tanzanian officials to traffic large amounts of ivory.¹¹⁶ Many senior Government officials have been named in the Tanzanian media and Parliament in connection with ivory trading but it seems none have been held accountable. The ETIS report to CoP17 stated that "Since 2012, corruption issues have continued to be a major problem in all three countries [Tanzania, Kenya and Uganda] ...serious governance shortfalls at ports of entry and exit, within Government institutions charged with protecting wildlife, and by political and economic elites in these countries, including ivory stock thefts, and various judicial failings such as ordering the release of seized ivory or suspects on bail, or imposing mediocre penalties."

Multiple large-scale seizures with ivory originating in Tanzania

Tanzania has been implicated in many large-scale seizures worldwide, with half of the savanna elephant tusks seized from 2006-14 in 29 countries originating from Tanzania.¹¹⁷ The ETIS report to CoP17 referred to "organised criminal elements operating in Kenya, Tanzania and Uganda [moving] large quantities of ivory into, between and out of these three East African countries, which collectively constitutes the greatest illicit ivory trade flows out of Africa in the period 2009-14. Most of this traffic is directed through Indian Ocean seaports, but air transport is also a factor in the trade."

Confusion in the legislation

Amendments to the Wildlife Conservation Act 2009 have been awaiting submission to Parliament since 2013. Confusion among prosecutors and judges about the applicable legislative framework has been reported, emphasising the importance of the necessary amendments being made as soon as possible.

The draft Bill has been submitted to the Cabinet secretariat for endorsement, after which it will be sent to Parliament for enactment.

Failure to dispose of its stockpile

The Government is resisting pressure to dispose of its ivory stocks of around 118 tonnes, maintaining that they are needed to assist scientific research into diseases that affect elephants.¹¹⁸ This is a serious concern because of mismanagement of the stockpile and missing tusks, as documented by Tanzania's Auditor General.¹¹⁹ Between 2012-13, 585.46kg are known to have been stolen from the stockpile.¹²⁰

Weaker legislation and enforcement in Zanzibar

EIA investigations have found that Zanzibar plays a key role in international ivory trafficking.¹²¹ Yet the autonomous region of Zanzibar has much weaker legislation than mainland Tanzania, with a maximum penalty of six months' imprisonment or a \$185 fine. Zanzibar law also only applies to native species, excluding most CITES-listed species including elephants. There also does not appear to be adequate enforcement to tackle Zanzibar's role in ivory trafficking. Implementing CITES in Zanzibar was an objective in Tanzania's NIAP drafted in 2013, to be achieved by June 2014. However, there are finally signs of progress: a draft regulation to implement CITES was presented to a stakeholder review and validation meeting on 30 July 2018 and the Minister promised to sign the Regulations before the end of August 2018.

Inadequate evaluation of anti-poaching patrols

Anti-poaching foot patrols require substantial financial and human resources and there is an urgent need for a robust anti-poaching patrol evaluation and design mechanism so as to strengthen anti-poaching processes.

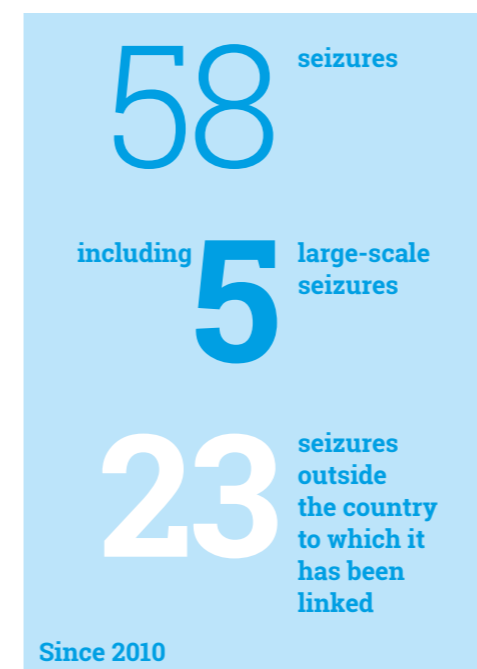
No DNA analysis of large-scale ivory seizures

Tanzania has not conducted DNA analysis of the five large-scale seizures made since 2010 and is therefore not currently complying with CITES recommendations. The Government is moving to address this by initiating a process to apply DNA technology and forensic procedures to identify confiscated wildlife species.

Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Prosecute offenders, including corrupt officials, responsible for the rapid decline of Tanzania's elephant population
- Clamp down on corruption, particularly by Customs and party officials
- Enact the proposed changes to the Wildlife Conservation Act 2009
- Adequately secure the ivory stockpile then dispose of it
- Strengthen legislation and enforcement to tackle Zanzibar's role in ivory trafficking
- Develop robust anti-poaching patrol evaluation and design mechanism
- Carry out DNA analysis of all large-scale ivory seizures



Key indicators of NIAP progress



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GENERAL

- ICCWC Toolkit action plan completed
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THAILAND

While steps to restrict its domestic legal ivory trade are welcome, Thailand's legislation continues to have major gaps and the country plays a key role as a transit point in organised large scale ivory trafficking.

BEST PRACTICE

The African elephant was the first non-native species listed as a protected species in the Ministerial Regulation under The Wild Animal Reservation and Protection Act (No.3) B.E. 2557 (2014).

The ETIS report to CoP17 noted a positive shift since 2012, leading to a change in status from Category A to Category B. Thailand has implemented new legislation partially closing the domestic ivory market, increased enforcement on the ground which has reduced the number of shops selling ivory and focused on a country-wide registration of ivory. These efforts have significantly reduced the open presence of ivory in Thailand's markets.

There has been good international collaboration with enforcement agencies in coordination with the Lusaka Agreement Task Force (LATF) resulting in arrests in the DRC and Congo connected with 3.9 tonnes of ivory.¹²²

Despite this good progress, concerns remain that warrant Thailand's continued participation in the NIAP process. Further, the ETIS report to CoP17 notes that Thailand did not report any large-scale seizures in Thailand between 2012-14, yet in 2015 Thailand made at least three large-scale ivory seizures, totalling nearly eight tonnes.¹²³

KEY CONCERNS

Large-scale seizures, no convictions

Since 2010, Thailand has made at least 36 ivory seizures, including eight large-scale seizures amounting to a total of at least 17,873kgs, which is roughly equivalent to ivory sourced from approximately 2,667 elephants. In addition, Thailand has been linked to at least 15 ivory seizures in other countries. Based on publicly available information, it appears there have been no convictions for any ivory offences in relation to large-scale seizures within Thailand. Further concerns have also been raised about the security of Thailand's ivory stockpile.¹²⁴

Trade in ivory from domesticated Asian elephants is a loophole

Ivory harvested from registered domesticated Asian elephants can be traded legally. Following the enactment of the Elephant Ivory Act B.E. 2558 (2015), as at 2017 528,809kg of

ivory had been registered, mainly by people registering family-owned ivory passed down over generations. However, it has been calculated that only about 559kg of ivory can be produced from domesticated elephants each year, from which it can be inferred that a significant percentage of the registered ivory in Thailand probably came from Africa. In addition, 559kg per year is not enough to satisfy the current domestic market, thereby inviting the illegal import of ivory from Africa. There are therefore concerns that the continued legal trade in ivory from domesticated Asian elephants could allow illegal African ivory to be laundered through the system.

The current position is very confusing and invites criminal behaviour, particularly by tourists. It is legal to buy ivory but it is illegal to take it out of the country (without a CITES export permit). Tourists break the law when they take ivory out of Thailand and when they enter their own country.

The Government has established a committee to assess how to deal with ivory from domesticated Asian elephants, which includes NGO representation. The long tradition of domesticated elephant ownership makes it a complex issue but in our view the only viable long-term solution is to end all trade including in ivory from domesticated elephants.

Thai traders offloading ivory stocks into Laos

Thai traders have been observed offloading their stocks of ivory into neighbouring Laos, compounding Laos' problematic status as a major wildlife trafficking hub in the region.¹²⁵ EIA has also documented illegal ivory available for sale in the Golden Triangle Special Economic Zone (GTSEZ) in Laos where traders stated that ivory carved in Thailand was smuggled into Laos.¹²⁶ There is also concern that ivory from Thailand has been moved to Myanmar.

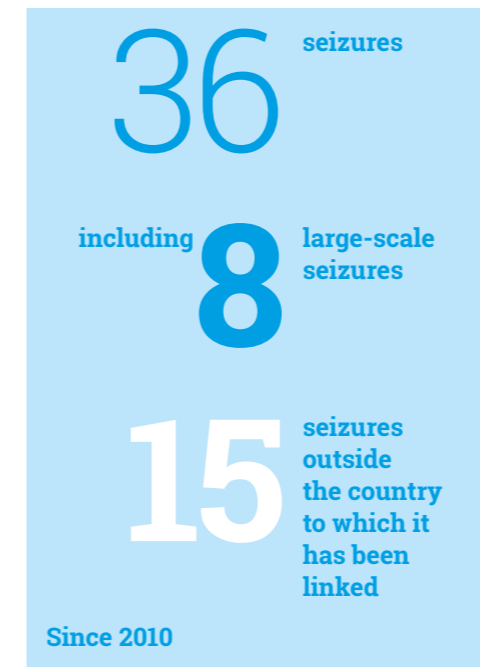
Barriers for international co-operation

A regulation issued by the Ministry of Commerce banning the export of elephant parts has been interpreted widely to also prohibit any movement of seized ivory for law enforcement to secure prosecutions in other relevant countries (such as source or transit countries). For example, there was a lack of effective co-operation between Thailand and

Kenya following Kenya's formal request for mutual legal assistance to obtain samples from three tonnes of ivory sent from Kenya and seized in Thailand in 2015.

Inadequate NIAP

Thailand's NIAP from May 2013 focused principally on legislative amendments and changes to the ivory registration scheme and contains no specific objectives for enhancing law enforcement, whether by increasing levels of prosecutions domestically or through improving international collaboration.



Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Strengthen investigations to ensure prosecutions and to report on status of prosecutions related to all ivory seizures made in Thailand including large-scale seizures
- Prohibit all commercial ivory trade including ivory from domesticated Asian elephants
- Amend relevant legislation to increase the penalty for trans-shipment of illegal wildlife through Thailand to at least four years' imprisonment
- Strengthen collaboration with relevant ASEAN countries, particularly Laos, Myanmar and Vietnam, to investigate and prosecute networks involved in cross-border ivory and other wildlife trafficking
- Revise the regulation by the Ministry of Commerce on the export of all elephant parts in order to allow movement of seized African elephant ivory to assist in prosecution in the countries of origin
- Conduct an audit of seized ivory stocks and dispose of ivory that is no longer required for law enforcement

Key indicators of NIAP progress



IVORY TRADE

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GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime



UGANDA

Uganda should be commended for major progress in tackling ivory trafficking; however, there remain important actions which need to be implemented to tackle ivory trade flows from and through Uganda.

BEST PRACTICE

After entering the NIAP process, Uganda has made progress in addressing a number of issues. This was recognised in the ETIS report to CoP17, which noted that there had been greater success in interdicting large-scale movements of ivory. Uganda has acknowledged the positive benefits of the NIAP process within the country: raising awareness among the different enforcement agencies about the importance of wildlife conservation, strengthening coordination and collaboration at national and regional level and improving political support to tackle wildlife crime.

In cooperation with UNODC, a 'Points to Prove' Rapid Reference guide has been developed for Wildlife Crimes prosecutors.¹²⁷ A specialised wildlife crime court has been created to address possible corruption issues within the wider court system and expert witnesses have been used to support major prosecutions. There have been improvements in enforcement controls and efficiency, reflected in the rise in prosecutions and convictions.¹²⁸ The Government has signed a 10-year MoU with the NGO Natural Resources Conservation Network to prosecute wildlife trade cases, greatly increasing prosecution rates.

A National Wildlife Crime Coordination Task Force has been created to enhance cooperation among Government agencies. The Uganda Wildlife Authority has developed an online database to record information about arrested suspects.

The ETIS report to CoP17 comments that criminal suspects have been arrested in conjunction with some of the seizures and that, notably, Chinese nationals have been arrested in Uganda (along with Kenya and Tanzania), which demonstrates effective regional and international law enforcement collaboration.

KEY CONCERNS

Major transit hub from Central and East Africa
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 large-scale seizures and weight of ivory seized. Ivory in transit through Uganda

is subject to weaker controls than for goods destined for the country.¹²⁹

According to the ETIS report to CoP17: "Since the CoP16 analysis, organised criminal elements operating in Kenya, Tanzania and Uganda have continued to move large quantities of ivory into, between, and out of these three East African countries, which collectively constitutes the greatest illicit ivory trade flows out of Africa in the period 2009 through 2014." The report noted that ivory from Mozambique, Kenya, Malawi, Zambia and the DRC was part of this traffic.

Limited interagency collaboration

According to a report by TRAFFIC in 2018, a principal need is to develop a "nationally co-ordinated system of institutions, organizations, agencies and concerned stakeholders".¹³⁰ The National Wildlife Crime Coordination Task Force may go some way to addressing this need but so far as we are aware, it has not yet undertaken any operations.

Weak sanctions and penalties

The TRAFFIC report in 2018 noted "intrinsic weakness in legislation especially in sanctions and penalties hamper effectiveness of current efforts to strengthen enforcement and co-operation in fighting wildlife crime (the Wildlife Act 1996 does not provide proportionate penalties for wildlife crime)." The report also noted the "suspected presence of a very powerful transnational criminal syndicate involving foreign nationals collecting ivory and other high-value wildlife products", which emphasises the need to improve investigation and prosecution of those involved in such syndicates (with strict penalties available to the courts), as well as greater international cooperation and use of financial investigations.

Some of these issues will be addressed when the Uganda Wildlife Bill (2017) becomes law (the Bill is currently subject to stakeholder consultation and is hoped to reach Parliament by the end of 2019). The Bill provides for deterrent sentences for poaching and wildlife trafficking of up to 20 years. The Bill will also close a major loophole by making possession of ivory (and rhino horn) an offence. However, in the absence of sentencing guidelines

magistrates/judges will have discretion to impose weak sentences, especially if corruption is not tackled effectively.

Government stockpile fuelling illegal trade

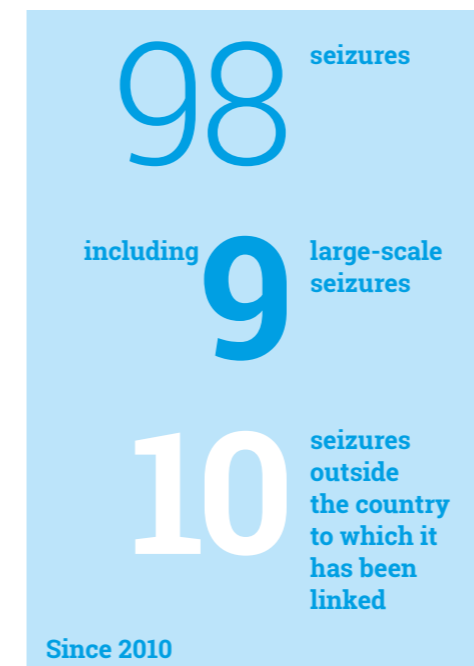
There were thefts from Uganda's ivory stockpile in 2014 of 1,200kg and in 2017 of 1,300kg. Uganda's Government-owned ivory stockpile is therefore a major source for illicit ivory entering the black market. A new ivory strong room has been created equipped with CCT cameras and in 2016 the Uganda Wildlife Authority (UWA) partnered with Stop Ivory to conduct a full inventory of the ivory stockpile held by the UWA, the Aviation Police and the Uganda Revenue Authority.¹³¹

Corruption

Members of the police and judiciary are widely perceived as corrupt and there have been allegations that security forces in Uganda have prevented exposure of officers engaged in illegal wildlife crime. The creation of the specialised wildlife crime court should go some way to addressing this problem, but more will need to be done to target corruption among other public officials (e.g. within customs).

Insufficient resources for wildlife crime enforcement

Current resources do not match the scale of wildlife crime and the Elephant Conservation Action Plan for Uganda 2016-26 identifies inadequate financial resources as an internal weakness hampering effective enforcement and conservation.



Is there a need to revise the existing NIAP or develop a new one? **YES**

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Strengthen detection activities focused on goods in transit
- Make it mandatory for all authorities and agencies to include measures to tackle illegal ivory trade in their operational guidelines and programmes
- Disrupt and prosecute transnational wildlife crime syndicates in cooperation with relevant countries including China and Laos and neighbouring countries such as DRC, Kenya and Tanzania
- Ensure the Wildlife Bill 2017 becomes law as soon as possible and relevant bodies including the judiciary and prosecutors are educated about the changes
- Target corruption among public officials, especially at border points
- Dispose of all ivory stocks routinely to prevent further leakage into illegal trade
- Commit additional financial resources to wildlife crime enforcement

Key indicators of NIAP progress



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VIETNAM

Despite being in the NIAP process as a Category A country since 2013, Vietnam is still a major transit and destination country for illicit ivory and home to numerous organised criminal syndicates responsible for the continued destruction of African elephant populations. EIA calls for CITES trade suspensions against Vietnam for lack of effective progress.

BEST PRACTICE

There has been some progress in reforming the Penal Code to ensure wildlife crime is a serious offence. Under new provisions, with effect from 1 January 2018, the maximum penalties for wildlife crime have increased significantly: up to 15 years' imprisonment or 2 billion VND fine for individuals (approximately \$86,500); and for corporations, up to 15 billion VND fine (approximately \$651,000) or the suspension of operations for up to three years.¹³² Under the revised Penal Code, possession of illegal wildlife specimens is now a criminal offence, which was previously a major loophole.

There has been some enforcement action after the exposure of the thriving ivory carving business in Nhi Khe¹³³, but this has not been sufficient to stop illegal ivory trade in this region.

A significant MoU was signed with Mozambique in August 2017 on Cooperation in Wild Species Protection and Conservation¹³⁴ and judicial links between the two countries have been strengthened, which could facilitate mutual legal assistance and the extradition of suspects involved in ivory trafficking.¹³⁵

KEY CONCERNS

One of the world's largest illegal ivory markets

Vietnam is one of the world's largest illegal ivory markets, playing a significant role in the decline of Africa's elephants. It is a significant country in the illegal ivory trade chain: Vietnamese criminal syndicates operate both in Vietnam and abroad (including from bases in Africa) and there have been a high number of large-scale ivory seizures in Vietnam and in other countries that are linked to Vietnam. Vietnamese carvers have multiplied in number and increased their production of illegal ivory items rapidly since 2008.¹³⁶ There is a lack of targeted enforcement action at key entry and exit points, which is critical as Vietnam is an important transit country for ivory heading to China and Laos and as a destination country for ivory sold to Vietnamese consumers.¹³⁷ There are similar problems with trade in rhino horn, demonstrating that the problems are systemic and not unique to ivory.

The ETIS report to CoP17 states that there is evidence suggesting that local ivory processing in Vietnam has been escalating over the past three years. Ivory has also been found for sale in considerable quantities in places such as Buon Ma Thuot City, in Dak Lak province, in the central highlands that have not previously been identified as locations for significant domestic ivory trade. Nhi Khe and other nearby villages in the vicinity of Hanoi have been documented as a hub for processing and wholesale and retail distribution of ivory, rhino horn and other illegal wildlife products.¹³⁸

In 2017, the SC specifically requested Vietnam to "revise and update its NIAP in accordance with Step 2 of the [NIAP] Guidelines" taking into account the Secretariat's observations regarding implementation of the penal code, use of specialised investigation techniques and disrupting organised criminal networks. However, these elements have not been adequately reflected in Vietnam's NIRAP.

Growing role of Vietnamese-led organised criminal groups

EIA investigations have documented several Vietnamese-led organised criminal groups which are involved in large-scale ivory trafficking from Mozambique and other African source countries to Vietnam. EIA investigations have revealed that between January 2016 and November 2017, there were at least 22 successful shipments of ivory from Africa, with an estimated weight of 19 tonnes.

The ETIS report to CoP17 noted an increasing concern at the number of Vietnamese nationals being apprehended in or coming from Africa with ivory, some of whom appear to have been organised by criminal syndicates operating in Angola, Mozambique, South Africa and Togo. For example, in 2014, 790kg of ivory was seized at Hong Kong International Airport resulting in 16 Vietnamese nationals being arrested and each sentenced to six months' imprisonment. The offenders were travelling on board an Ethiopian Airlines flight from Angola to Cambodia and were identified to be working as an organised trafficking group.¹³⁹

Widespread illegal online trade

Ivory is one of the most frequently encountered wildlife products available for sale online in Vietnam and little is being done to prevent this trade.¹⁴⁰ Under Vietnamese law, illegal advertisements for sale of ivory through online channels are only regarded as administrative violations subject to fines up to 100 million VND (approximately \$4,300) and a criminal prosecution only takes place when a suspect is caught in possession of ivory.

Very few convictions and weak sentences

There have been few convictions for wildlife crime and the sentences handed out are largely limited to fines.¹⁴¹ It will be critical to ensure that the higher penalties now available under the revised Penal Code are appropriately applied to serve as a deterrent for individuals and businesses implicated in wildlife trafficking.

Failure to engage in meaningful wildlife forensic collaboration

Vietnam has a poor record of providing forensic samples with respect to rhino horn seized in the country. One attempt to hand-deliver seized rhino horns from Vietnam to South Africa in 2015 resulted in most of the horns disappearing en route under circumstances that have never been explained. South African officials were unable to obtain rhino horn samples to take home for testing while on an official visit to Vietnam pursuant to the MOU between the two countries. Vietnam needs to improve forensic collaboration for both rhino horn and ivory.

Failure to tackle corruption

Corruption in Vietnam is a key factor enabling the large-scale trafficking

of illegal ivory through key exit and entry points and open retail displays of illegal ivory products.¹⁴² Indeed, while Vietnam's previous version of its NIAP committed to tackling corruption associated with ivory trafficking, its new NIRAP has dropped corruption as a concern and fails to mention it at all.

Leakage from ivory stockpile

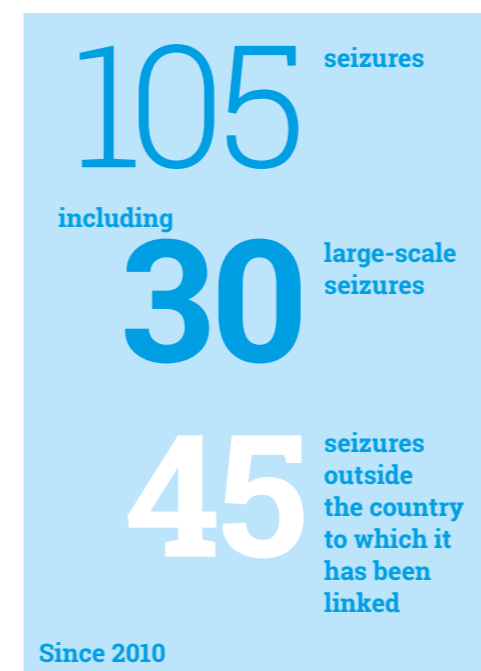
There is a lack of adequate control and monitoring of Vietnam's ivory stockpile. EIA investigations have found that seized ivory held by Government authorities continues to enter illegal trade, often perpetrated by corrupt Government officials. Vietnam's NIRAP does not include commitments to tackle the security concerns related to its ivory stockpile.

Is there a need to revise the existing NIAP or develop a new one? **YES**

In light of insufficient progress, CITES trade suspensions should be imposed against Vietnam.

RECOMMENDATIONS FOR NIAP REVISION/PRIORITY AREAS OF IMPLEMENTATION:

- Ensure effective inter-agency cooperation and intelligence-led enforcement to disrupt and convict organised ivory trafficking networks
- Improve international cooperation (for example, through extradition, evidence-sharing and use of controlled deliveries) with relevant source, transit and destination countries including Angola, Benin, Congo, Ivory Coast, Kenya, Mozambique, Nigeria, Tanzania, China, Cambodia, Laos and Malaysia
- Develop a credible ivory stockpile management system so all ivory stocks in Government hands are documented, subjected to periodic audits and reported pursuant to CITES processes
- Engage in transparent and systematic forensic examination for large-scale ivory seizures
- Treat corruption associated with wildlife trafficking as a serious offence resulting in prosecution of corrupt public and private sector offenders



Key indicators of NIAP progress



IVORY TRADE

- Closed legal domestic ivory market
- Offences are "serious crimes" per UNTOC
- Offences are predicate offences
- Formal collaboration between enforcement agencies
- Improved methods of detection at borders
- Applied financial investigation techniques
- Used controlled deliveries
- Conducted DNA origin analysis for all large-scale seizures
- Conducted DNA analysis to aid investigations
- Convictions for offences
- Seized assets and proceeds of crime
- Convictions for related corruption
- Inventory of stockpile
- No stockpile thefts since 2000
- Disposed of ivory stocks
- Made requests for mutual legal assistance
- Participated in international enforcement operations
- Participated in Interpol operations

GENERAL

- ICCWC Toolkit action plan completed
- Established centralised wildlife crime database
- Improvement in perception of corruption
- Part of bi or multi-lateral agreements on wildlife crime

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