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SOUTHEAST ASIA

AT THE HEART OF WILDLIFE TRADE



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TRAFFIC REPORT

SOUTHEAST ASIA: AT THE HEART OF WILDLIFE TRADE

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4. ASEAN countries at a glance

All ASEAN countries are Parties to CITES, the newest Southeast Asian member being Lao PDR which joined in 2004. All ASEAN countries have also recognised, in some manner, that illegal wildlife trade (animals and timber) is a serious crime²⁰. However, the strength of their legislation is largely weak where terrestrial wildlife is concerned and has implications for efforts to enforce, implement and regulate wildlife trade.

In this section, an introductory profile is provided for each of the 10 ASEAN countries, regarding their role and function from a national perspective on wildlife trade. Without being an exhaustive list of issues or occurrence, the profiles give a representative sample of the overall circumstances pertinent to each country, covering:

- legal and policy framework
- markets selling wildlife
- seizures it has been implicated in
- primary land, air and sea transportation hubs
- taxa commonly recorded in trade or trafficking
- strengths, challenges and recommendations



Brunei Darussalam

CITES entered into force on 2 August 1990



Pangolins, bears, otters, reptiles

SOURCE



Birds and reptiles

TRANSIT



Pangolins, birds,

CONSUMER



- Key Airports
- Online market
- Key border crossing: Various with Sarawak, Malaysia
- Key Seaports

Facebook

2019 Transparency International Corruption Perception Index: Score: 60 (Rank: 35/183 countries)

FACTS AND FIGURES



Based on open source information, Brunei Darussalam appears to have a minor role in wildlife trade. However, due to its geographical position it could have a potential source and transit role;



A small-scale online trade is believed to be ongoing; otters, Sunda Pangolins and Malayan Sun Bears were found on sale on Facebook in 2014.²¹

CHALLENGES

Some species listed in the IUCN Red list, such as the Sunda Pangolins, Malayan Sun Bear and otters, are not yet listed under the Brunei Wildlife Protection Act 1984. Only some 34 species are listed in the Act, though it has been announced that an amendment to the Act is underway. This legislation denoted species that are protected in the country, though trade is governed by the Wild Fauna and Flora Order (2007);

The Wild Fauna and Flora Order (2007) that governs trade, has penalty exemptions for personal possession or household effects of dead specimens of CITES Appendix I and II-listed species. This exemption creates a potential loophole to launder wildlife products, such as ivory and rhino horn, into and out of Brunei Darussalam.

STRENGTHS

The Wild Fauna and Flora Order (2007) covers CITES Appendix I and II listed species²²;

Brunei Darussalam has relatively robust laws and penalties on anti-money laundering activities and wildlife trafficking is considered a predicate offence.

RECOMMENDATIONS

Harmonise the legislation so that CITES Appendix I listed species, and those threatened by trade—both native and non-native—are protected under all relevant laws and close loopholes around “personal possession” of wildlife products;

Revise and pass a strengthened law, offering protection for highly endangered species that are affected by illegal and unsustainable trade

Several cross-border locations exist where it would be useful to monitor trade or provide an opportunity for law enforcement action;

Increase monitoring of the long land border with Sarawak, Malaysia and the use of social media for wildlife trafficking.



Cambodia

CITES entered into force on 2 October 1997



Big cats such as Clouded Asian big cats such as Clouded Leopard *Neofelis nebulosa*, pangolins, bears, tortoises and freshwater turtles, reptiles, birds, otters, ungulates (wild meat, trophies and traditional medicinal use), otters

Ivory, tiger, rhino horn, tortoises and freshwater turtles and, bears, pangolins

Ivory, tiger tortoises and freshwater turtles, lizards, snakes, birds, bear bile, serow, slow loris

TRANSIT

CONSUMER

SOURCE



- Key Airports
- Key physical markets: Phnom Penh; Siem Reap, Sihanoukville provinces such as Stung Treng, Ratanakiri for wild meat
- Online market
- Key border crossing
- Key Seaports

Facebook, Whatsapp, Instagram

2019 Transparency International Corruption Perception Index: Score: 20 (Rank: 162/183 countries)

FACTS AND FIGURES



More than 17,000 kg of ivory seized implicated the country from 2009-2018, including a seizure of more than 3.2 tonnes of ivory in 2018 that came from Mozambique;

More than 780 ivory products recorded in just 10 shops in Phnom Penh and Siem Reap in 2015²³, with hundreds more recorded in 2019;



Almost 25,000 live mammals, birds and reptiles were seized from 2007-2015. This was in addition to confiscations of dead animals (>26,000 individuals) and wildlife meat (>9,500 kg) and body parts (>7,500 items);

At least 253 bears seized from 2000-2011²⁴;



About 80 kg of rhino horn in six seizures, all from the international airports of Phnom Penh and Siem Reap international since December 2012²⁵;

CHALLENGES

Although the Natural Resource Environmental Code is being updated in some regards, penalties being proposed are considered too low to be a deterrent.

Currently, the Forestry and Protected Area Law does not adequately protect (or prohibit) or clearly regulate the trade in non-native CITES listed species, making it difficult to effectively implement CITES. The law also references international or regional conventions, protocols, and agreements, there is no money laundering provision in the Act²⁶;

Seizures point to transnational organised crime groups targeting Cambodia as a transit point for ivory and rhino horn from Africa likely en route to Viet Nam or China;

Potential emerging market for ivory and rhino horn for Chinese tourists with a number of shops in Phnom Penh and Siem Reap openly selling ivory and rhino horn parts and products such as jewellery²⁷;

Conviction rates and penalties meted out are generally low for wild animal related offences²⁸;

Identified as Category C by CITES for its role in ivory trafficking and is currently subjected to the NIAP process²⁹.

STRENGTHS

The Wildlife Rapid Rescue Team (WRRRT), a multi-agency unit between the Forestry Administration, the Royale Gendarmerie Khmère (RGK) of the Ministry of Defense and the NGO Wildlife Alliance is recognised as one of the most effective anti-wildlife trafficking units in Southeast Asia³⁰;

Wildlife trafficking is a predicate crime under Cambodia's Penal Code, although the law has not yet been used to trace and seize the assets acquired from illegal timber and wildlife trade³¹;

As of March 2018, the Ministry of Environment was reported to be revising all environment protection related legislation (on matters related to forestry, fishery and wildlife) with the intent of aligning laws to international standards, as well as raise penalties related to possession of protected wildlife; a wide range of civil society and stakeholders were involved in the revision of draft legislation. Key to this is the Natural Resource and Environmental Code that when passed, will be able to protect wildlife, improve regulations and be able to implement CITES by regulating and prohibiting trade in non-native CITES-listed species.



RECOMMENDATIONS

Expedite the finalisation, and implement, the new Environmental Code that should strengthen the penalties for trafficking, possession and illegally traded wildlife and their derivatives. The same penalties should be applied to products claiming to be from wildlife, parts or products;

Strengthen implementation of the current National Ivory Action Plan with a focus on implementation of effective enforcement procedures as well as inventory and management of seized items;

Establish and implement a robust protocol to deal with wildlife seizure that includes the collection and processing of DNA samples for forensics analysis, stockpiles and chain of custody management;

Increase enforcement efforts at air- or sea-ports along with land borders to improve rates of detection and pursue intelligence-led investigations to;

Improve criminal investigative capacity, including establishing transboundary collaboration especially with Viet Nam; increasing communication between provincial enforcement officers and the judiciary; as well as capacity building of provincial judicial police on the Criminal Procedure Code and other laws and procedures to ensure proper filing of court cases;

Target education and SBCC efforts at Chinese tourists and tour companies visiting Cambodia, and combine with law enforcement targeting to ensure no export of purchased ivory or rhino horn products from the country;

Undertake research to understand the drivers for wildlife consumption and use, and design appropriate demand reduction or consumer behaviour change interventions to address them in Cambodia



INDONESIA

CITES entered into force on 28 March 1979

Tigers, pangolins, birds, bears, otters, primates such as slow loris, ungulates and small mammals, tortoises and freshwater turtles, snakes, lizards, frogs

Ivory, rhino horn, African pangolins, tortoises and freshwater turtles

Tiger, birds, bears, otters, small mammals and primates such as slow loris, tortoises and freshwater turtles, snakes, lizards, ungulates

TRANSIT

SOURCE

CONSUMER



- Key Airports
- Key physical markets: wildlife and bird markets, restaurants and outlets (wild meat)
- Online market
- Key Seaports

Facebook, Twitter, Instagram, Blackberry Messenger

2019 Transparency International Corruption Perception Index: Score: 40 (Rank: 85/183 countries)

FACTS AND FIGURES



A quota of 4.2 million specimens for captive breeding by just 13 companies was allowed for 129 species of mammals, reptiles and amphibians in 2016³². Many of these exceeded the quantities that can be biologically bred, highlighting a flaw in the system that permits laundering of wild-caught animals. Similarly, in 2014, the government allowed six companies commercially to captive breed and export three million live Tokay Geckos within the year, which was neither biologically nor financially viable;



At least 1,123 Helmeted Hornbill casques were seized from 2012–2018, mostly heading to China;



More than 261,000 birds from over 300 species were recorded in bird markets in Medan from 1997–2001³³; More than 19,000 birds in three Jakarta markets were recorded over a three-day survey in 2014;



More than 52,000 birds recorded for sale—largely illegally—over 11 days of surveys during 2014–2017 in Jakarta, Central and East Java, Bandung, Sumatra and Bali;



More than 45,000 birds, mostly live, seized from 2018–2019, largely by Quarantine agencies in ports at Lampung southern Sumatra and Banten (western Java);

Implicated in the trafficking of more than 40,000 kg and more than 11,000 whole pangolins from 2010–2015;

Over 100,000 Pig-nosed Turtles were seized between 2003 and 2019, averaging more than 3,100 individuals per seizure. The largest single seizure took place in 2009 involving 12,247 animals seized in Timika, Papua. Further, 8,368 animals were discovered in several suitcases in connected seizures in Papua and Jakarta in January 2014³⁴. In the first three months of 2019 alone there were at least 3 seizures of Pig-nosed turtles, involving over 10,500 individuals;



At least 1,009 ivory products from 37 Facebook groups and 35 Instagram accounts recorded for sale over a 25-day period in 2016³⁵;

More than 570 pieces of ivory, including seven tusks that were suspected to be from Asian Elephants from Sumatra seized from 2015–2016; Globally, Indonesia was also implicated in the seizure of 3,500 kg of ivory from 1996–2014;



An average of 710 live otters offered for sale by at least 221 individuals (traders) over a four month period in 2018³⁶.

Parts of a minimum of 266 Tigers seized between 2000–2018, with almost 100 of them seized since 2015;



A minimum estimated 254 Sun Bears seized in Indonesia from 2011–2018³⁷;

At least 145 Ploughshare Tortoises observed for sale during 2008–2016 in Jakarta; between September 2015 and April 2016, 13 Ploughshare Tortoises observed for sale in Jakarta's animal markets;

CHALLENGES

National legislation does not provide adequate regulation for many native species that are harvested in large quantities for trade;

National legislation does not provide adequate protection or regulation for CITES-listed non-native species. For example, there is evidence of decades-long open sales of tortoises and freshwater turtles particularly those involving CITES Appendix I listed Critically Endangered non-native tortoises, such as Ploughshare and Radiated Tortoises³⁸,

Maximum penalties under the main wildlife law are relatively low: imprisonment for a maximum of five years or a fine of up to IDR100 million (USD7,400);

Long-standing presence of unregulated wildlife markets, particularly those selling large volumes of native birds and mammals openly, despite national legislation prohibiting such trade; research and investigations over decades highlights discrepancies and the improbability of captive breeding operations involving reptiles, mammals and amphibians being legal and/or sustainable or preventing exploitation of wild populations^{39,40,41,42},

Commercial captive breeding quotas often based on incorrect and unrealistic biological parameters, and include species with no reported breeding stock;

Limited follow up following seizures—preliminary analysis of Indonesian seizure data for terrestrial species shows less than half of seizures lead to arrests and ever fewer that result in successful prosecutions. When suspects are charged, the penalties are far lower than the maximum penalty and even lower than the value of the contraband. For example, in 2014 a dealer was arrested for attempting to smuggle 90 pangolins from Central Borneo through Java, mainland China and finally to Taiwan. The dealer was sentenced to 3 months imprisonment and a IDR500,000 (USD45) fine - the maximum possible penalty of 5 years imprisonment and a IDR100 million (USD7,400) fine.

STRENGTHS

In two separate landmark court cases, Indonesian judges convicted two men caught with Malagasy tortoises under Indonesia's quarantine law, for the first time involving a non-native CITES Appendix I listed species;

Consistently large number of seizures involving selected taxa, including tortoises and freshwater turtles, tigers, birds and pangolins as demonstration of government law enforcement action;

Government Regulation (No. 20) of 2018 (P.20/2018) was introduced in July 2018, and revised again in December 2018⁴³, which saw expansion of its protected species list from 677 to 921 plants and animals.

Indonesian President Joko Widodo has committed to protecting Indonesian wildlife, particularly birds and rhinos,^{44,45} though plans to implement this have yet to be developed;

Wildlife and forest crime is recognised as a serious crime under the anti-money laundering legislation, though provisions are mostly applicable to forest and fisheries crimes rather than wildlife crimes⁴⁶;

A sentence of 2 years imprisonment and a fine of IDR100 million (USD6,500), the highest penalty under the current wildlife law, passed. This sentence marks an important milestone within the judiciary system of Kalimantan, as it is a staggering 800% increase in the fine allocated from previous pangolin cases (averaging only IDR11 million, equivalent to USD700) and the average jail time across cases between 2012–2018 (not just pangolin cases) was only 4 months⁴⁷.

RECOMMENDATIONS

Shut down illegal trade in Indonesia's unregulated markets which continue to sell protected wildlife openly;

Establish a system of compliance monitoring to reduce levels of laundering wild-caught reptiles through captive-breeding facilities. Such systems should take into account the breeding biology and life history characteristics of species that are exported as captive-bred. This should include regular monitoring, site visits of captive breeding facilities and checking all stock against records. Specifically, the country's Captive Breeding Production Plan must be modified to ensure that calculations made on a scientific basis are appropriate and accurate. Quotas for species where no breeding stock is available should be withdrawn;

Take action against companies found to be fraudulently exporting wild-caught specimens under the guise of captive-bred specimens. Such cases should be prosecuted to the full extent of the law with their business licences suspended or revoked;

Conduct continued monitoring and research into physical and online markets, scrutiny of CITES trade data and trade regulation practices declared by government, to establish baselines, document scale and trends including species not previously documented in trade and other emerging issues. Market monitoring should be tied closely to the provision of information and enforcement support to the relevant authorities, particularly where protected species are concerned;

Enhance legal protection for species threatened by trade particularly for non-native species, in alignment with CITES Appendices. In cases of taxonomic uncertainty, listing the whole genus would ensure better legislative protection and also provide protection should taxonomic changes be made in the future;

Ensure seizures lead to the effective prosecution and conviction of criminals;

Social media platforms and online commercial portals should adopt a "zero tolerance" policy against the trading of endangered wildlife on their platforms. In addition, they should work with agencies at a national level to identify, prevent and remove posts selling wildlife illegally and detect criminals involved in such activities to support law enforcement actions;

Conduct awareness raising and behaviour change initiatives (for local communities and law enforcement agencies) to reduce the threat of bird trapping and trade.



Lao PDR

CITES entered into force on 30 May 2004



Pangolins, bears, tigers, serow, ivory, small mammals, birds, snakes and lizards, frogs

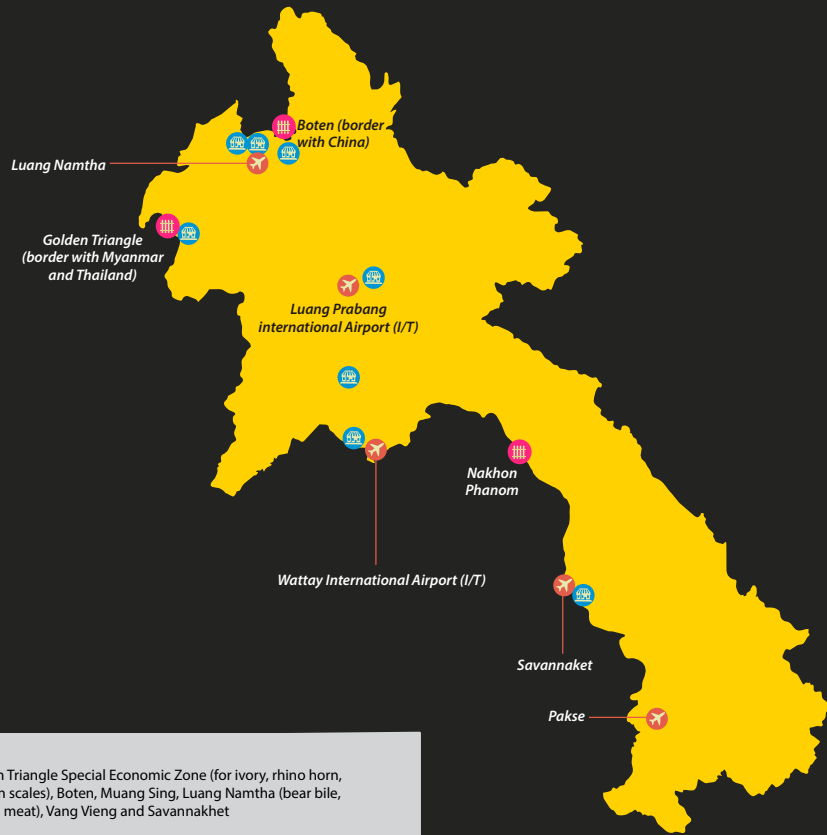
SOURCE

Ivory, rhino horn, Helmeted Hornbill

TRANSIT

Ivory, rhino horn, tiger, serow, Helmeted Hornbills, pangolins, bear bile, small mammals, birds, snakes and frogs

CONSUMER



- Key Airports
- Key physical markets: Vientiane, Luang Prabang, Golden Triangle Special Economic Zone (for ivory, rhino horn, Helmeted Hornbill parts, pangolin scales), Boten, Muang Sing, Luang Namtha (bear bile, serow parts, pangolin scales, wild meat), Vang Vieng and Savannakhet
- Online market
- Key border crossing

Facebook, Whatsapp, Alibaba, WeChat

2019 Transparency International Corruption Perception Index: Score: 29 (Rank: 130/183 countries)

FACTS AND FIGURES



Two ivory snapshot surveys found thousands of products openly for sale in 2016, close to 8,000 ivory pieces and 87 individual rhino horn pieces recorded in three cities (Vientiane, Luang Prabang and the Golden Triangle) over six days. In 2018, more than 13,000 products recorded in seven cities throughout the country. Surveys in 2019 confirmed the persistent open illegal trade in these markets;



At least 3,800 ivory products seized Luang Prabang and Don Sao between July 2018–January 2019;

Biggest importer of lion bones from South Africa between 2007–2016: 4,828 lion bones and parts were reportedly exported to Lao PDR during this period, including 2,098 whole skeletons. A further 278 skeletons were also reportedly exported in 2017. For its part, Lao PDR did not report a single import.⁴⁸

More than 6,600 wildlife, comprising mammals, birds and reptiles were recorded in seven markets in 2012;



More than 5,600 pangolins were seized involving Lao PDR from 2010 to 2015;

More than 2,700 pangolin scales recorded on sale in 2016, about half of which were in Luang Prabang;

Some 980 wildlife, parts and products recorded in Boten in April 2016. Bear products that were mostly manufactured in China, and catering largely to Chinese clientele dominated market observations, with 78% of these being bear bile powder;



A nationwide bear bile survey in 2016 recorded 908 individual bear parts and products being openly sold in 14 of the 25 towns surveyed;



Seven commercial facilities holding bears and tigers recorded in 2017, where the highest numbers (60) were recorded in the town of Boten, a kilometre away from the China border. Overall, at least 116 Asiatic Black Bears *Ursus thibetanus* and over 100 tigers were recorded in these facilities;

From 2010–2016, implicated in 51 bear seizure incidents, most (30 incidents) of which occurred in Lao itself—there was an increase in average number of incidents per year as well as number of bears involved (i.e. 7–8 seizures/year, estimated at 173 bears, averaging 25 bears/year);



At least 74 Helmeted Hornbill parts and products recorded in three locations, at least half of which were in Luang Prabang between April and July 2016;

More than 40 tigers seized since 2000, with most of them coming from suspected captive sources.

CHALLENGES

The presence of open markets that sell non-native CITES-listed products as well as native species prohibited from trade – this includes ivory, rhino horn, tigers, Helmeted Hornbill, pangolin scales and bear parts and products, particularly within the lax-controlled Special Economic Zones (in Lao PDR, these are designated as Special and Specific Economic Zones, both essentially functioning in the same manner). In these markets, traders were Chinese nationals; transactions observed in 2016 were in Chinese Yuan and prices were also advertised in Chinese Yuan, signalling that cross-border international trade in prohibited wildlife commodities takes place;

Presence of thriving Special and Specific Economic Zones that do not specifically prohibit the sale of prohibited wildlife parts or products, and unclear level of law enforcement to prevent illegal trade;

Wildlife farming and potentially fraudulent claims of captive breeding for specimens of CITES-listed species (such as macaques, pythons, freshwater turtles and pangolins) were authorised for export, when the related captive-breeding operation either does not seem to exist in the country or appears to be producing larger quantities of specimens that seem technically feasible⁴⁹;

Although a new Prime Minister's Order (PMO No. 5) outlaws the establishment of farms involving protected species (which would support its announcements in September 2016 to phase out commercial tiger farms), it calls for existing farms to be turned into zoos instead, without strict controls to prevent fraudulent activities that contribute to illegal trade;

Although the Wildlife and Aquatic Law 2007 criminalises all trade in elephant or ivory products (African or Asian Elephants), the government reported the development of an ivory registration regulation and the management of hunting of elephant trophies in the country⁵⁰, for which appropriate controls do not appear to be in place at present;

The current CITES-implementing legislation, the Wildlife and Aquatic Law 2007, does not list most non-native CITES-listed species in the Act and therefore is unable effectively to implement the Convention, though some part of CITES trade may be addressed by the Penal Code;

Additionally, the new Agreement on the Establishment and Management of Zoos, Wildlife Farms, Centres for Rehabilitation and Breeding of Wildlife and Wild Flora Farm, that was passed in early 2019, contains ambiguity with regards to licensing, permitting and management of all captive facilities, including for commercial breeding and trade.

Maximum penalty under the Wildlife Aquatic Law 2007 for a hunting or trafficking violation is three to five years imprisonment, and depending on the severity of the offence, may also carry a fine of LAK200,000 (USD24); second-time or repeat offenders may be fined up to LAK600,000 (USD72); the Penal Code was updated in 2018, where fines for any violations can reach USD1,225;

Unclear division of responsibilities among investigating agencies in relation to Police vs Department of Forest Inspections (Ministry of Forestry);

STRENGTHS

A new Order issued by the Prime Minister, No.05/PM, in May 2018 that directs the National Wildlife Trade Committee (Lao-WEN), the Provincial Wildlife Trade Committees (P-WEN) to “prohibit the import, trade of ivory and ivory products, rhino horns and products made of animal parts under category I and II and listed as prohibited animals of the Law on wildlife and to also order to close markets, shops that sell and factories that process wildlife products in Lao PDR”. As a result, in August 2018, authorities seized almost 400 items and reported shutting down operations at four shops in the Don Sao Market in the Golden Triangle; authorities are testing to check if the items were made from endangered species⁵¹;

A revision of the Penal Law was initiated in 2016, approved by the National Assembly in May 2017 and came into force in November 2018. The new Law considers higher fines compared to the Wildlife and Aquatic Law and higher jail times for wildlife trafficking violations (from 3 months–5 years imprisonment);

Establishment of the “Wildlife Working Group 15.7”—an informal group of governments, development partners, embassies and NGO representatives who share information on wildlife and timber trafficking;

Initiation of bilateral co-operation between Lao PDR and China in August 2016;

Establishment of a specialised department for wildlife investigation within the police forces, which has seen some notable confiscations of wildlife since 2018.

RECOMMENDATIONS

Shut down open markets selling wildlife, parts and products illegally, particularly those in Vientiane, Luang Prabang and Boten, and the Golden Triangle Special Economic Zone;

Joint law enforcement efforts with China, given the close political and economic ties between both countries, in terms of the traders involved and currency of transactions;

Conduct periodical spot-checks on key markets where it is known that wildlife parts are being sold illegally, especially those within the Special and Specific Economic Zones, and conduct periodical monitoring of open markets to determine levels and trends of illegal wildlife trade;

See through to the closure of tiger farms, as pledged during CITES CoP17. In line with current CITES Resolutions and Decisions, and the new Prime Minister’s Order No.05/PM, investigate all captive tiger facilities and where there is evidence of illegal activity, shut the facilities down; Further, and also consistent with the new Prime Minister’s Order, this should be extended to bear farms, consistent with an IUCN World Congress Motion to ensure that wild bears are not being laundered into such facilities. It is important to ensure that captive facilities that are being recognised as zoos instead are subjected to strict controls to prevent illegal trade;

Revise the Law on Investment and Promotion (No. 02/NA dated 8th July 2009) as well as the Prime Minister’s Decree on Special Economic Zones and Specific Economic Zones in Lao PDR (No 443/PM dated 26th October 2010) to prohibit any illegal wildlife trade and include penalties for businesses violating their privileges within these zones;

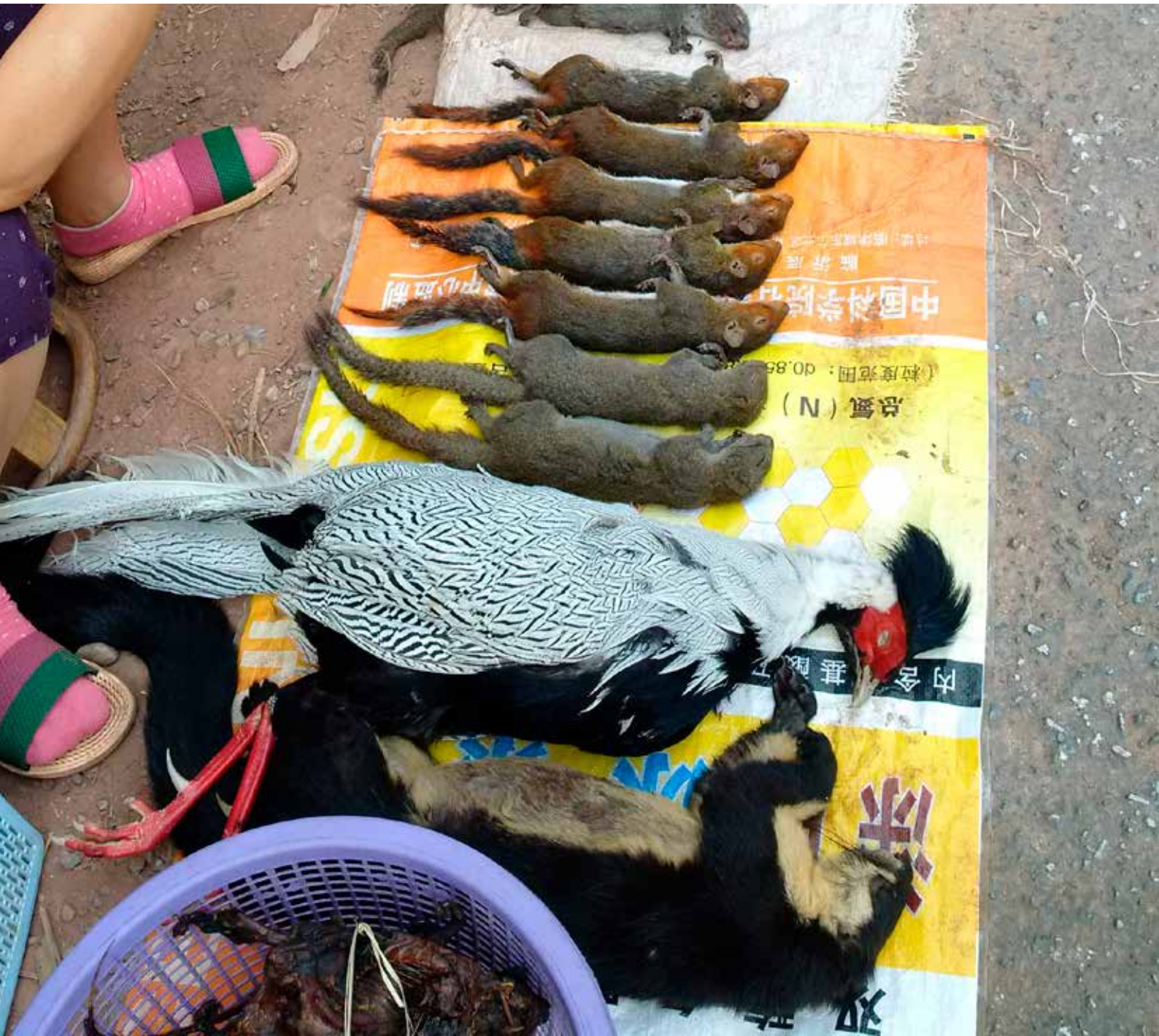
Conduct continued monitoring and research into physical and online markets, scrutiny of CITES trade data and trade regulation practices declared by the government, to establish baselines, document scale and trends including species not previously documented in trade and other emerging issues. Market monitoring should be tied closely to the provision of information and enforcement support to the relevant authorities, particularly where protected species are concerned;

RECOMMENDATIONS

Social media platforms and online commercial portals should adopt a “zero tolerance” policy against the trading of endangered wildlife on their platforms. In addition, they should work with agencies at a national level to identify, prevent and remove posts selling wildlife illegally and detect criminals involved in such activities to support law enforcement actions;

Review legal framework in view of the upcoming new Penal Code and consider reviewing the Criminal Procedure Code to promote division of responsibilities and co-ordination among different enforcement agencies, e.g. a clear definition of the police’s responsibilities when dealing with severe wildlife crimes.

Develop outreach campaigns in the Lao language and Mandarin Chinese to raise awareness among nationals, traders, visitors and consumers from neighbouring countries about the national laws and regulations for protection of fauna and flora. Campaigns should focus on international airports, main ports, markets and SEZs.



Malaysia

CITES entered into force on 18 January 1978

Tigers, pangolins, bears, otters, primates such as gibbons and slow loris, small mammals, birds, tortoises and freshwater turtles, snakes and lizards

Ivory, rhino horn, African pangolins, birds, tortoises and freshwater turtles

Birds, bears, otters, ungulate, primates such as gibbons, slow loris, small mammals, snakes, lizards, tortoises and freshwater turtles



SOURCE

TRANSIT

CONSUMER



- ✈ Key Airports
- 🏪 Key physical markets: TCM shops (bear bile), pet shops (birds), restaurants and outlets (wild meat)
- 📱 Online market
- 🚧 Key border crossing
- 🚢 Key Seaports

Facebook, Whatsapp, Instagram

2019 Transparency International Corruption Perception Index: Score: 53 (Rank: 51/183 countries)

FACTS AND FIGURES



At least 63,419 kg of illegal ivory seizures have implicated Malaysia as part of the trade route from 2003–2014, with Malaysia itself seizing some 19,000 kg of ivory during this period. More than 50% of these had passed through Malaysia undetected and were seized by other countries. An additional 5400 kg of African ivory was seized by Malaysia from 2015–2017, all of which transited the Middle East;



Close to 30,000 kg of pangolins seized in Sabah in February 2019 from two locations—a warehouse and a factory⁵²;

More than 17,000 kg of African pangolin scales seized from May–November 2017, with new ports of import/export developing in Sabah and Sarawak;

Implicated in at least 10,534 kg of pangolin scales and more than 8,460 whole pangolins that were trafficked globally from 2010–2015⁵³;



At least 3,640 Indian Star Tortoises seized from 2011–October 2019⁵⁴; online surveys from 2006–2015 found that at least 1,023 Indian Star Tortoises were offered for sale in 185 separate advertisements;



More than 2,000 CITES Appendix I Black-spotted Turtles in seizures from 2009–2016 where Malaysia was implicated;

At least 1,700 Critically Endangered and CITES Appendix I listed Radiated and Ploughshare Tortoises seized from 2010–2017 in Malaysia;



Parts of a minimum equivalent of 103 tigers seized from 2000–2018; the most significant of which occurred in 2012 when one man was arrested with parts equivalent to 22 tigers;

At least 87 rhino horn pieces seized in the country from 2017–2019;



About 70% of Traditional Chinese Medicine shops surveyed in Peninsular Malaysia from 2017–2018 openly offered bear bile products for sale in traditional Chinese medicine shops, compared to 48% of the shops surveyed previously in 2012⁵⁵;



Over 67% of the 228 traditional Chinese medicine surveyed in 2018 openly sold Saiga horn products⁵⁶;

From 2014–2016, 48 successful seizures and arrests of at least 54 illegal traders saved over 67 wildlife species from being traded illegally on Facebook;



From 2003–2011, more than 63,000 python parts and products seized by authorities in the country. The largest of these occurred in 2010, when authorities confiscated over 26,000 pieces of python gall bladders, and 35,000 pieces of python skins in two operations;



From 2001–2011, 21,076 monitor lizards seized, the largest of which occurred in 2008 when authorities seized 7,000 Clouded Monitor Lizards *Varanus nebulosus* in two operations.

CHALLENGES

Utilisation and exploitation of air- and sea-ports that continuously facilitate large volumes of ivory, pangolins and rhino horns from Africa being trafficked through the country.

Identified by CITES as Category A with a key role in the ivory trade as large amounts of ivory implicate the country as a transit hub, as well as a consolidator and redistributor. It is currently under the CITES-mandated NIAP process⁵⁷. A similar trade pattern—where Malaysian ports are being used for smuggling—is observed in the trade in African pangolins;

Domestic wildlife protection laws for the three administrative regions of Peninsular Malaysia, Sabah and Sarawak are not harmonised. For example, more than 1,900 species are considered totally protected in Peninsular Malaysia from any form of hunting or trade, though only 12 and 76 species are considered totally protected in Sabah and Sarawak respectively. Corresponding fines are similarly low particularly in Sarawak (maximum of MYR25,000 or USD5,800), compared to Peninsular Malaysia, which reaches up to MYR500,000 (USD116,200) fine and a jail term of up to five years, per offence;

Traditional Chinese medicine shops openly selling prohibited items such as bear bile - the authenticity of these items unverified, though traders claim them to be bear bile, against national legislation;

Widespread illegal trade activity taking place online and difficulty in tackling this as perpetrators need to be caught with the contraband;

The presence of restaurants and outlets selling wild meat.

STRENGTHS

At least three strong legislations (Wildlife Conservation Act 2010, WCA), International Trade in Endangered Species Act 2008 (INTESA), and Customs Prohibition (2012) Act that clearly criminalise illegal wildlife trade. Significantly, 28 sections (of violations including import and export) of the WCA and INTESA are recognised as serious crimes under the Anti-Money Laundering and Anti-Terrorism Financing and Proceeds of Unlawful Activities Act (AMLAFTA) 2014 Amendment⁵⁸. AMLAFTA carries “a fine of not less than five times the sum or value of the proceeds of an unlawful activity or instrumentalities of an offence at the time the offence was committed or MYR5 million (USD1.2 million), whichever is higher” for those involved in money-laundering;

Lauch of *Operasi Bersepadu Khazanah* – a national level enforcement task force set up to tackle wildlife crime – in September 2019 that is led by the Royal Malaysian Police and the Department of Wildlife and National Parks Peninsular Malaysia. Successes from September – December 2019 include the arrest of 83 people from 8 nationalities, at least 460 traps removed and the initiation of anti-money laundering investigations into an ivory smuggling case;

High penalties for wildlife crime, with fines reaching MYR5 million (almost USD1.6 million) or imprisonment of up to five years, upon conviction;

Improved track record for penalties from serow poaching and trade: from January 2003–April 2019, at least 18 serow seizure incidents took place, involving a minimum of 27 serows. Overall convictions since 2017 resulted in a cumulative fine of MYR1.1 million (USD275,000) and imprisonment of 87 months, with the fine of MYR600,000 (USD70,756) or six months imprisonment or in default 24 months jail being the highest penalty meted out for a serow related offence⁵⁹;

A string of arrests and seizures have taken place in Peninsular Malaysia since 2014 for illegal trade on Facebook, with a minimum of 54 traders arrested and over 60 species rescued; more effort also taking place in Sabah and Sarawak

Reliable and professional forensics capacity and facility within the Department of Wildlife and National Parks Peninsular Malaysia that frequently conducts tests for seized items. This capacity is also being used to support effort in the region.



RECOMMENDATIONS

Investigate, including through collaboration with neighbouring countries, to interdict and prosecute those involved in organised criminality that move containerised shipments of high-profiled commodities (such as ivory, rhino horns and pangolin scales from Africa). This should include the building of regional portfolios on shippers and seizures (profiling), investigations into anti-money laundering, potential locally-based operators enabling the trade as well as carefully planned controlled delivery operations;

Given that Malaysia does not have open physical wildlife markets at the scale of those elsewhere in the region, conducting investigations into individuals involved in hunting and supplying wildlife is paramount, especially so for trade on social media;

Primary wildlife protection laws in Peninsular Malaysia, Sabah and Sarawak needs to be standardised and harmonised; wildlife protection laws in Sabah (Wildlife Conservation Enactment 1997) and Sarawak (Wildlife Protection Ordinance 1998) should be updated to improve the coverage of native and non-native species. These species should be afforded protection within the legislation, while improvements should be made for penalties and regulation governing the issuance of harvest licences and trade permits. Similarly, penalties must also be standardised, particularly an increase in penalties for violations in Sabah and Sarawak;

Law enforcement agencies in Peninsular Malaysia have been making significant progress in apprehending illegal traders over the past two years, and authorities in Sabah and Sarawak are encouraged to do the same – significant progress has already been observed since the launch of Operasi Bersepadu Khazanah;

Improve prosecution and conviction rates, particularly through the utilisation of the strong AMLAFTA to criminalise offenders;

Application of forensics DNA testing for seized wildlife parts and products, including ivory (to determine provenance), rhino horns, tigers, pangolins, bears and other specimens;

Conduct monitoring and research for online markets, scrutiny of CITES trade data and trade regulation practices declared by the government to establish baselines, document scale and trends including species not previously documented in trade and other emerging issues. Market monitoring should be tied closely to the provision of information and enforcement support to the relevant authorities, particularly where protected species are concerned;

Social media platforms and online commercial portals should adopt a “zero tolerance” policy against the trading of endangered wildlife on their platforms. In addition, they should work with agencies at a national level to identify, prevent and remove posts selling wildlife illegally and detect criminals involved in such activities to support law enforcement actions.

MYANMAR

CITES entered into force on 11 September 1997



Tigers and Asian big cats, pangolins, elephant parts, bears, primates, small mammals, snakes, lizards, tortoises and freshwater turtles, birds

SOURCE

Ivory, rhino horn, pangolins, Asian big cats, tortoises and freshwater turtles

TRANSIT

Tiger and Asian big cats, pangolins, bears, otters, primates, small mammals, snakes, lizards, birds

CONSUMER



- Key Airports
- Land border crossings
- Key physical markets: open markets selling live and dead birds, mammals, reptiles and amphibians, TCM shops (bear bile), restaurants and outlets (wild meat)
- Online market

Facebook, Whatsapp

2019 Transparency International Corruption Perception Index: Score: 29 (Rank: 130/183 countries)

FACTS AND FIGURES



A total of 1,320 wild cat parts, representing a minimum of 1,158 individual animals were observed during 12 surveys carried out in Myanmar between 1991 and 2006⁶⁰; a further minimum of 155 Asian big cats (tiger, Leopard *Panthera pardus*, Clouded Leopard *Neofelis nebulosa*, Golden Cat *Catopuma temminckii*) from selected market surveys from 2000–2014 during two surveys from 2009–2014⁶¹;



Forty-two bags of scales, 32 whole skins, 16 fetuses or pangolin parts in wine, and 27 whole pangolins were found for sale during four visits to the Mong La market between 2006 and 2015⁶²;



At least two rhino horns recorded for sale in Mong La in 2014 and 2015, with shops specialising in high-end and high-value wildlife, such as whole elephant tusks, carved elephant ivory, carved hippopotamus *Hippopotamus amphibius* canines, and tiger skins⁶³;



Some 9,000 pieces of ivory and 16 whole tusks for sale in 2006 from 14 markets in Myanmar and three border markets in Thailand and China⁶⁴, with consistent patterns observed from more recent surveys in December 2017, where close to 15,000 ivory products observed for sale including in Yangon, Mandalay, Mong La and Tachileik;



In 2006, three border markets—Tachileik and Three Pagoda Pass on the Myanmar-Thailand border and Mong La on the Myanmar-China border—sold parts representing a minimum of 215 bears, with buyers moving items across borders with little to no problem. A further 105 bears were found in markets in Keng Tung (Tyaing Tong), Mandalay, Mong La, Mong Sat, Panghsang, Sop Lwe, and Tachileik in 2010⁶⁵;



- Survey of bear farms in 2010 found at least 52 bears; all bears were reportedly wild-caught from China, Lao PDR and Myanmar;
- At least 62 Bengal Slow Lorises *Nycticebus bengalensis* observed for sale in the Mong La market, between 2007 and 2014⁶⁶.

CHALLENGES

Jurisdictional challenge where the central government is unable to get traction in border areas controlled by semi-autonomous authorities, which are the areas where open markets selling wildlife illegally exist;

Long-standing presence of unregulated markets—such as Golden Rock, Three Pagodas Pass (border with Thailand), Mandalay, Mong La (sharing a border with China), Mae Sai and Tachilek (sharing a border with Thailand). These markets specialise in selling large volumes of species prohibited by trade, including those listed in CITES Appendix I (ivory, tigers, rhino horns, pangolins, bears and others). In markets in Tachilek and Three Pagoda Pass, prices were quoted in Thai Baht while in Mong La, in Chinese Yuan—this clearly indicates the existence of a market that caters predominantly to foreigners, and the mere presence of these markets in border areas indicates potential cross-border trade which is a clear CITES violation for species listed in Appendix I;

Weak laws that suppress effectiveness of enforcement, generally low levels of apprehension of wildlife criminals or their prosecution and/or conviction. The revision of the current Wildlife Law is not completed yet and the involvement of external partners in the drafting of the new Law has been limited or non-existent.

STRENGTHS

The Conservation of Biodiversity and Protected Areas Law (CBPA) was reviewed in 2019, which includes provisions for increased fines of up to MMK1million (USD680) or a maximum 10 years imprisonment for violations concerning illegal hunting and trade. The Law is currently pending approval of the national legislative assembly, and will repeal the Protection of Wildlife and Protected Areas Law, when passed;

A specialised department—Forestry Police—has been established within the Myanmar Police Force to investigate environmental crime cases including illegal wildlife trade;

Wildlife and forest crime is recognised as a serious crime under the anti-money laundering legislation, though provisions are mostly applicable to forest and fisheries crimes compared to wildlife crimes⁶⁷;

Declaration by the Myanmar government in 2016 to close its wildlife markets⁶⁸.

RECOMMENDATIONS

Shutting down and taking firm enforcement action against those operating open markets that sell numerous prohibited species for sale, including a high number of CITES Appendix I-listed species. Given that these markets share borders with China, India, Lao PDR, and Thailand, collaboration and political will from these countries is vital in shutting down illicit trade;

Revise existing laws that protect native and non-native species, particularly those listed in CITES. Penalties should similarly also be increased;

Regarding ivory, Myanmar needs to adopt comprehensive internal legislative, regulatory, and enforcement measures to comply with CITES Resolution Conf. 10.10 (Rev. CoP14). All importers, manufacturers, wholesalers, and retailers dealing in raw, semi-worked or worked ivory products need to be registered or licensed. Similarly, possession of ivory must be regulated and licensed; periodic forensics analysis of ivory products in the market must be undertaken to ensure no African Elephant ivory is in the market, and if found, strong legal action is taken against those responsible;

Long-term intelligence gathering and law enforcement assistance should be expanded to investigate individuals involved in the hunting, trade and transportation of wildlife, both within the country and across international borders. Those found violating the national legislation should be prosecuted;

Investigate all captive tiger facilities. If found to be conducting illegal operations, they should be closed and strong legal action taken. This should be extended to bear farms, consistent with an IUCN World Congress Motion to ensure that wild bears are not being laundered into such facilities to feed the demand;

Authorities in airports and other points of international entry and exit should be more vigilant to prevent parts and derivatives of protected wildlife from being carried across Myanmar's borders. Myanmar should ensure that staff based at these checkpoints are sufficiently trained in CITES implementation, law enforcement and identification of species and their parts;

Conduct continuous monitoring and research into physical and online markets, scrutinise CITES trade data and government declared trade regulation practices to establish baselines, document scale and trends including species not previously documented in trade and other emerging issues. Market monitoring should be tied closely to the provision of information and enforcement support to the relevant authorities, particularly where protected species are concerned;

Social media platforms and online commercial portals should adopt a "zero tolerance" policy against the trading of endangered wildlife on their platforms. In addition, they should work with agencies at a national level to identify, prevent and remove posts selling wildlife illegally and detect criminals involved in such activities to support law enforcement actions;

Target education and social and behavioural change communications efforts at tourists and tour companies visiting Myanmar, combined with targeted law enforcement to ensure no illegal trade or export (via consumers) of prohibited wildlife products from the country.



Philippines



CITES entered into force on 16 November 1981

Pangolins, birds, snakes, lizards, tortoises and freshwater turtles

SOURCE



Ivory, rhino horn, birds, freshwater turtles and tortoises

TRANSIT



Ivory, birds, snakes, lizards, pangolins, tortoises and freshwater turtles

CONSUMER



- Key Airports
- Key physical markets: wildlife and bird markets, restaurants and outlets (wild meat)
- Online market
- Key Seaports

Facebook, Whatsapp, Instagram

2019 Transparency International Corruption Perception Index: Score: 34 (Rank: 113/183 countries)

FACTS AND FIGURES



The Bureau of Customs arrested a smuggler returning from a trip in Bangkok and seized more than 1,500 non-native freshwater turtles and tortoises in March 2019;



More than 300 smuggled Indonesian wildlife were seized from a trafficker's facility in Pasay City in March 2018. Subsequently, various Indonesian wildlife species were documented being offered for sale in Facebook;



Between 2001–2017, there were 30 pangolin trafficking incidents implicating the Philippines involving at least 3,537 pangolins. In 2018, at least 10 Endangered Philippine Pangolins *Manis culionensis*, endemic to Palawan Province, were rescued in Metro Manila and Cavite Province;

A total of 2,245 live reptile advertisements representing a minimum of 5,082 individual animals were posted by 1,046 unique users on Facebook, during a four-month period in 2016⁶⁹;



At least 3,907 Critically Endangered Philippine Forest Turtles *Siebenrockiella leytensis* were seized in 2015 in the country in a single shipment;

Almost 200 animals including Critically Endangered Yellow-crested Cockatoos *Cacatua sulphurea* and long-beaked echidnas *Zaglossus* spp. and wallabies seized in 2014 in Mindanao, southern Philippines⁷⁰;

Three rhino horns from Mozambique, hidden inside sacks of cashew nuts, seized at the Manila Port in 2012⁷¹;



In 2010, 794 kg of elephant ivory reported missing from the government stockpile, replaced by pipes that were covered in plastic⁷²;

In 2009, 3.5 tonnes of elephant ivory from Tanzania seized in Manila; in November 2009, police in the Philippines lodged a complaint against two Filipino suspects over the alleged illegal importation⁷³;



Over 10 tonnes of frozen Sunda Pangolins, suspected to be from Indonesia, seized in 2013^{74, 75};

Between 2008 and 2013, at least 197 animals recorded for sale in Metro Manila, Cebu and Davao including Critically Endangered Ploughshare Tortoise, Radiated Tortoise, and Siamese Crocodile *Crocodylus siamensis*⁷⁶.

CHALLENGES

The Philippines is known to have an active domestic market for ivory, having had a historic trade for over 400 years, though this trade has never been comprehensively documented. In 2013, it was identified as a country of primary concern and subjected to a NIAP process, but is no longer part of the process, or identified by CITES as a concern, largely based on reports that domestic trade was being regulated and the country was no longer a major transit route for African ivory. However, although an Administrative Order to regulate raw and worked ivory trade in the country was drafted in 2013⁷⁷, this has not yet been approved or implemented, meaning that ivory trade is not currently regulated in the country;

The availability of non-native species without legal importation records, including for species listed in CITES Appendix I, suggests loopholes in the implementation of national legislation;⁷⁸

Frequent records (based on seizures) of Indonesian wildlife entering the Philippines to feed a thriving pet trade and wildlife laundering operations for international trade;

Open and large trade of live animals on Facebook, with little being done to curb this problem;

Law enforcement trainings for government personnel conducted in the last few years are not translating into greater law enforcement actions in most regions of the country.



STRENGTHS

Wildlife Resources Conservation and Protection Act of 2001/Republic Act No. 9147, the country's CITES-implementing legislation includes provisions to tackle wildlife trade; any violation of the Act, upon conviction, carries imprisonment of up to 12 years and/or a fine up to PHP1,000,000 (USD21,555) depending on the threat status of species involved;

Department of Environment and Natural Resources (DENR) formed the Philippine Operations Group on Ivory (POGI) in 2013, in partnership with the Bureau of Customs (BOC), the National Bureau of Investigation (NBI), the Office of the President-National Intelligence Coordinating Council (OP-NICC), and the Philippine National Police (PNP). The POGI was set up in response to the country's role as an important ivory transit country and its tasks include investigating ivory smuggling, poaching and illegal trading of wildlife as well as to file appropriate cases against violators in court;

Recognition of wildlife crimes under the Money Laundering Act of 2001⁷⁹.

RECOMMENDATIONS

The Biodiversity Management Bureau (BMB) should conduct regular physical and paper audits on wildlife inventories based on the Certificate of Wildlife Registration (CWR) and Wildlife Farm Permit (WFP) issued to detect fraudulent activities such as adding illegally-acquired specimens into existing private collections and wildlife laundering. The prevalent practice of using legal documents by permit holders as a cover to conduct illicit trading activities warrants in-depth investigation;

Commit resources and effort into investigating illegal trade and trafficking of wildlife, particularly through enhanced vigilance at entry and exit points at air and sea ports where cross-border trade with neighbouring countries have persisted over time;

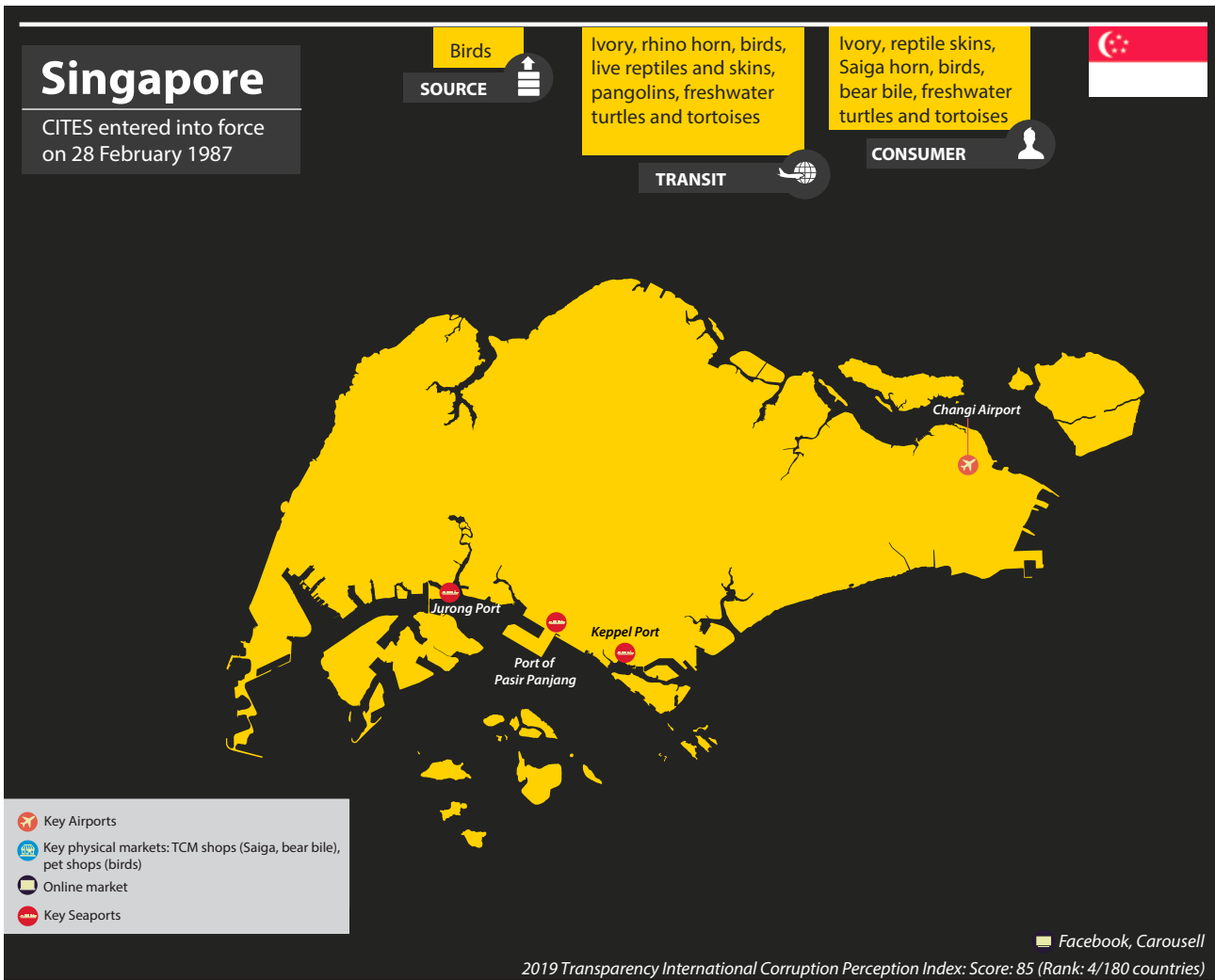
Individuals involved in poaching and trafficking of wildlife, particularly those categorised as critically endangered in the Philippines, should be prosecuted to fullest extent of the law to serve as a deterrent;

Given that very little consolidated information exists on the scale, nature and volume of wildlife trade in the Philippines, monitoring and research into physical and online markets, scrutiny of CITES trade data and government declared trade regulation practices is important to establish baselines, and guide any necessary policy or regulatory interventions.

Trade monitoring activities should be tied closely to the provision of information and enforcement support to the relevant authorities, particularly where protected species are concerned;

Social media platforms and online commercial portals should adopt a "zero tolerance" policy against the trading of endangered wildlife on their platforms. In addition, they should work with agencies at a national level to identify, prevent and remove posts selling wildlife illegally and detect criminals involved in such activities to support law enforcement actions.





FACTS AND FIGURES



More than 25,000 kg of African pangolin scales seized within a week of each other in April 2019, from Nigeria heading to Viet Nam, including the largest pangolin scale seizure ever recorded⁸⁰ ;



In 2002, Singapore made the world's largest seizure of illegal ivory (>7,000kg seized). More recently in July 2019, it seized 8800 kg of ivory and 11,900 kg of pangolin scales which were on their way to Viet Nam;



About 365 ivory products were recorded in 29 retail outlets in 2012, down from the 8,121 products recorded for sale in 2002;

In 2014 and 2017, Vietnamese nationals were arrested with eight Black Rhino horns in each incident;



High volumes of birds sold in local markets - more than 14,000 birds recorded in pet stores in four days in 2015 particularly non-native species, especially those from South and Central America, and elsewhere in Asia⁸¹ ;

At least 2,077 whole Saiga horns recorded in 96% of the 188 shops surveyed in 2015, and reported to be the world's leading Saiga horn re-exporter in 2015;

Approximately a quarter of a million Reticulated Python skins traded annually since 2000. The bulk of these skins are wild-caught from Indonesia (43%) and Malaysia (40%). Viet Nam supplies 16% of the Reticulated Python skins which are then re-exported by Singapore—all of which are declared as sourced from captive breeding facilities

CHALLENGES

Functions as one of the key transit hub for legal commodities moving throughout the world such as birds and reptiles from Southeast Asia. There is a lack of clarity on regulation in place for this trade, including details on the reporting of import and export data to CITES. For example, from 2005 to 2014, 212 bird species listed in Appendices I and II of CITES were traded, involving 225,561 birds; trade records highlighted that 86,000 of them could not be accounted for after entering the country, calling attention to a combination of discrepancies in trade data recording, misreporting by both importing and exporting Parties as well as concerns regarding trade practices;

Identified by CITES as an important country affected by ivory trade, as large amounts of seized ivory implicate Singapore as a notable transit hub. In similar fashion, country's large pangolin scale seizures in recent times is indicative of smugglers using its ports to move such commodities within the region;

Although fines are high, it has the lowest maximum imprisonment sentence (two years) for wildlife crime among all ASEAN Member States (regional average is about eight years).

STRENGTHS

In August 2019, the Singapore government announced a domestic ivory trade ban as part of its effort to control and prevent illegal ivory trade. The ban will take effect in 2021;

Legislation is generally adequate: fines under the Endangered Species Act for import and export violations reach SGD50,000 (USD36,800) per specimen and not exceeding an aggregate of SGD500,000 (368,000), while fines for illegal possession, trade and advertisements reaching SGD10,000 (USD 7,360) per specimen for violations and not exceeding an aggregate of SGD100,000 (USD73,600); additionally, Singapore's principal legislation governing trade in wildlife, the Endangered Species Act, is currently being reviewed;

Successful conviction rates are high. A speedy and effective prosecution and conviction process is in place, including for ivory and rhino horn cases. For example, a Vietnamese man was arrested with eight Black Rhino horns and ivory at Changi Airport in 2014. Six days after his arrest, he was sentenced to 15 months in jail. Three years later in 2017, another Vietnamese man who flew from Angola via Dubai and Singapore and was heading to Lao PDR was arrested in Singapore, also with eight Black Rhino horn pieces. The man was later sentenced to 15 months in jail;

Wildlife crime is recognised as a serious crime under the country's Corruption, Drug Trafficking and Other Serious Crimes Act⁸²;

The Wild Animals and Bird Act, Singapore's primary domestic wildlife protection legislation is being revised, with proposed fines ranging up to SGD10,000 (USD7,360), compared to the current maximum fine of SGD1,000 (USD736);

Singapore was awarded the UN Asia Enforcement Awards 2019 that recognises outstanding efforts and achievements by public organisations to combat transboundary environmental crime.

RECOMMENDATIONS

Increase penalties under its legislation for wildlife crime, particularly for imprisonment terms, to be brought in line with ASEAN standards;

Greater transparency on the process of monitoring, regulation and reporting of trade in CITES-listed species; this includes: reporting the actual quantity of CITES species and individuals registered for import and export, captive breeding activities within Singapore, including information on registered breeders and the volumes of species meant for domestic and/or international trade, processes and protocols in place to regulate non-CITES, non-protected species that are being imported and exported from Singapore;

Stockpile information (e.g. Saiga horns and python skins) is made accessible to ensure transparent management of stockpiles, international trade and domestic sales;

Regular inspections on outlets permitted to trade wildlife to ensure that shops have the correct permits for all imported and captive-bred species, and when applicable, CITES permits for CITES-listed species;

Continue to pursue intelligence-led investigations including through collaboration with implicated countries, to interdict and prosecute those involved in organised criminality that move containerised shipments of high-profiled commodities (such as ivory and pangolin scales). This should include the building of regional portfolios on shippers and seizures (profiling) with INTERPOL, investigations into potential locally-based operators enabling the trade as well as carefully planned controlled delivery operations;

Work with relevant agencies to ensure social media platforms and online commercial portals adopt a “zero tolerance” policy against the trading of endangered wildlife on their platforms. Alongside, this should also include the identification, prevention and removal of posts selling wildlife illegally and to detect criminals involved in such activities;

Targeted interventions to reduce demand for specific products in use such as Saiga horn.



正官庄

五官正



Thailand

CITES entered into force on 21 April 1983



Pangolins, bears, tigers, serow, ivory, primates, small mammals, tortoises and freshwater turtles, snakes, lizards and birds

SOURCE

Ivory, rhino horn, pangolins, birds, mammals, and tortoises and freshwater turtles

TRANSIT

Ivory, birds, tigers, bears, primates, ungulates, small mammals, tortoises and freshwater turtles, snakes, lizards

CONSUMER



- Key Airports
- Key physical markets: Chatuchak market in Bangkok (ivory, birds, tortoises and freshwater turtle) Surin, Uthai Thani and Nakhon Sawan provinces (mainly for ivory)
- Online market
- Key land border crossing
- Key Seaports

Facebook, Whatsapp, Instagram, Line, and e-commerce sites

2019 Transparency International Corruption Perception Index: Score: 36 (Rank: 101/183 countries)

FACTS AND FIGURES



More than 22,300 kg of ivory seized between 2009-2019 implicated Thailand;

Over 14,500 ivory products were observed for sale in Bangkok in 2013. This figure dropped to an average of some 200 odd products during surveys and visits between 2016-2019, though surveys outside Bangkok in 2019 show thousands more for sale elsewhere in the country;



At least 111 rhino horns and pieces were seized in Thailand from 2012-2017;

More than 4,500 kg of pangolin scales were seized from 2017-2019; the largest seizure was in 2017 of almost three tonnes that came from the Congo and was bound for Lao PDR via Turkey⁸³;



In January 2019, 1,600 bear claws and tiger parts were seized in a smuggling attempt to Lao PDR⁸⁴;

Online trade research found at least 546 hornbill parts and products offered for sale between January 2014 and April 2019 in 32 Facebook groups in Thailand. The vast majority (83%) were of Helmeted Hornbills⁸⁵;

An average of 204 live otters were offered for sale online from 80 Facebook posts between January to May 2017, 99% of which involved Small-clawed Otters⁸⁶;



At least 351 tigers were seized from 2000-2018, with at least 172 of them being from captive facilities;



In November 2015, 14 orangutans *Pongo* spp. were repatriated to Indonesia, 12 of which had been smuggled into the country; more than 50 orangutans were recorded in captive facilities in the country then – 10 times more than what CITES trade-records for legal imports show⁸⁷;

More than 1,500 live animals from over 200 species were recorded for sale in Facebook from just 30 minutes of monitoring a day for 25 days in 2016⁸⁸. More than half of all animals and species were legally prohibited from trade;



Thailand made the largest seizure of CITES Appendix I and Critically Endangered Ploughshare Tortoises – 54 animals were seized in March 2013. From 2008–2013, at least 417 CITES Appendix I and Critically Endangered Radiated Tortoises seized. None of these animals were known to have been repatriated to Madagascar and status of the animals is unknown.

CHALLENGES

Generally, a low rate of successful conviction of illegal wildlife traders; for example, of the 53 seizures of tortoises and freshwater turtles from 2008–2013, only six successful prosecutions were recorded or reported⁸⁹;

Illegal trade of native and non-native CITES listed species in open markets.

Presence of captive tiger facilities throughout the country, including some that have been linked to illegal operations and lack of transparency that allows tiger trafficking, such as the case of the Tiger Temple that was closed down in 2016⁹⁰.

Lack of a clear process to manage, regulate and control the trade in CITES species, particularly non-native species;

A widespread illegal wildlife trade taking place online, with thousands of live animals, parts and products offered for sale.

STRENGTHS

The newly revised WARPA (Wild Animal Reservation and Protection Act B.E 2562) – Thailand’s primary wildlife protection legislation - was passed in 2019. This includes a new category for “Controlled Wild Animal” which covers CITES listed species that will be regulated under the law. It currently includes 50 non-native CITES listed species considered “controlled” that will be subjected to immediate regulation for possession, breeding and trade. The law will also be supplemented by a series of subsidiary legislations that are being developed to direct its implementation and enforcement. The WARPA 2019 also considers internet trade a violation.

Penalties under WARPA 2019 have increased: a maximum of THB1 million (USD32,415) and / up to 20 years imprisonment under WARPA 2019, compared to a maximum of THB40,000 (USD1,290) and/ up to four years imprisonment under the WARPA 1992;

Wildlife and timber trafficking is a predicate offence under the law governing anti-money laundering activities, which also includes provisions for asset recovery. This law was used in 2014 to arrest the kingpin of an illegal syndicate trading in pangolins, elephant ivory and Siam Rosewood across Southeast Asia;

Thailand introduced two key legal reforms since December 2014 which effectively bans the sale of African Elephant *Loxodonta africana* ivory and regulates its domestic ivory market through its Elephant Ivory Act. Violating the Elephant Ivory Act carries a maximum fine of THB6 million (USD200,000) and/or up to three years imprisonment. These changes resulted in the country exiting from the NIAP process in 2018. While this has resulted in a considerable reduction of open ivory availability in Bangkok, there is evidence indicating trade activity shifting to online trading platforms (more than 2500 products recorded in 2016) as well as elsewhere in the country;

Thai authorities have made a number of successful enforcement outcomes including a four-year jail sentence meted out to former Saraburi prosecutor and associates in 2018, for attempting to smuggle 21 rhino horns into the country⁹¹. Numerous seizures continue to take place, while online traders are arrested for illegally selling wildlife⁹².

STRENGTH

The Department of National Parks's (DNP's) Wildlife Forensic Science Unit (WIFOS) is recognised as one of the leading wildlife forensics labs in Southeast Asia, supporting law enforcement and investigations;

In May 2016, the popular Tiger Temple Wat Pa Luang Ta Bua was raided and 137 tigers removed; investigations into the temple, including its Abbot, are ongoing;

Strong social mobilisation occurred around ivory issues in 2015/6, through extensive awareness-raising initiatives and social and behavioural change communications, such as the WWF "Chor Chang" campaign, efforts by WildAid, and public government messaging on ivory trade at major airports. Since 2017, USAID Wildlife Asia in partnership with the government and other NGOs have been developing and running demand-reduction campaigns targeted to consumers of ivory and tiger products, with more in the pipeline in the coming years.

RECOMMENDATIONS

Ensure that robust subsidiary regulations are put in place soon to effectively control the trade in non-native CITES listed species – this needs to be expanded to include more than the current 50 species under the "controlled" list. Close engagements with civil society organisations should be held with as part of this process to ensure a more holistic and effective implementation of CITES in the country;

Continue pursuing using anti-money laundering related investigations connected to wildlife crime including collaborating with the banking, transportation and logistics sectors;

Tighten the enforcement at choke points for wildlife trafficking such as major commercial airports and seaports; enhance investigations, prosecutions and convictions;

Shut down markets selling wildlife illegally, including live animals, meat and medicine. This should be complemented by periodic monitoring of both online and physical markets to detect and act upon illegal trade;

Continued regulation and monitoring of physical ivory markets nationwide, including random DNA sampling of ivory to ensure that no African Elephant ivory is being sold;

In line with CITES decisions, investigate all captive tiger facilities and where there is evidence of illegal activity, the facilities should be shut down;

Scrutiny of CITES trade data and government declared trade regulation practices to establish baselines, document scale and trends including species not previously documented in trade and other emerging issues. Market monitoring should be tied closely to the provision of information and enforcement support to the relevant authorities, particularly where protected species are concerned;

Social media platforms and online commercial portals should adopt a "zero tolerance" policy against the trading of endangered wildlife on their platforms. In addition, they should work with agencies at a national level to identify, prevent and remove posts selling wildlife illegally and detect criminals involved in such activities to support law enforcement actions;

Enhance targeted social behaviour change communications (SBCC) that aim to reduce demand for specific products, such as ivory, building on the momentum achieved around this, and delivering through social mobilisation and advocacy activities under an SBCC auspice;

Target education and SBCC efforts at Chinese tourists and tour companies visiting Thailand;

Explore the potential of progress around ivory issues to benefit other species; i.e. adopting a systems approach, tackling motivational clusters for consumption, where possible through SBCC initiatives.



Viet Nam

CITES entered into force on 20 April 1994



Pangolins, bears, primates, small mammals, ungulate, tortoises and freshwater turtles, snakes, lizards and birds

SOURCE

Reptiles, ivory, rhino horn, pangolins

TRANSIT

Rhino horn, ivory, tigers, pangolins, bears, serow, small mammals, snakes, lizards, tortoises and freshwater turtles, birds

CONSUMER



- Key Airports: Hanoi, Ho Chi Minh City (HCMC), Da Nang
- Key markets: ivory – Nhi Khe, Hanoi; birds – Hoang Hoa Tham, Hanoi; traditional medicine – Lan Ong, Hanoi and Hai Thuong Lan Ong, HCMC
- Online markets
- Key Land border crossings: Dak Lak (border with Cambodia); Móng Cai (border with China)
- Key Seaports: Haiphong, Danang, HCM

Facebook, Whatsapp, Instagram, Zalo and other e-commerce sites

2019 Transparency International Corruption Perception Index: Score: 37 (Rank: 96/183 countries)

FACTS AND FIGURES



From 2018-2019 alone, more than 17,000kg of ivory was seized in the country, representing over 70% of the ivory seized in Southeast Asia during this period; over 9,000 kg of ivory that came from the DRC was seized at Da Nang Port in March 2019, marking the largest ivory seizure to date;



Almost 37,000 kg of African pangolin scales seized in Singapore in 2019 were reportedly destined for Viet Nam; all through sea ports⁹³;



Viet Nam seized more than 40,000kg African pangolin scales from 2017-2019, over 50% of which were seized in 2019;



Viet Nam is one of the largest rhino horn consumer markets—over the 2010–2015 period, Viet Nam was implicated in more than 75 seizures involving the trafficking of over one tonne of rhino horn⁹⁴; in July 2019, 55 rhino horn pieces via UAE was seized at the Noi Bai International Airport in Hanoi;



At least 216 equivalent tigers were seized from 2000-2018, with a significant proportion linked to captive-sources;

Between 2010–2015, about 18,000 kg of ivory, 55 tonnes of pangolins, and more than 235 kg of rhino horn seized from illegal shipments⁹⁵.

A rapid assessment conducted in June 2016 found wildlife sale advertisements on five out of eight e-commerce sites. Of 180 advertisements, 74% offered live birds, 16% ivory products; 62% of the overall advertisements were potentially offering wildlife commodities illegally⁹⁶;



A three-day survey carried out in bird shops in Hanoi and Ho Chi Minh City (HCMC) in April 2016 recorded a total of 8,047 birds of 115 species for sale, 99% of which were native to Viet Nam; about 90% of these bird species fall outside of any legal protection in the country. Most species originated from northern Viet Nam indicating an intense movement of birds within the country⁹⁷;



A six-month survey in 2016 found 1,618 bear products on sale in more than 212 Facebook advertisements⁹⁸. Surveys of traditional medicine shops in 2012 and 2016 both also showed that over 60% of the shops surveyed sold bear products, in both years, contravening national legislation;

Growing evidence suggests ivory processing in Viet Nam, especially for cross border ivory markets primarily catering to Chinese tourists⁹⁸.

CHALLENGES

Long standing occurrence of large volumes of trafficked ivory, pangolin scales and rhino horns moving to or through the country, and operated by organised criminal networks;

Despite the strengthened and newly amended Penal Code in 2018, few cases of wildlife crime have been successfully prosecuted in Viet Nam's courts due to a range of challenges, such as inadequate preparation and presentation of evidence and legal loopholes⁹⁸;

Since the beginning of the CITES NIAP process, Viet Nam has remained a country of importance, implicated in large volumes of trafficked ivory;

Even with the existence of numerous laws and regulations, there is little opportunity to address the unsustainable trade of bird species in Viet Nam - only a few bird species are fully protected under Decree 32 from any exploitation. The majority of bird species observed in trade do not fall under any protection as there is no framework to regulate the trade in wild caught birds;

The growth of tiger farming in Viet Nam is a serious problem. Since 2007, captive tiger populations have increased from 55 to more than 250 on private farms and at zoos as a result of uncontrolled breeding, with no demonstrated value to conservation of the species.

STRENGTHS

The revised Penal Code No. 100/2015/QH13 that came into force in 2018, will further extend protection under criminal law to species in Group II and CITES Appendices I and II; in addition, five new Decrees have been issued in 2019 to boost the implementation of wildlife protection legislation. These decrees are meant to regulate the management of endangered forest and aquatic animals, guide CITES implementation including prosecution and penalties for violations concerning forestry and fisheries;

Although bear bile farming has been illegal since 1992, 2005 legislation made it more explicit, prohibiting farmers from extracting bile from bears they kept;

The Vietnamese Traditional Medicine Association has also pledged to stop the prescription of bear bile in 2020, while the Viet Nam Administration of Forestry and Animals Asia signed a Memorandum of Understanding outlining a "Road Map" to end all bear farming in in the country by 2020⁹⁹, and the number of bears on farms has seen a decrease: from 4,300 in 2005 to less than 600 animals as of 2019;

Significant traction available from existing SBCC initiatives focused on rhino horn demand reduction, upon which initiatives for other species could be built. For example, by adopting a systems approach, or one focused on using SBCC approaches to erode the motivations for consumption of illegal wildlife products; such as to enhance status, or for TM to treat illness/promote wellness.

RECOMMENDATIONS

Pursue intelligence-led investigations connected to the shipment of large volumes of ivory and pangolins from Africa to or through Viet Nam, that lead to the arrest of Vietnamese-operated syndicates;

Tighten vigilance and monitoring at official and unofficial cross-border checkpoints – land, air and sea - both for importation and exportation of contraband wildlife;

In addition to strengthening the laws, it is vital to enforce them. Vietnamese law enforcement agencies should take action to investigate, confiscate and prosecute wildlife criminals;

Ensure seizures lead to investigations, arrests, prosecutions and successful convictions;

Conduct forensics DNA testing on seized items such as ivory, rhino horns and pangolins, which should be used to pursue intelligence led investigations from source to market;

Develop regulations and enhance protection for the trade in wild-caught species, including birds;

Re-establish the CITES Scientific Authority to ensure that permitting and regulation of all CITES listed species is done in accordance to prescribed standards by national laws and international regulations, any new permits should not be issued until a Scientific Authority has been established, which would be in contravention of CITES regulations

Implement the set of 50 recommendations identified by the UNODC mission report in Viet Nam based on ICCWC's wildlife and forest crime analytical toolkit¹⁰⁰;

Permanently ban any form of trade in rhino horn, including the trade in trophies, to reduce and eliminate Viet Nam's role as both consumer and transit state in the present rhino poaching crisis;

Permanently ban any form of commercial farming of tigers, and any other species listed as fully protected under Vietnamese law. Restrict permits for possession of these species to legitimate and licensed zoos, conservation and rescue centres, and scientific institutions;

All references to pangolin scales and endangered species in the Vietnamese government authorised TM Pharmacopeia need to be deleted in accordance with national or international laws and regulations;

Improve bear chip identification systems, increase the capacity of enforcement officials to monitor "sanctuary" farms properly, identify current bear populations in such farms and confiscate trafficked animals to send to refuges; bear farms that have voluntarily transferred or had their bears confiscated by enforcement agencies should be regularly monitored to ensure that the cages are not re-used—cages should be broken down and sold for scrap;

Shut down markets consistently found to be selling wildlife, parts and products illegally;

· Consumer research, and subsequent SBCC initiatives and approaches should be conducted to build on the insights and expertise gained through previous consumer behavioural change work;

· Target education and SBCC efforts at Chinese tourists and tour companies visiting Viet Nam;

· Collaborations with NGOs, private sector and civil society to be explored as much as possible, as part of the implementation model for SBCC approaches to reduce the demand for the full range of endangered species consumed, purchased or used in the country.

Footnotes

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TRAFFIC, the wildlife trade monitoring network, is a leading non-governmental organisation working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

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