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An Assessment of the Illegal Trade in Elephants and Elephant Products in Viet Nam

Prepared by

The Viet Nam Ecological
Association, TRAFFIC Southeast
Asia - Indochina office and the
Forest Protection Department of
the Ministry of Agriculture and
Rural Development

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Front cover photograph: Ivory statue on sale in Hanoi.

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Ivory products on sale in Hue, Viet Nam, in May 2000

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EXECUTIVE SUMMARY

INTRODUCTION

The tradition of domesticating and trading elephants in Viet Nam has existed for thousands of years, but these practices have reduced the wild elephant population today to approximately 150 individual animals (Trinh Viet Cuong, pers. comm., 2000). Despite the government prohibition on poaching and trading elephants and elephant products, these products continue to be sold in souvenir shops in big cities and at popular tourist destinations.

As part of the WWF Asian Rhino and Elephant Action Strategy (AREAS) and in order to better understand the dynamics of the illegal trade in elephants and elephant products, TRAFFIC Southeast Asia - Indochina, in cooperation with Viet Nam's Forest Protection Department and the Viet Nam Ecological Association, undertook a survey of the elephant and ivory trade in Viet Nam. The survey teams interviewed 120 people, visited 100 shops across the country and two processing facilities and collected information from 15 provincial Forest Protection Departments.

SURVEY RESULTS

Since the early 1990s, the elephant population in Viet Nam has dropped from 299 domesticated elephants down to 169 and from approximately 500 wild elephants down to 160 by 1997. This rapid decline is the consequence of such human activities as deforestation, illegal poaching, human-elephant conflict and the illegal trade in elephants and elephant products. Despite the fact that hunting has been prohibited in Viet Nam since 1960, and the trade in elephants and elephants products has been banned since 1992 with the issuance of *Decree 18/HDBT*, elephants continue to be hunted and elephant products remain available on the open market.

Elephants are hunted illegally for various reasons but all have their ivory removed as it is the most economically valuable part of the animal. Whole tusks are normally smuggled abroad because of the risk of being confiscated by enforcement agencies, such as police, customs, the Forest Protection Department and the Market Control Office in Viet Nam. At the same time, ivory products can easily be found in souvenir shops in Hanoi, Ho Chi Minh City and Da Lat. The ivory is sold in the form of statues, chopsticks, pipes, combs and other goods for private consumption.

Other parts of the elephant such as the teeth, bones and trunk are also traded although the skin rarely is. Whilst elephant parts used to be an important ingredient for traditional medicines, they are now rarely used because of the influx of Western medicines and the rarity of traditional ingredients. The elephant parts most often traded in Viet Nam are tusks. Ivory products are used for ornamental purposes, while domesticated elephants are traded to private zoos, tourism destinations and in exchange for cattle and buffalo in Cambodia.

The international trade identified by those interviewed during the survey usually involved the illegal import of ivory from Laos and Cambodia, and the illegal export of elephants to Cambodia and China. As African ivory could not be distinguished from Asian ivory by the survey team, it is unclear whether the majority of ivory products on sale come from African or Asian stocks.

LAWS AND ENFORCEMENT OF LAWS

Although there are laws prohibiting poaching and trading in elephants and elephant products, these regulations are not strong enough to actually deter illegal poachers and traders. To date, only one illegal hunter has been imprisoned for poaching elephants and the seizure of ivory and other elephant products is rare.

In addition to the inadequate legislation, enforcement agencies in Viet Nam are not able to fulfill their responsibilities because of a lack of adequate authority, a shortage of money and manpower to investigate cases of illicit activities, and insufficient coordination amongst enforcement agencies.

RECOMMENDATIONS

To ensure that Asian Elephants remain a part of Viet Nam's natural heritage, the following actions are urgently required:

- Amend legislation to control the possession, exchange, offer for sale and sale of specimens of ivory and other elephant products regardless of the date of acquisition;
- Compliance with the relevant provisions of *Resolution Conf. 10.10 (Rev.)*;
- Strictly prohibit all forms of hunting, trading and transporting elephants and elephant products by increasing penalties for violations of the laws and regulations. Publicize cases of illegal poaching to raise public awareness of the issue;
- Encourage training courses on CITES, Viet Nam's national wildlife legislation, wildlife trade and elephant products identification for enforcement and customs officers;
- Implement a nationwide enforcement campaign to expose the illicit trade networks of elephants and elephant products;
- Encourage enforcement agencies to confiscate elephant products on sale;
- Improve cooperation among all relevant domestic and international enforcement agencies;
- Supply enforcement agencies with identification tools for ivory products;
- Encourage and improve elephant conservation activities, particularly those that estimate elephant population densities;
- Promote the conservation of elephants and biodiversity with educational programmes and by raising awareness of Viet Nam's commitment to combat illegal wildlife trade;
- Encourage breeding of domesticated elephants to reduce pressure on the wild population; and
- Produce public awareness materials for tourists in English, Vietnamese, and Chinese that promote the conservation of elephants, as well as inform tourists about fines for violations of laws.

INTRODUCTION

Images of the Asian Elephant, *Elephas maximus*, are prevalent throughout Viet Nam's history and culture indicating that the animal was once a common sight in the forests of Viet Nam. The tradition of poaching and domesticating elephants also began thousands of years ago, but these practices have reduced the elephant population in the wild to dangerously low levels today.

One of the main threats to the survival of wild elephants is the trade in live animals and their products, which is driven by high market prices. As wild animals become increasingly rare, the prices increase.

Elephant poaching has been prohibited in Viet Nam since 1960 by *Directive 134/TTg*. Furthermore, in 1992, *Decree 18/HDBT* was signed to prohibit the trade in elephants and elephant products. The Asian Elephant is listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which prohibits all international commercial trade in the species and its products. Whilst Viet Nam became a signatory of CITES in 1994, the illegal trade in elephants and elephant products continues because of the potential for high profits, persistent international demand, and the limited capacity of enforcement agencies.

STATUS OF WILD AND DOMESTICATED ELEPHANTS IN VIET NAM

Due to problems associated with the poor design of population censuses, accurate records of the wild elephant population in Viet Nam are unavailable. Reports compiled by Vietnamese scientists in the 1980s indicate that there were an estimated 1,500 to 2,000 wild elephants in Viet Nam (Le Vu Khoi, 1988) while in the early 1990s, a survey conducted by the Forest Protection Department (FPD) found only 299 domesticated elephants and 400 to 500 wild elephants remaining. However, the data collection techniques of these surveys, make it difficult to accurately estimate the reduction in the Asian Elephant population in Viet Nam over the past 10 years. Moreover, this lack of data underscores the urgent need for a comprehensive, long-term survey to guide conservation activities.

The latest statistics provided by Flora and Fauna International (FFI) in 1997 reported that approximately 100 to 160 wild elephants and 169 domesticated elephants remain in Viet Nam (FFI, 1998). Although it is impossible to verify how significantly the wild elephant population in Viet Nam has been reduced over the past decade, the FPD has estimated that the domesticated population, at least, has decreased by 130 elephants in the last 10 years.

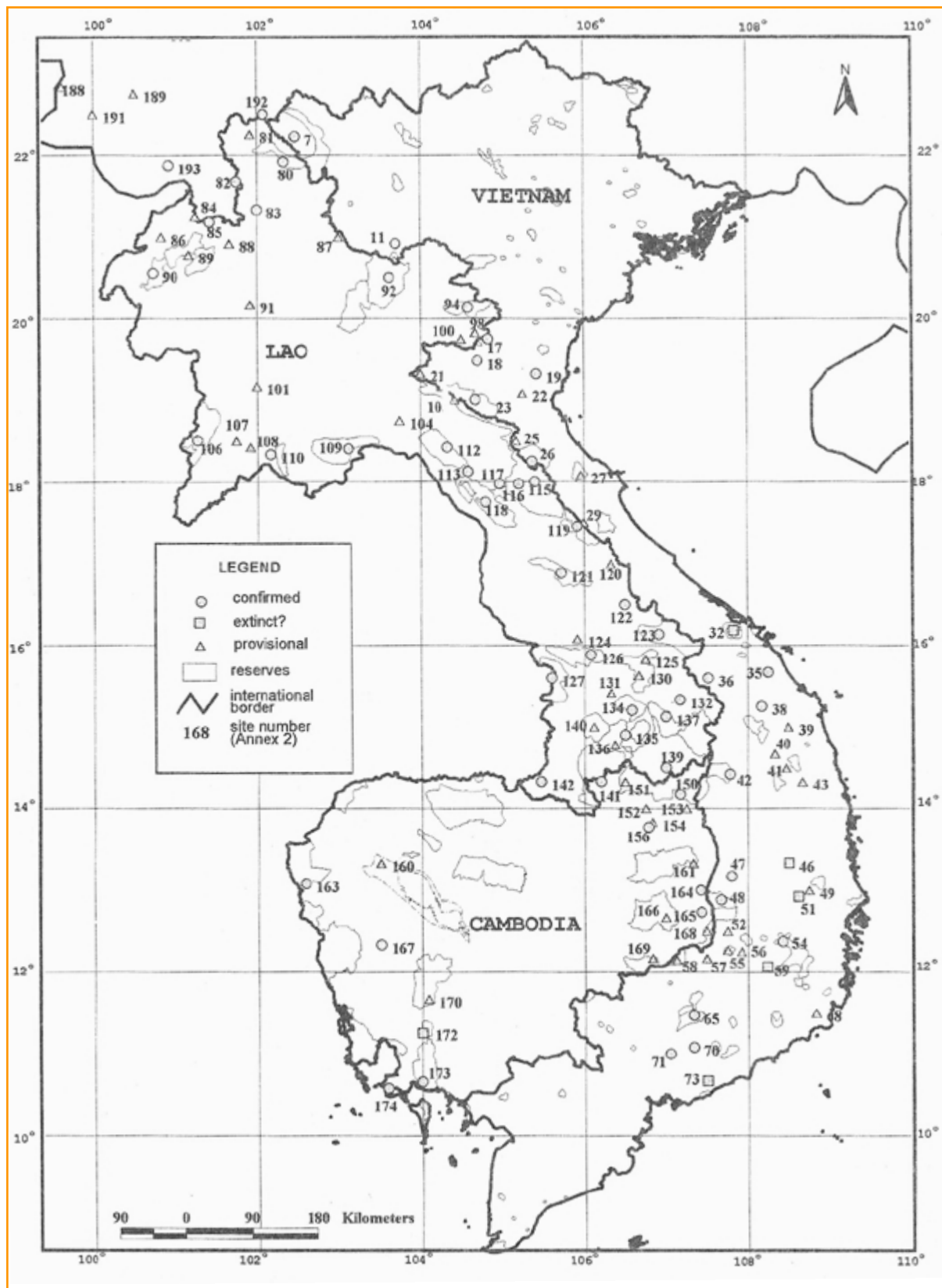
A survey conducted from November 1993 to December 1994 stated that 48 wild elephants were killed between 1989 and 1993 in the Ha Tinh province alone (Dawson, *et al.*, 1994). Furthermore, information provided by provincial FPDs showed that at least 30 wild elephants have been poached over the past 10 years (see **Table 1**).

The rapid decline in the elephant population can be attributed to the following human activities:

- **Deforestation:** According to documents obtained from the General Department of Statistics, over the past 50 years, the natural forest cover in Viet Nam has decreased by approximately 65%, the severity of which prompted the government of Viet Nam to ban logging in primary forests in 1996. In the Tay Nguyen plateau where the largest elephant herds have been found, the natural forest decreased from 5,147,000 hectares in 1943 to 3,106,000 hectares in 1995 (World Bank and General Department of Statistics, 1999). Primary forest now covers only 9 per cent of the country's area. Some believe elephants require a forest habitat of at

Figure 1

Distribution of elephants in Cambodia, Laos and Viet Nam



Credit: WWF Indochina Programme

least 40 square kilometres per individual (Trinh Viet Cuong, pers. comm., 2000), widespread deforestation in Viet Nam has significantly reduced their natural habitat and food sources.

- **Poaching:** Many wild elephants have been killed for their ivory and bones to produce ornamental products such as statues and carvings, and to make *cao* (medicinal balm). Unlike African Elephants, *Loxodonta africana*, of which both sexes produce ivory, tusks only form on male Asian Elephants. By killing male elephants for ivory, poaching has skewed the population's sex ratio and reduced its genetic vigour.

Some domesticated elephants have also been shot or poisoned for their ivory, contributing to a decline in the domesticated population. Furthermore, domesticated elephants are rarely permitted to breed because owners believe that the pregnancy will reduce an elephant's productivity and/or captive bred elephants can pose threats to safety of human, thereby bringing misfortune to the family and community.

- **Human/elephant conflict:** As a result of the loss of habitat and the threat from hunters, wild elephants have destroyed crops and killed local people. To protect themselves and their property, villagers sometimes threaten or kill the animals. In several provinces, villagers threaten the elephants by spraying gasoline on their backs, burning the animals. The conflict between humans and elephants is becoming an increasingly critical issue for which no effective solution has yet been identified.
- **Trade:** The illegal trade poses a significant threat to the Asian Elephant population in Viet Nam. It is estimated that over the past 10 years, the domesticated elephant population, mostly from the Dak Lak province, has been reduced by approximately 130 animals, the majority of which are believed to have been sold to Cambodia in exchange for cattle and buffalo (Ho Tan Son, pers. comm., 2000). A number of domesticated elephants have been reported as "missing" to provincial FPDs, but "this was highly improbable as domesticated elephants typically will never run away from their owners" (Pham Mong Giao, pers. comm., 2000). Wild elephants are either captured for domestication or killed for ivory and other products.

Asian Elephants in Viet Nam are threatened with extinction as a result of deforestation, human-elephant conflict and illegal trade. These human activities have contributed to smaller-sized herds remaining in the wild (typically consisting of four or five individuals) and the species' decreased genetic vigour as a result of the reduced male population. Despite the fact that hunting elephants has been prohibited in Viet Nam since 1960 and trade in elephants and elephant products has been banned since 1992 with the signing of *Decree 18/HDBT*, elephants continue to be hunted and elephant products remain available on the open market.

TRAFFIC'S SURVEY

To better understand the dynamics of the illegal trade in elephants and their products, TRAFFIC, along with Viet Nam's Forest Protection Department (FPD) and the Viet Nam Ecological Association, conducted a survey with the following objectives:

- To identify and record elephants and elephant products traded within and from Viet Nam, and to determine the sources of and markets for these products;
- To analyse the dynamics (e.g. trade network, sources) of this trade;

- To evaluate the implementation and enforcement of *Decree 18/HDBT*, CITES and other regulations that address Asian Elephant conservation; and,
- To make recommendations and offer practical guidelines for combating the illegal trade in elephants and elephant products in Viet Nam.

SURVEY RESULTS

In total, the survey team interviewed 120 people, visited 100 shops and two former ivory processing facilities, and collected information from 15 provincial Forest Protection Departments, the result of which are presented below.

POACHING ELEPHANTS

Elephants are typically poached or captured on the Tay Nguyen Plateau, an area encompassing the southern provinces of Dak Lak, Gia Lai, Kon Tum and Binh Phuoc. From the late 1980s to the mid-1990s, several hunting groups were known to be operating in this area, where they were reportedly poaching three to four elephants each year. Based on discussions with those interviewed, elephant poaching occurs with the greatest frequency in Dak Lak province. Currently, only one hunting group is thought to be active on the plateau.

In the central province of Ha Tinh, the survey team uncovered Kinh ethnic hunters, known as "Hac Son" or "mountain robbers", who target high value species, such as elephants and tigers, for their body parts. These hunters are highly skilled and adept at eluding the authorities. They conceal their guns deep within the forest, which they enter on the pretense of searching for firewood. The "Hac Son" have well-established contacts that enable them to sell animal parts immediately after a hunt, thereby reducing detection of their activities by forest rangers. It is believed that they receive orders directly from wildlife traders and, in some cases, have been implicated in the poisoning deaths of domesticated elephants. Whilst the Ha Tinh FPD are well aware of the "Hac Son", they have not yet been able to curtail their activities effectively.

Domestication is the primary reason for the capture of wild elephants. Animals may be domesticated to help transport timber and other heavy products, to carry hunters into the forest, or for the purposes of tourism. In the province of Dak Lak, for example, domesticated elephants are often sold to tourist operations in Cambodia (Dak Lak Provincial FPD, 2000).

The survey team verified that over the past 11 years, at least, 30 wild elephants have been killed for various reasons (see **Table 1**). However, the actual number is believed to be much higher than this estimate. Dawson (1994) concludes that 48 elephants were killed between 1989 and 1993 in Ha Tinh province alone. As such, it is likely that longer-term and more extensive surveys would reveal a greater reduction in the population of wild elephants.

Domesticated elephants might also be killed or sold illegally. **Table 2** represents only a partial listing of domesticated elephants killed or traded. (Data collected by FFI in 1998 showed that from 1990 to 1998, the population of domesticated elephants in Viet Nam was reduced by 130 animals.)

Table 1

Reduction in Viet Nam's wild elephant population

Date	Location	Number/sex	Cause	Case settlement	Source of information
1988	Kon Plong	1 female	Illegal hunting	No	TRAFFIC survey, Apr. '00
	Kon Plong	2 (unknown)	Illegal hunting	No	TRAFFIC survey, Apr. '00
1989	Tanh Linh	1 (unknown)	Human-elephant conflict	Military fine	TRAFFIC survey, Apr. '00
1990	Que Son	2 males	Illegal hunting	2 years' imprisonment	Survey, Sept. 1997
	Duc Linh	1 male	Human-elephant	No	Survey, Feb. 1993
1991	Que Son	2 males	Illegal hunting	No	Survey, Sept. '97
	Tan Phu	2 (unknown)	Human-elephant conflict	No	
	Vinh Son	1 young male	Illegal hunting	Community-imposed fine	TRAFFIC survey, May '00
	Tanh Linh	1 male	Human-elephant conflict	No	Survey, Sept. '99
1992	Xuyen Moc	3 (unknown)	Illegal hunting	No	Forest Protection Department
1993	Xuyen Moc	1 female	Human-elephant conflict	No	Survey, Feb. '93
1994	Quy Hop	5 (unknown)	Human-elephant conflict and illegal hunting	No	Survey, Oct. '96
	Thanh Chuong	2 (unknown)	Human-elephant conflict	No	Survey, Oct. '96
1996	Tra Mi-Tien Phuoc	1 male	Illegal hunting	No	Survey, July, '97
1998	Tra Mi-Tien Phuoc	1 male, 1 female	Illegal hunting	No	TRAFFIC survey Apr. '00
	Krong Bong	1 (unknown)	Human-elephant conflict	No	TRAFFIC survey Apr. '00
1999	Vu Quang	1 (unknown)	Unknown	No	Roland Eve
1999	Cu Jut	1 (unknown)	Unknown	No	Survey Dec. '99

Note: No first-hand information was obtained on whether the parts were used or traded.

Table 2

Disposition of domesticated elephants in Viet Nam

	Location	Number/sex	Cause	Penalties	Source of information
1996	Buon Don, Ea Sup	3	Sold	No	FPD, Dak Lak
1997	Buon Don- Dak Lak	1 male	Illegally killed	No	FPD, Dak Lak
1998	Buon Don- Dak Lak	4	2 sold to Nha Trang 2 sold to Ca Mau	No	Survey May, 2000
1999	Krong Bong-Dak Lak	2	Died from unknown cause	No	FPD, Dak Lak
2000	Buon Don	1 male	Illegally killed	No	FPD, Dak Lak
2000	Lak-Dak Lak	1 female	Died from disease	No	FPD, Dak Lak

As uncovered by the survey team, many domesticated elephants in Viet Nam have been sold to private zoos or to Cambodia in exchange for cattle and buffalo. It is estimated that a maximum of 30% of the domesticated elephants might have died from natural causes (Pham Mong Giao, pers. comm, 2000). The Dak Lak provincial FPD reported that most of the elephants that were declared missing by their owners were actually sold.

Although the poaching of elephants for domestication has been outlawed for many years, people continue to do so in order to sell the elephants in exchange for cattle and buffalo and agricultural equipment, especially machinery used to produce coffee, cashew nuts, and rubber. However, there has not been a case of elephant poaching reported in the past three years.

TRADE IN ELEPHANTS AND ELEPHANT PRODUCTS

Trade in live elephants

Prior to 1960, the Tay Nguyen Plateau was known to be the largest market in Southeast Asia for live elephants sold to neighbouring countries, foreign zoos and circuses (Pfeiffer, 1984). All of the elephants sold in the market or by middlemen were domesticated animals. Buyers came primarily from Viet Nam, Cambodia, Thailand and Myanmar. The elephants were purchased for a variety of purposes, including to transport timber, for hunting and for circuses. The trade effectively ended at the beginning of the Viet Nam/American War when the area was bombed by Americans to prevent transport between the North and the South.

Today, because of restrictive Vietnamese laws, live elephants are no longer traded on the open market. Furthermore, the serious decline in the number of wild elephants has made instances of trade and domestication of live elephants increasingly rare.

CAPTURING ELEPHANTS IN VIET NAM

Capturing and domesticating wild elephants has long been a tradition for several ethnic minorities in Viet Nam, such as the M'ng, Giarai, Ede and Bana. Today this practice occurs primarily in the Buon Don district of Dak Lak province, where 298 wild elephants have been captured over the last 25 years (Trinh Viet Cuong, pers. Comm., 2000).

Typically, elephant "hunters" establish a hunting guild led by an older, experienced member. The hunting guild is divided into groups based on family associations. Each group has approximately three to six domesticated male elephants that are more than 25 years old.

Elephant hunting in Buon Don primarily occurs during the dry season from August to December. Hunting is less common during the rainy season (from January to July) when forest travel is difficult and elephants are able to find sufficient food deep within the forest, making it harder for hunters to locate the animals. Although the duration of the hunt varies, some hunts might last for up to two months.

Before each hunt, the guild performs a religious ceremony for luck. Hunters then rub mud or leaves on their bodies to avoid detection by the elephants, which have a well-developed sense of smell. Once the hunters discover the footprints of young elephants, they use the domesticated elephants to chase the wild herds, separating the young elephants. Approximately three domesticated elephants are required to hunt smaller herds, while a large herd can require the participation of up to eight domesticated elephants divided into two groups: one to chase the wild elephants and separate the young animals from the herd, and another to capture the young elephants. Young elephants between the ages of three and five are most commonly captured for domestication.

While hunters might use fire or firecrackers to frighten the animals, they never fire guns while riding domesticated elephants as the noise might cause the elephants to run from the herd. Occasionally, the hunters themselves are injured or killed when the domesticated elephants run from an attacking wild herd.

The decline in the live elephant trade can also be partially attributed to improvements in transportation infrastructure and the availability of other means of transport. While a locally assembled light truck might cost VND10 million (USD700), a live elephant costs between VND60 million and 80 million (USD4,300 to USD5,700).

Nevertheless, live elephants continue to be illegally traded. The trade can be characterized by the following examples:

- **Cross-border trade**

Domesticated elephants are still found in cross-border trade. The Dak Lak provincial FPD reports that live domesticated elephants are traded to Cambodia where people are apparently less experienced in domesticating wild elephants. Price estimates and data on the extent of this trade were not available from forest rangers in the province.

In 1996, a commercial company from Guangxi in China requested permission from the central FPD to transport six young elephants from Cambodia to China through Viet Nam. The FPD, the CITES Management Authority in Viet Nam, did not grant permission because the company did not meet the permit requirements. However, a later investigation conducted by Vietnamese enforcement agencies revealed that

two young elephants were then illegally transported to China across the Lang Son border (Nguyen Ba Thu, pers. comm., 2000).

- **Domestic trade**

In 1998, an eco-tourism company in the Khanh Hoa province bought two domesticated elephants from Buon Don district of Dak Lak province, paying VND30 million (USD2,100) for a four-year-old male and VND50 million (USD3,600) for a 15-year-old female. Another two elephants were sold to a tourism operation in the Ca Mau province for similar prices in 1998.

In 1993, the FPD's Elephant Relocation Programme attempted to purchase three domesticated elephants from the Krong Bong district of the Dak Lak province to assist in relocating an elephant in Ba Ria - Vung Tau to another province. The elephant owners requested a price of VND100 to 150 million (USD7,000 to 10,500) per animal. As a result, the animals could only be obtained on loan.

With the improved standard of living in Viet Nam, the demand for wild animals as pets and for private zoos has increased. Many animal owners are unfamiliar with the appropriate care required to maintain a healthy elephant. An owner of a private zoo in Da Lat in Lam Dong province bought four sick elephants from the Ede ethnic minority prior to 1996. After being treated, three elephants were reportedly released into the wild while one was kept at the zoo. The survey team, however, was unable to verify the information regarding the release and doubts its validity.

ELEPHANT DOMESTICATION

Elephant domestication is typically divided into three phases:

Phase 1: After being taken from the wild, the young elephant is not fed for two to three days. The trainer will then feed the elephant its favorite food, such as banana tree or sugar cane, so that the animal grows accustomed to and learns to obey the trainer. Religious ceremonies, including the naming ceremony, are conducted. Undisciplined elephants are beaten, refused food, or tied to trees. Phase 1 lasts for approximately two weeks. As the young elephant becomes more familiar with the trainer, it is moved closer to the commune. A domesticated elephant is kept near the younger elephant during this phase.

Phase 2: During the second phase, the trainer teaches the elephant to follow basic commands. After three to six months of training, the elephant begins to obey a number of orders, such as "stand up," "lift up front foot," "turn left," or "carry mahout (rider)". Special care and food are provided for the elephant during this phase. Once the elephant has mastered these commands, it will be taken to the river for a daily bath. Phase 2 generally last for two to three years.

Phase 3: By the time the elephant is 10 years old, it is usually able to perform a number of duties, such as transporting light cargo or carrying the mahout on a hunt. By the age of 15, the elephant is often able to transport timber.

Three elephants were found at the Tay Nguyen traditional house in Dam Bri Waterfall Tourism Resort where tourists for a fee may take photos of themselves with the animals. The People's Committee of Lam Dong province granted permission to the owners to buy the elephants from Dak Lak province in 1999. The largest elephant was purchased for VND80 million (USD5,700); the medium-sized elephant cost VND70 million (USD5,000); and the smallest elephant cost VND40 million (USD2,900).

This illegal trade is exacerbated by state agencies that grant permits for trade in domesticated elephants, thereby encouraging the illegal capture of wild elephants. Furthermore, the ineffective management of the elephants at various tourist operations and zoos (i.e no registration, no investigation, no health checks, etc.) makes it difficult to ensure that the animals are not eventually traded again.

Trade in ivory

Trade in whole tusks

Unlike African Elephants, only the male Asian Elephant produces ivory tusks, the most economically valuable part of the elephant. The whole tusk is usually obtained by killing the elephant, a practice which is more likely directed at wild, rather than domesticated, animals. However, this survey could not ascertain whether all whole tusks observed represent Asian Elephants only. Ivory from African Elephants might also be available on the market, but the traders provided no evidence of this during the survey.

In July 2001, the Ho Chi Minh City FPD confiscated one rhino horn weighing five kilogrammes, two whole tusks approximately 102 cm long and two other pieces of ivory. Both the horns and the tusks were reported to be African. This is the only case of illegally imported African ivory recorded by an enforcement agency in Viet Nam. But at the time of the 1989 CITES ban, there were large quantities of African elephant ivory in Asian markets such as Saigon, Hong Kong and Thailand (S. Broad, pers. comm., 2002).

For a variety of reasons, including those listed below, owners of domesticated elephants will not kill their animals to obtain the whole tusks but instead regularly cut pieces of ivory from their elephants.

- A domesticated elephant is a source of pride for the owner, symbolizing wealth and status. Only wealthy individuals are able to keep elephants and hire a mahout. For example, an elephant owner in Prang Poc commune in the Buon Don district of the Dak Lak province who was forced to sell his elephant in 1996 due to economic hardship reportedly left the home commune in shame.
- A domesticated elephant is a source of income for the owner. For lending his elephant, the owner might be paid VND90,000 to VND150,000 (USD6.50 to USD10.70) per day while hiring a mahout costs approximately VND15,000 (USD1) per day and food for the elephant can be found in the forest.

For the past 10 years, owners have cut 10 - 15 cm off their elephants' tusks each year to protect the animals from illegal hunters and earn additional income from the sale of the ivory. Elephants, however, risk death because of ivory cuts. In 1997, an elephant owner cut too much from the animal's tusks, causing an infection that killed the animal (Vu Ngoc Thanh, pers. comm., 2000). As there are no provisions in Viet Nam's legislation that specifically address ivory obtained from domesticated elephants, some hunters claim that the ivory in their possession was taken from domesticated elephants and is therefore not illegal.

In addition to the risk of death from ivory cuts, domesticated elephants also face the risk of being killed for their ivory. In 1996, for example, a domesticated elephant was shot for its ivory by illegal hunters in the Nghe An province while it was being guarded by a mahout.

Despite the many rumours that whole tusks were found in elephant cemeteries in Tay Nguyen Plateau, there is no reliable information to confirm these rumours. Some of the traders who were interviewed revealed that a number of former soldiers, who joined the army during the American/Viet Nam War, went back to Tay Nguyen plateau looking for the cemeteries. However, no one who was interviewed could confirm that these cemeteries had been found.

The whole tusks found in trade today are typically quite small, ranging from 35 to 40 cm in length and from 3.5 to 4 cm in diameter at the root of the tusks, suggesting that they come primarily from young, wild elephants. Some examples of larger whole tusks have been found, but these specimens are rare and typically very old. Traders explained that selling whole tusks is risky because the large specimens are difficult to transport and conceal, and easily detected by enforcement agencies. The traders will often purchase whole tusks only if the specimens are to be delivered by sellers. Traders from Da Lat in the Lam Dong province reported that most large, whole tusks come from Laos or Cambodia because there are too few wild elephants left in Viet Nam.

Today a kilogramme of undamaged whole tusk can sell for approximately USD530, whereas in 1990 the price was reported to be approximately USD350 per kilogramme. The high price of whole tusks could suggest that there is relatively low demand for whole tusks and that they have become quite rare. Whole tusks are reportedly smuggled into China, Hong Kong, and Taiwan by sea as, according to traders interviewed in Da Lat and in Hanoi, transporting them by air is considered to be too risky.

The survey team uncovered the following examples of the trade in whole tusks:

- A former ivory carver from the Phu Khe commune in the Ha Tay province reported that in 1997 his neighbour purchased a whole tusk (approximately 102 cm long and 15 cm in diameter at the root) from Tay Nguyen for approximately VND120 million (USD11 300).
- At the Phuc Tri residence in Da Lat of the Lam Dong province, a trader agreed to sell a medium-sized whole tusk (about 30 cm at the perimeter) for VND300 million (USD21 400).
- The survey team met a trader in Ban Me Thuot who said he could take the team to a seller offering whole tusks or ivory parts for a price of VND7.5 million (USD535) per kilogramme. The team members were asked to pay some money in advance and told that they might then be able to bargain with the seller.
- Quang Nam provincial FPD reported that a Da Nang import-export company bought a pair of whole tusks (1.5 m in length) from Laos in 1990. This company processed antique ivory products from 1990 until 1999. In 1994, a foreign businessman agreed to pay USD10 000 for the specimens, but for an unknown reason, the deal was not completed. The tusks were sold for VND30 million (USD3000) to another buyer.

Despite these examples, the high price, low market demand, and the high probability of confiscation have contributed to minimal trade in whole tusks. This is supported by the observation that most of the ivory found in the markets is in the form of processed products, broken pieces and cut ivory from domesticated elephants.

Trade in raw ivory pieces

Traders claimed processed ivory products sold on the market are made primarily from sections of ivory cut from domesticated elephants or from defective ivory. The ivory is typically exchanged within a small network of traders well known to one another, rather than on the open market by common wildlife traders.

Since the ban on the sale of ivory, only four raw ivory specimens have been recorded as confiscated. For example, in 1990, 250 to 300 kilogrammes of ivory were confiscated (Dawson, 1993); in 1993, about 35 kilogrammes of ivory were confiscated; and one whole tusk from an elephant hunted in 1983 was confiscated, although the year of confiscation was not recorded by the FPD. The most recent reported confiscation of 12 kilogrammes of ivory occurred on April 21, 2000 (An Ninh Thu Do newspaper, May 5, 2000).

Owners of shops in some large cities such as Hanoi and Hai Phong said that they imported raw ivory, claimed to be mammoth ivory, by air from countries of the former Soviet Union, for processing and sale in Viet Nam. They reported that mammoth ivory is generally more yellow in colour and rougher in texture than Asian Elephant ivory. Some types of mammoth ivory are pink and referred to as "bloody ivory". Experts from IEBR, however, do not believe that those specimens are mammoth ivory but that traders are claiming they are because the trade in mammoth ivory is legal. The survey team witnessed the sale of this type of ivory in Hanoi and Hai Phong but did not find any unprocessed ivory specimens.

The survey team found the following evidence of the trade in raw ivory:

- Mr. Duc Hoang from Ben Thanh Commercial Centre in Moscow acknowledged the existence of the trade in ivory within Viet Nam but could not verify whether or not the smaller specimens (approximately 30 cm in length and over three cm in diameter at the root) were genuine elephant ivory. Vietnamese in Russia buy this "ivory" from a remote area in Russia for USD200 per kilogramme and sell it in Viet Nam for USD300 per kilogramme. Importers are primarily traders from Hang Khay, Hang Gai, Hang Dao and Hang Ngang streets in Hanoi who already have contacts with Russia through the long-standing garment trade. Some traders claimed the ivory is actually from walrus (Duc Hoang, pers. comm., 2000).
- The survey team also found that ivory is obtained from the Tay Nguyen Plateau, Laos and Cambodia. The ivory is often transported through Da Lat to Ho Chi Minh City and other urban areas. Some traders from Hanoi also buy ivory directly from the Plateau, by-passing the network in Ho Chi Minh City. According to traders, the ivory is often sold by ethnic minorities in pieces because it is easier to transport and is subject to smaller fines if uncovered by the authorities. The price paid for ivory pieces in villages in Tay Nguyen plateau - from USD110 to USD130 per kilogramme - represents a significant amount of income for ethnic minorities.

The survey revealed that there continues to be a trade in whole tusks and raw ivory for processing in Viet Nam. Faced with dwindling wild elephant populations, traders import the ivory from abroad to satisfy the demand within the country. It is possible that some carved ivory was indeed from a walrus.

Trade in processed ivory products

Although prohibited by *Decree 18* issued by the Ministry of Agriculture and Rural Development (the former Ministry of Forestry) and by *Directive 359/TTg* dated May 31, 1996 issued by the Prime Minister, the trade in

elephant ivory products continues to persist in Viet Nam. A shop on Hang Gai Street in Hanoi even features ivory souvenirs in its catalogue. Ivory products are also sold in many up-market shops in large cities, such as Hanoi, Ho Chi Minh City, and Da Lat, as well as in tourist destinations with prices listed in US dollars and even at fairs and exhibitions.

Ivory products are normally produced in underground workshops and then transported to markets in large cities such as Hanoi, Hai Phong, and Ho Chi Minh City. There are two processing workshops in the Phu Khe commune in the Ha Dong district of the Ha Tay province, but the processing of ivory has stopped due to a lack of raw



Credit: TRAFFIC Southeast Asia -
Indochina office

Ivory chess pieces on sale in Ho Chi Minh City in May 2002

material. Currently, workshop owners claim that they only make products using horns from other animals and snail shells. The survey teams determined that very few ivory producers remain in Viet Nam due to the lack of raw ivory and the regulations prohibiting its trade. However, there were indications that raw ivory is being transported to China for processing and then re-imported to Viet Nam to be sold as a processed product. The raw ivory used to make these products is from the Tay Nguyen Plateau and the southern provinces of central Viet Nam. Ivory is also illegally imported from Laos, Cambodia, and countries of the former Soviet Union to meet the demand for processed products (see **Trade in raw ivory**).

The survey team found no evidence of imports from Thailand. Traders explained that the price of ivory in Thailand is higher as is the demand due to a large number of foreign tourists.

Despite the belief that much of the carved ivory on sale is from old stocks of African elephant ivory, no traders admitted this fact. It was suggested that Asian elephant ivory is more valuable because of its rarity. Even with "advanced technologies" differentiating one ivory from the other would not necessarily be reliable. Discussions with shop owners in Ho Chi Minh City later revealed that they sometimes import carved ivory from Cambodia but do not know what ivory those products are made of.

Shop owners reported that their customers are primarily Asian business people or tourists from China, Hong Kong, Taiwan, and Japan. These customers typically hide the ivory products in their luggage to avoid detection by custom officials, methods of which were demonstrated by the shop owners. However, according to the shop owners, these precautions were rarely necessary as airport custom officers typically do not search for or confiscate ivory products, believing them to be "ordinary souvenirs".

Processed ivory products are generally small in size, typically weighing from a few grams to one kilogramme. Following are examples of products sold openly and in large quantities on the market in Hanoi, Hai Phong, Hue, Da Lat and Ho Chi Minh City:

- Simple carvings (0.5 cm x 5 cm x 10 cm) for USD20.
- Small Buddha statues of different sizes, ranging in price from USD50 to USD300, depending on the quality of production.
- Statues of animals such as dragons, snakes and dogs, ranging in price from USD20 to USD50.

- Folding screens (20 cm x 25 cm), ranging in price from USD100 to USD800.
- Jewellery such as rings, earrings, and necklaces, with varying prices depending on the quality of production.
- Chopsticks, carved with silver, for USD80 a pair.
- A pair of small whole tusk carvings of elephant herds (40 cm in length and 20.5 cm in perimeter) for USD4000.
- Other products such as combs and lamps were found. A large product was priced between USD600 to USD1350.

Survey teams also determined that a number of products sold as ivory were, in fact, made from the bones of other animals. As inexperienced buyers could easily be cheated, some shop owners provide official legal receipts verifying authenticity. The receipt is issued by the state for the sale of general products. This highlights the openness of the trade.

The processing and sale of ivory products is a highly profitable business. For example, a piece of raw ivory measuring 1 cm in thickness, 20 cm in height and 12 cm in diameter sells for USD200. The same piece of ivory made into a lamp sells for approximately USD800 and if the curve appears to be natural, the product might cost up to USD1300.

Trade in other elephant parts

Elephant teeth

The elephant teeth referred to in this section are molars rather than canines, which are the elephant's tusks.

Elephant teeth are not traded as commonly as other parts of the animal such as tusks or feet. An elephant tooth weighs approximately five kilogrammes and is difficult to transport. Furthermore, it has little pharmaceutical or ornamental value. In 1997, survey teams studying kouprey in Dak Lak province came across a full elephant skeleton. The existence of this intact skeleton might indicate that hunters have little interest in non-ivory elephant products such as bones and teeth.

Nevertheless, local people in remote areas are known to occasionally sell elephant teeth found in the forest to shops for VND50 000 per tooth (Dak Lak Provincial FPD pers. comm., 2000). Although the demand and the price for elephant teeth are relatively low, the revenue generated by their sale might represent a significant amount of income for local people.

A 1997 survey suggested that there was a demand by carvers for elephant tusks and teeth in Ho Chi Minh City (Compton, 1998). However, it was revealed during the survey that due to the hardness of teeth, they could not be carved and instead, are used unprocessed for ornamental purposes.

Credit: TRAFFIC Southeast Asia - Indochina office



Lamps with ivory shades on sale in Hanoi, 2002

While elephant teeth were traditionally ground up to treat colds and fevers, they have been replaced by modern medicine.



Credit: TRAFFIC Southeast Asia -
Indochina office

Elephant tooth on sale in Da Lat, Viet Nam

Trade in elephant bone

Although the survey did not find evidence of unprocessed bone being sold on the market, a small number of products made from elephant bone were available. There appears to be little demand for these products because of their low economic and ornamental value. An owner of a shop from Ban Me Thuot bought a 10 kilogramme elephant fibula for VND400 000 (USD27) last year and said he will be able to make two-year's worth of products with it.

In traditional medicine, elephant bone *cao* (medicinal balm) is mixed with alcohol to relieve bone pain. Despite the fact that the benefits of this *cao* have not been proven scientifically, demand for *cao* persists and production might even be increasing. Local people reported that they look for elephant bones specifically to sell to producers of *cao*.

Elephant bone is also bleached and used to produce artificial ivory products. Additionally, as elephant bone becomes increasingly rare, other animal bone, such as cow and buffalo, is sold as elephant bone which commands a higher price. Some products made from elephant bone include small statues, fake tiger and bear claws, and swords made from elephant ribs. Elephant bone products (or products claiming to be made from elephant bone) appear to be quite common on the market, despite the apparently low demand.

In March 2000, the Dak Lak provincial FPD confiscated 43 kilogrammes of elephant fibula from a trader in the Buon Don district.

Trade in elephant skin

The survey team found a number of fake elephant products made in Thailand, including belts, briefcases and wallets available for sale in local markets in Hanoi and Da Lat. The survey team also found several waste paper baskets made from elephant feet. In Da Lat, a waste paper basket costs USD20. According to shop owners, buyers are typically wealthy Vietnamese.

Elephant skin is also used in traditional medicine. It is known as a "hot" medicine and is used to treat burns or acne. The elephant skin is burned, ground into a powder, mixed with elephant fat and placed directly on the affected area. A traditional doctor in Ho Chi Minh City reported that elephant skin is required to treat Ma moc, a disease once common in the Red River delta, which makes it hard for people to move. However, products made from elephant skin were not sold in any of the traditional medicinal shops visited by members of the survey team.

Demand for elephant skin products appears to be low. Many shops visited by the survey team reported that customers had never inquired about elephant skin products. Only two briefcases alleged to be made from elephant skin and one piece of raw elephant skin with fat selling for USD2 were found by the survey team in Ban Me Thuot. A local elephant researcher reported that 20 years ago ethnic minorities ate dried elephant skin, but that the practice no longer continues.

Hair from elephant tail

Some common elephant products available on the local market include rings, bracelets, and toothpicks made from the hair of elephant tails. These products are popular in the Buon Don district of the Dak Lak province. Apart from FPD officers, local enforcement agencies have difficulty distinguishing genuine elephant hair products from artificial ones.

Elephant tail hair sells as toothpicks for VND2000 (USD.15) each and are advertised as dental care products.

Trade in other elephant parts

Other elephant parts, such as the trunk, lungs, fat, penis and the sole of the foot were also reportedly traded. Although much of the information regarding trade in these products could not be verified first hand by the survey teams, the anecdotal evidence below provides an important basis for further study.

- Elephant trunk and meat are served as exotic meat. In March 2000, the Dak Lak provincial FPD arrested a trader with 466 kilogrammes of elephant meat, including a trunk. A number of traditional medicinal shops in the Ratanakiri and Mondulakiri provinces of Cambodia sell dried elephant trunk and penis (Vu Ngoc Thanh, pers. comm., 1999) suggesting that there is a potential for imports of the meat to satisfy the demand for exotic meat in Viet Nam. Local elephant specialists reported that elephant meat had been sold as Sambar meat in the early 1990s when many elephants were being hunted. However, this practice no longer continues because of the declining number of elephants.
- Sole of elephant foot is also eaten as an exotic food and used in traditional medicine. It is administered in a powdered form to treat asthma and dissolved in alcohol to increase virility.
- Elephant penis was not found for sale in Viet Nam but reportedly is sold in Cambodia as a medicine to increase virility (Vu Ngoc Thanh, pers. comm., 1999).

Apart from ivory, elephant products are not very popular on the Vietnamese market and demand is limited. Although a number of traditional medicines use elephant parts, Western drugs are now replacing these medicines.

TRADITIONAL MEDICINES CONTAINING ELEPHANT PARTS

The survey team was not able to complete a comprehensive examination of elephant parts used in traditional medicine. However, team members received some information (presented above) regarding the medicinal uses of specific elephant parts. Nevertheless, none of these traditional medicine products was found on the market in Viet Nam by the survey team. Traditional medicine doctors reported that this was due to the shortage of elephant parts. The primary reason for the lack of traditional medicine products containing elephant parts might be that the medicines are believed to cure rather common ailments that can more easily and effectively be treated by modern drugs.

Credit: TRAFFIC Southeast Asia - Indochina office



Elephant feet in the presidential palace in Ho Chi Minh City

DOMESTIC TRADE

Despite efforts by FPD's enforcement units, there continues to be significant domestic trade in worked ivory. Based on discussions with enforcement officers, this situation has been difficult to resolve due to their lack of capacity to undertake frequent and regular street patrols.

As revealed during the course of the present survey, few seizure records of worked or raw ivory are available. Whilst some seizure records of raw and worked ivory are known to have been filed, due to inadequate or inappropriate data storage facilities, these records have since been lost or misplaced. Consequently, there are few means to identify trade trends and there is little information available to support the development of legislation which could help to curtail this trade. This situation also demonstrates that Viet Nam is not complying with the requirements of *Res. Conf. 10.10 (Rev)*, which states that "all Parties should provide information on seizures and confiscations of ivory or other elephant specimens...to the Secretariat [or TRAFFIC] within 90 days of their occurrence", and that this information be input into the Elephant Trade Information System (ETIS) [see Annex 2, "*Resolution Conf. 10.10 (Rev.)*"].

LEGISLATIVE FRAMEWORK

The government of Viet Nam has passed the following laws to address the protection of elephants and other endangered or threatened species:

- *Directive 134/TTg*, 21 June 1960, issued by the Prime Minister, prohibiting the hunting of elephants.
- *Decree 39/CP*, 05 April 1963, issued by the Council of Ministers, regulating the hunting of certain species. Article 1 states: No one is allowed to kill, injure or trap, collect eggs, destroy dens or nests of the following species (Elephant is included in the list of species).
- *Decree 18/HDBT*, 17 January 1992, issued by the Council of Ministers, prohibiting the hunting, trading and transporting of rare and precious wild species, including elephant. Elephant is listed in Group I-B and its exploitation and use are completely prohibited.
- *Directive 359/TTg*, 29 May 1996, issued by the Prime Minister, urges measures to protect wild fauna species. The directive prohibits hunting and trading in a number of wild species, including elephant.
- *Revised Criminal Code of Socialist Republic of Viet Nam*, 01 July 2000, regulates the prosecution of cases of illegal exploitation and use of rare and precious wild species, including elephant.

As illustrated above, the protection of elephants has been legislated at the highest level in Viet Nam, establishing a solid basis for enforcement agencies to carry out inspections and prosecute for violations. Nevertheless, the following gaps in the legislation persist, creating difficulties for enforcement officers:

- Absence of regulations to address ivory obtained before the legislation was enacted, thereby encouraging products to be traded legally as "old ivory" or "pre-legislation ivory."

- Prior to 01 July 2000 and the revision of the Criminal Code, absence of substantial penalties for illegal hunting elephants and trading in elephant products.
- Absence of regulations specifying the responsibilities of each enforcement agency.

ENFORCEMENT OF LAWS

The survey illustrates that despite the existence of legislation prohibiting the hunting and trading of elephants and elephant products, these activities persist, albeit on a smaller scale than 10 years ago. While traders are aware of these laws, they continue to operate on the open market in Hanoi, Ho Chi Minh City, and Da Lat and on the black market in other areas. Elephant hunters are also aware that they are violating the law but continue to do so, encouraged by potentially high profits and usually lenient penalties. From 1988 to 1999, 30 wild elephants were killed, but only three violators were prosecuted as a result. The other violators were either not found or their cases were dealt with "internally". Moreover, the violators who were prosecuted received only probationary sentences.

The survey team also found a number of new ivory products that had been altered (i.e smoked) to make them appear old. In this way, traders attempt to exploit the deficiencies in the legislation (i.e., lack of documentation proving the ivory is pre-legislation) that does not address "pre-legislation" or "pre-Convention" ivory, which was obtained before Viet Nam became a Party to CITES.

Furthermore, the survey team found that enforcement agencies are not able to fulfill their responsibilities because of a lack of authority, shortage of money and staff to properly investigate the illegal trade, and insufficient coordination amongst enforcement agencies. For example, the FPD is the key enforcement agency dealing with illegal wildlife trade, but it lacks the authority to investigate a shop or a private business without involving the police or market control authorities. As each enforcement agency has different priorities, the market is not regularly investigated. If investigations were conducted regularly, the open trade in wildlife would likely decrease.

The motivation for trading in elephants and their products is the anticipation of high profits. The low penalties for violators and the lack of enforcement of the existing laws do little to deter traders seeking high profits.

CONCLUSIONS

The following conclusions were reached as a result of this survey:

- The illegal trade in elephants and the sale of their products on the open market continue. The trade is concentrated in large cities where the population is more affluent and in tourist destinations frequented by large numbers of Asian tourists.
- Elephant products available on the market include intact ivory, carved ivory, ivory products, skin, teeth and live elephants. Ivory products are the most common. These products are sold for high prices, generating large profits for traders and encouraging the hunting and trading of elephants and elephant products.
- Local demand for elephant products is relatively low. The primary consumers of elephant products are wealthy, local individuals and foreign visitors.

- Elephant products in Viet Nam are primarily used for ornamental purposes, and only minimally for traditional medicines.
- Principal sources of ivory include the Tay Nguyen Plateau, and imports from Laos, Cambodia, and countries of the former Soviet Union. However, as the survey team could not differentiate between Asian Elephant ivory and African Elephant ivory, there is uncertainty on trade in African Elephant ivory in Viet Nam.
- Ivory material is becoming increasingly rare in Viet Nam.
- Elephant products are sold on the open market, but the materials and products are transported to the markets covertly.
- There are few workers skilled in the processing of ivory in Viet Nam. Raw material is transported to China for processing and products are re-exported for sale in Viet Nam.
- While wildlife traders deal in ivory and elephant products, expensive products and whole tusks are largely traded by extensive smuggling networks.
- While the survey teams did not differentiate between elephant and mammoth ivory and mammoth ivory can be traded legally, its occurrence on the market could encourage the illicit trade in elephant ivory. As most officers are unable to differentiate between the two types of ivory, this legal situation unduly complicates enforcement efforts.
- Enforcement agencies are hampered in their ability to implement the prohibitions of elephant hunting and trade because of shortages in manpower and financial resources and poor management structure.
- Enforcement agencies rarely investigate the market.
- Enforcement officers at border crossings (road, airports and seaports) do not specifically look for elephant products and are unable to distinguish them from similar looking items.
- Elephants and their products are openly sold in Hanoi, Hai Phong, Hue, Kon Tum, Ban Me Thuot, Da Lat and Ho Chi Minh City.
- Elephant products are sold mainly to Asian tourists from China, Hong Kong, Taiwan, Japan, and South Korea.

RECOMMENDATIONS

To maintain the Asian Elephant as a part of Viet Nam's natural heritage and prevent its extinction in the country, and negative impacts on populations in neighbouring states, the following actions are urgently required:

LEGISLATION REVIEW

- Amend legislation to control the possession, exchange, offer for sale, and sale of specimens of ivory and other elephant products, regardless of the date of acquisition;

- Strictly prohibit all forms of hunting, trading and transporting of elephants and elephant products by increasing penalties for violations of the laws and regulations. Publicize prosecuted cases to raise public awareness of the issue;

ENFORCEMENT

- Compliance with the relevant provisions of *Resolution Conf. 10.10 (Rev.)*;
- Encourage training courses on CITES, Viet Nam's national wildlife legislation, wildlife trade and identification of elephant products for enforcement and customs officers;
- Provide enforcement agencies with identification tools for ivory products (i.e. X- ray machines);
- Implement a nationwide enforcement campaign to expose the illicit trade networks of elephants and elephant products.
- Improve cooperation among national and international enforcement agencies.
- In order to effectively control the trade in elephant ivory, it is recommended that the trade in mammoth ivory be regulated. Traders, for example, would be required to report any imports of mammoth ivory to the local authorities and clearly mark mammoth products or identify as such. To further assist enforcement personnel, mammoth ivory identification techniques would be included in all enforcement training.

CONSERVATION PROMOTION

- Encourage appropriate elephant conservation activities, particularly those that estimate elephant population densities;
- Encourage breeding of already domesticated elephants to reduce pressure on wild populations;
- Promote conservation of elephants and biodiversity with educational programmes and by raising awareness of Viet Nam's commitment to combating illegal wildlife trade.

RAISING PUBLIC AWARENESS

- Produce public awareness materials in English, Vietnamese, and Chinese, such as posters and brochures that call for the species' conservation and outline fines for violations of laws protecting elephants. Material should be placed in airports, hotels, and other tourist centers to inform foreign visitors about the laws protecting elephants and other endangered species.

Credit: D. Lawson/WWF-UK



Asian Elephants *Elephas maximus*

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ANNEX 1

Directive 134/TTg on prohibition of shooting elephants *June 21, 1960*

The General Department of Forest reports that elephant herds appear in many places in Thanh Hoa, Nghe An, Ha Tinh and Quang Binh provinces. Elephants have a high economic value, especially for transporting wood and goods in mountainous areas. Hence, elephants should be used for these purposes. If people continue to kill elephants, the benefits of the species will be very limited and elephants may all soon be killed or taken out of our territory.

In response to the proposal of the General Department of Forestry, the Prime Minister decided:

- To strictly prohibit the killing of elephants and to promote their domestication;
- To allow the district authority or leader of the military unit to shoot elephants in special cases such as when elephants destroy crops or houses. The district administrative authority and the military unit are responsible for granting permission to kill elephants.
- To raise public awareness of ways to prevent elephants from destroying crops without causing the animal harm. For example, elephants are frightened of fire. Therefore, if elephants arrive at night, people could burn torches to frighten them away. They could also dig large and hollow holes containing mud along on the roads traveled by elephants. If they smell the mud, the elephants will return to the forest. The General Department of Forestry is required to promote means of preventing elephants from destroying crops.
- To require the General Department of Forestry to establish groups involving experienced people from Tay Nguyen to domesticate wild elephants. The department can examine the efforts to do this in some provinces before promoting it in others. The Ministry of Internal Trade, General Department of Forestry and other agencies should not encourage elephant hunting by purchasing or acquiring ivory and elephant skin but rather only buy the ivory that is currently in people's possession. Local authorities should assist the General Department of Forestry in domesticating elephants.

For the Prime Minister
Vice Minister

Pham Hung

ANNEX 2

Resolution Conference 10.10 (Rev.) - Trade in Elephant Specimens

NOTING that the Asian elephant, *Elephas maximus*, has been included in Appendix I since 1973;

NOTING also that the African elephant, *Loxodonta africana*, was transferred from Appendix II to Appendix I at the seventh meeting of the Conference of the Parties (Lausanne, 1989) but some populations were transferred back to Appendix II, under a set of conditions, at the 10th meeting (Harare, 1997) and at the 11th meeting (Gigiri, 2000);

RECOGNIZING that elephant range States are the best protectors of their elephants but that the majority of them lack adequate enforcement capacity to ensure the security of their elephant populations;

AWARE that monitoring systems should encompass capacity-building in range States, to provide information to facilitate elephant management, and to prioritize and guide enforcement initiatives and protection efforts;

CONVINCED that the enhancement of elephant security in Africa and Asia would be facilitated by cooperation, data-sharing and mutual assistance between and among the range States;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

Regarding definitions

AGREES that:

a) the term 'raw ivory' shall include all whole elephant tusks, polished or unpolished and in any form whatsoever, and all elephant ivory in cut pieces, polished or unpolished and howsoever changed from its original form, except for 'worked ivory'; and

b) 'worked ivory' shall be considered readily recognizable and that this term shall cover all items made of ivory for jewellery, adornment, art, utility or musical instruments (but not including whole tusks in any form, except where the whole surface has been carved), provided that such items are clearly recognizable as such and in forms requiring no further carving, crafting or manufacture to effect their purpose;

Regarding marking

RECOMMENDS that whole tusks of any size, and cut pieces of ivory that are both 20 cm or more in length and one kilogram or more in weight, be marked by means of punch-dies or, where this is not practicable, with indelible ink, using the following formula: country-of-origin two-letter ISO code, the last two digits of the year / the serial number for the year in question / and the weight in kilograms (e.g. KE 00/127/14). This number is to be placed at the 'lip mark', in the case of whole tusks, and highlighted with a flash of colour;

Regarding control of internal ivory trade

RECOMMENDS to those Parties in whose jurisdiction there is an ivory carving industry that is not yet structured, organized or controlled and to those Parties designated as ivory importing countries, that comprehensive internal legislative, regulatory and enforcement measures be adopted to:

a) register or license all importers, manufacturers, wholesalers and retailers dealing in raw, semi-worked or worked ivory products; and

b) introduce recording and inspection procedures to enable the Management Authority and other appropriate government agencies to monitor the flow of ivory within the State, particularly by means of:

i) compulsory trade controls over raw ivory; and

ii) a comprehensive and demonstrably effective reporting and enforcement system for worked ivory;

Regarding monitoring of illegal hunting of and trade in elephant specimens

AGREES that:

a) The systems known as Monitoring the Illegal Killing of Elephants (MIKE) and the Elephant Trade Information System (ETIS), established under the supervision of the Standing Committee, shall continue and be expanded with the following objectives:

i) measuring and recording levels and trends, and changes in levels and trends, of illegal hunting and trade in ivory in elephant range States, and in trade entrepots;

ii) assessing whether and to what extent observed trends are related to changes in the listing of elephant populations in the CITES Appendices and/or the resumption of legal international trade in ivory;

iii) establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs; and

iv) building capacity in range States;

b) this monitoring system shall be in accordance with the framework outlined in Annex 1 for monitoring of illegal trade in ivory and other elephant specimens and in Annex 2 for monitoring of illegal hunting in elephant range States; and

c) information on illegal killing of elephants and trade in their products from other credible law enforcement and professional resource management bodies, should also be taken into consideration;

Regarding assistance to elephant range States

RECOMMENDS that Parties assist range States to improve their capacity to manage and conserve their elephant populations through improved law enforcement, surveys and monitoring of wild populations;

Regarding quotas for and trade in raw ivory

RECOMMENDS that:

- a) each State that has a population of African elephants and wishes to authorize export of raw ivory establish, as part of its management of the population, an annual export quota for raw ivory expressed as a maximum number of tusks;
- b) each export quota be communicated to the CITES Secretariat in writing by 31 December for the next calendar year;
- c) Parties ensure that significant amounts of confiscated ivory are notified separately to the Secretariat and are not incorporated in quota submissions;
- d) the CITES Secretariat assist in the implementation of the quota system by: reviewing information submitted on each quota, together with any information received about the status of the population in question; discussing any concern with the relevant State; and, if there is no cause for concern, communicating the current quota to the Parties not later than 31 January of each year;
- e) the Secretariat maintain its Ivory Trade Control Procedures Manual and that the Parties follow the procedures for quota submissions documented in this Manual;
- f) if the quota is not submitted by the deadline, the State in question have a zero quota until such time as it communicates its quota in writing to the Secretariat and the Secretariat in turn notifies the Parties;
- g) no export, re-export or import of raw ivory be authorized unless it is marked in accordance with this Resolution or in accordance with the Secretariat Manual;
- h) Parties accept raw ivory from producer States only where the export permit was issued in a year for which a quota for the State in question has been communicated to the Parties in accordance with this Resolution;
- i) Parties may accept raw ivory from a producer non-party State only if a quota for that State has been reviewed by the Secretariat and communicated to the Parties and if the Secretariat has received from the State an annual report on its ivory trade, and if the State meets all the other conditions in this Resolution and Article X of the Convention (as interpreted by Resolutions of the Conference of the Parties);
- j) in compiling their annual reports, producer party and non-party States that have authorized the export of raw ivory relate such exports to their quota for any given year, providing the Secretariat with as much relevant information as possible, including, as a minimum, the number of whole or substantially whole tusks and their individual weights and identification numbers;
- k) all Parties maintain an inventory of the stock of raw ivory held within their territory, and that they inform the Secretariat of the level of this stock each year before 31 January, indicating the source of the ivory; and
- l) Parties assist the Secretariat to ensure that the duties set out in this Resolution are carried out; and

Regarding resources required for implementation of this Resolution

APPEALS to all governments, non-governmental conservation organizations and other appropriate agencies to provide funds for the resources required in the Secretariat and producer States to ensure that the recommendations in this Resolution can be effectively implemented; and

REPEALS *Resolution Conf. 9.16* (Fort Lauderdale, 1994) - *Trade in African elephant ivory*.

ANNEX 3

Price of Ivory products found during the survey

Product	Size	Weight	Price	Quantity of specimens or further notes
1 Ring	1.5 - 2 cm		\$15	78
2 Earring	1 cm		\$17 - \$25	102
3 Bracelet	7.5 cm - 10 cm	100 g	\$25 - \$280	20 - Price varied depending upon intricacy of carving
4 Chopsticks	30 cm		\$17 - \$75	98 pairs
5 Perfume bottle cover	3 cm x 5 cm x 0.5 cm	20 g - 50 g	\$7 - \$20	70
6 Small carved picture	5 cm x 10 cm x 0.5 cm		\$25 - \$50	45
7 Small screen	25 cm x 15 cm		\$100 - \$200	30
8 Animal statue	2.5 cm x 5 cm		\$20 - \$50	90
9 Comb	3 cm x 15 cm	30 g	\$25	100
10 Necklace	N/A		\$80 - \$120	95
11 Statues				147
Small Buddha	2 cm in height		\$50	66
Small statue of Goddess of Mercy	5 cm x 15 cm	100 g	\$150 - \$300	40
Medium size statue of Goddess of Mercy	20 cm in height		\$550 - \$600	22
Statue of Buddha	10 cm x 20 cm	500 g	\$300	15
Statue of Monetary Buddha	10 cm x 10 cm - 20 cm	300 g - 400 g	\$400 - 450	4
12 Screen	25 cm x 15 cm x 0.8cm		\$800	32
13 Carved desk lamp	25 cm x 10 cm x 1 cm		\$1,350	12
14 Lamp shade	20 cm x 10 cm x 1 cm	500 g	\$600	27
15 A pair of carved tusks	40 cm long		\$4,000	1
16 Chinese chess piece	1.5 cm in parameter, less than 1 cm thick		\$200	20 sets
17 Whole tusk	N/A		\$20,000	Not on display. Deposit required for showing
18 Raw ivory	N/A		\$500 / kg	Not on display. Deposit required for showing
19 Tobacco pipe	12 cm long		\$100	23
20 European chess piece	3 cm in height		\$300	16 sets
21 A piece of tusk carved as a dragon	30 cm long		\$356	8
22 A hair from elephant's tail	N/A		\$0.15	200
23 Bracelet made of hairs from elephant tail	N/A		\$1.5	24
24 A piece of elephant meat and fat	2 cm x 3 cm x 3 cm	25 g	\$2.2	1

Note of the table: The quantity specified based on displayed specimens and reports of traders. Some measurements are estimates due to the restriction of traders.

ANNEX 4

Survey methods and approaches

1. Survey team

The Viet Nam Ecological Association, a local non-governmental organization, in coordination with the FPD, conducted the survey. Survey team members included:

Mr. Pham Mong Giao, FPD; Mr. Vu Ngoc Thanh, Hanoi National University;
Mr. Le Khac Quyet, biologist;
Mr. Trinh Viet Cuong, Institute of Ecological and Biological Resources (IEBR);
Dr. Vu Xuan Khoi, head of the Ecological and Biological Section, Viet Nam - Russia Tropical Centre;
Mr. Tran Minh Hien, biologist at Viet Nam - Russia Tropical Centre;
Mr. Nguyen Tri Man, Programme Officer, TRAFFIC Southeast Asia.

Additional support was provided by Mr. Vern Weitzel of the United Nations Development Programme (UNDP); Dr. Vu The Long of the Institute of Archaeology and Mr. Nguyen Quang Huy, owner of *Oh La La* antique shop (4A Nguyen Thai Hoc, Hanoi).

The survey was conducted from 24 April to 26 May 2000. Following a one-day seminar on survey methods and techniques for identifying ivory and other elephant products, the survey team spent approximately 15 days in the field.

2. Survey methods

Prior to conducting the field survey, the team consulted with various authorities familiar with the elephant trade, including Mr. Tran Quoc Bao, head of the Nature Conservation Section of FPD, Mr. Pham Mong Giao, FPD, and Mr. Trinh Viet Cuong, IEBR. Additionally, a number of reports produced by non-governmental organizations (NGO), including WWF and FFI, were reviewed. Based on this background research, the survey team devised its survey methodology, including selecting the field sites which would be surveyed.

3. Field survey sites

As explained by the local experts and in the NGO reports, ivory and other elephant products are primarily luxury goods that are consumed by only a small percentage of the Vietnamese population. The demand for these products is almost exclusively driven by wealthy nationals and foreign tourists. As such, the field surveys were primarily conducted in large cities and in destinations frequented by foreign tourists. Areas where elephant hunting and domestication were reported to occur were visited as well to evaluate the source of the elephant products found on the market.

The survey team was divided into three sub-teams or groups to cover northern, central and southern Viet Nam. The three survey groups were dispatched as follows:

- Northern: Group 1 (Mr. Vu Ngoc Thanh and Mr. Le Khac Quyet) conducted surveys in Hue, Vinh, Do Son, Hai Phong and Hanoi.

- **Central: Group 2** (Mr. Pham Mong Giao and Mr. Trinh Viet Cuong) conducted surveys in Da Nang, Tam Ky, Hoi An (Quang Nam province), Pleiku, An Khe (Gia Lai province), Quy Nhon (Binh Dinh province), Ban Me Thuot, Buon Don, M'Drak (Dak Lak province), Nha Trang, Nha Phu Breeding Island (Khanh Hoa province) and Phan Thiet (Binh Thuan province).
- **Southern: Group 3** (Mr. Vu Xuan Khoi and Mr. Tran Minh Hien) conducted surveys in Dalat, Vung Tau, Ho Chi Minh City and surrounding areas.

Nguyen Tri Man also conducted surveys in the villages of Phu Khe and Ha Dong in Ha Tay province, sites where tusks and ivory were traditionally processed.

4. Survey targeting

Because of the long tradition of hunting, and domesticating elephants and consuming elephant products in Viet Nam, various organizations, institutions, and individuals needed to be interviewed for the survey including the following:

- Traditional Chinese and Vietnamese medicine shops;
- Souvenir and second-hand shops;
- Illegal and legal antique dealers;
- Ivory and horn processing workshops;
- Wildlife traders;
- Researchers from scientific institutions;
- Officers from enforcement agencies, such as the central, provincial and local FPDs; and
- Individuals who are familiar with the trade in elephants and elephant products.

5. Survey method

As the majority of traders are aware of the laws prohibiting the trade of elephants and elephant products (see **Appendix 2**), it was difficult for the survey team to question them openly. To locate products being sold on the market and elicit reliable information from traders, the survey teams posed as potential customers and foreign tourists. After determining that the products were genuine, team members would occasionally place orders to assess the traders' ability to supply the products. Whenever possible, the survey team took photographs of the specimens for evidence.

Another approach adopted by survey team members was to pose as new traders looking for products for their foreign customers. This approach proved to be very successful for collecting information from traders and from

processors of ivory products. In order to earn the trust of these traders, survey team members in northern Viet Nam invited an Australian biologist to accompany them and pose as a foreign trader.



Credit: TRAFFIC Southeast Asia - Indochina office

A pair of fake ivory tusks in Pleiku, Viet Nam, May 2000

In addition, the survey team used information and records from the FPD and local authorities.

6. Identification of elephant products

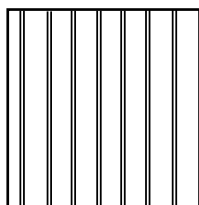
In order to differentiate between genuine and artificial ivory products, the survey team used the following indicators:

Colour: Genuine ivory is shiny and creamy white or light brown in colour.

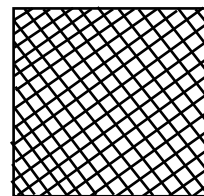
Weight: Genuine ivory is typically heavier than a piece of bone of similar size.

Texture: The surface of genuine ivory is typically smoother than that of products made from bone.

Pattern: Genuine ivory has milky-white lines (approximately 34 millimetres thick) and pure white lines (approximately 17 millimetres thick) running parallel along a vertical cut. A horizontal cut of ivory features a diagonal grid pattern of pure white and milky-white colours (see the drawing below).



Vertical cut



Horizontal cut

Products made from elephant molar teeth require different identification methods. However, only actual elephant teeth, not any processed products made from teeth, were found during the survey.

Although other elephant products, such as fat, bone, or *cao* (medicinal balm) made from elephant bone, were found on the market, the survey team was unable to determine a scientific method for differentiating between genuine and fake products.

7. Some definitions

- **Poaching:** intentionally killing for any reason;
- **Capturing:** taking live elephants from the wild.

The TRAFFIC network is the world's largest wildlife trade monitoring programme with offices covering most parts of the world. TRAFFIC was established to help ensure that trade in wild plants and animals is not a threat to the conservation of nature. It works in close co-operation with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

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