

10 CRITICAL ACTIONS FOR COMBATING ILLEGAL WILDLIFE TRAFFICKING

Since 2016, ENV produces a list of major focus areas needing action in order to effectively tackle the illegal wildlife trade in Vietnam. Considering the recent Prime Minister Directive, issued on July 23, 2020 to mobilize government agencies to actively counter wildlife trafficking and reduce the risks of zoonotic outbreak from wildlife, ENV is now releasing the 2020 edition of Ten Critical Actions for Combating the Illegal Wildlife Trade.



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TAKE DOWN LEADERS OF WILDLIFE CRIMINAL NETWORKS

In the last few years, Vietnam has made great strides forward in targeting the leadership, or “kingpins”, of wildlife trafficking networks.

The first of these instances was the groundbreaking case of Nguyen Mau Chien, who was sentenced to a total of 16 months in prison following the April 2017 seizure of rhino horn, ivory, tigers, and other wildlife products. Although his prison sentence hardly reflected the nature of his crimes and his significant role in the trafficking of ivory and rhino horn for many years, his arrest, prosecution, and imprisonment marked a first for Vietnam in taking down the leader of a major international wildlife trafficking network.

The 2018 trial of Hoang Tuan Hai, co-leader of Vietnam’s largest marine turtle trafficking network, resulted in a sentence of four years and six months in prison. Hai’s sentence followed the seizure of more than 10 tonnes of marine turtles from warehouses operated by Hai and his brother in late 2014.

More recently, two notorious wildlife trafficking kingpins, Nguyen Van Nam and Nguyen Huu Hue, were given prison sentences of 11 years and six years respectively. Nam, the leader of a long-running ivory and rhino horn trafficking network, was arrested in a police sting operation in September 2019 during the seizure of 200 kg of ivory. Hue, the head of a major tiger trafficking operation and partial owner of a well-known illegal tiger farm in Laos, was arrested in July 2019 with seven frozen tiger cubs.

The successful arrests and prosecutions of these four kingpins subsequently resulted in the elimination of their networks and have effectively deterred others within the trafficking supply chain from taking their place.

However, despite these victories, a number of wildlife trafficking networks continue to thrive, moving ivory, rhino horn, pangolin scales, tigers, and other illegal wildlife products. Hotspots for tiger trafficking remain active in districts of Nghe An and Ha Tinh, appearing to be out of reach for authorities to effectively handle.

Action: It is an utmost priority for law enforcement agencies to target criminal enterprises and their leadership, instigating in-depth investigations that focus on arresting and prosecuting “kingpins” for their role in leading criminal networks that profit from organized trafficking of endangered wildlife. Successfully seizing large quantities of wildlife is always a positive development, but seizures alone cannot have real impact on wildlife trafficking as a whole. To achieve change, criminal networks and their leadership must be targeted with arrest, prosecution, and imprisonment, compromising their ability to operate and resulting in elimination of their enterprise.





ERADICATE CORRUPTION

Corruption is one of the most sensitive yet crucial challenges that Vietnam faces in the fight against wildlife crime, especially in cases involving the smuggling of high-value products like rhino horn and ivory.

Criminals rely on the cooperation of corrupt officials to help them circumvent the law. Corruption takes many forms, ranging from issuance of commercial wildlife farm permits that provide a cover for criminal laundering operations, to letting criminals go instead of arresting them, to facilitating clearance through airports, seaports, and along our land borders. After arrest, some criminals can even buy reduced sentences or freedom from imprisonment.

Action: Law enforcement agencies, especially border authorities at airports, seaports, and along our land borders, must reject the lucrative offers made by criminals seeking passage for their smuggled products, and act in the best interests of the country by upholding the law and reporting corruption within the ranks of their agencies.

Vietnam must apply higher standards of integrity, increase transparency, and promote accountability within the criminal justice system to tackle corruption. By applying the law effectively and consistently, Vietnam can ensure no one is above the law.



ESTABLISH EFFECTIVE DETERRENTS

Establishing strong deterrence is a critical component in the strategy to reduce and eliminate criminal activity. When the law is fully applied, the risks of engaging in wildlife trafficking increase, making the prospects of profitability less attractive and effectively discouraging potential criminals.

Vietnam has taken significant steps forward in strengthening wildlife protection legislation, especially since the enactment of the revised Penal Code in early 2018.

By some accounts, the revised Penal Code contains ideal amendments which close loopholes, increase punishment for serious offenses, and incorporate a foundation on which the criminal justice system can effectively deter wildlife crime.

Through consistent and strict application of the new Penal Code, and continued determination to bring down wildlife criminals, law enforcement agencies and the judiciary system can remain united in efforts to demonstrate the risks associated with wildlife crime, making it less attractive and effectively deterring criminal activity.

Action: ENV calls upon prosecutors and judges throughout Vietnam to exercise “zero tolerance, zero sympathy, zero self-interest” in wildlife trafficking cases.

Law enforcement agencies and the courts should apply the Penal Code to the fullest extent in order to effect change. Taking steps to arrest, prosecute, convict, and punish wildlife traffickers is critical to achieve deterrence for criminal behavior. This is especially important in ALL serious cases for example cases involving highly endangered species and when prosecuting key members of major criminal networks



REDUCE THE RISK OF FUTURE PANDEMICS ASSOCIATED WITH WILDLIFE CONSUMPTION AND TRADE

According to the World Health Organization (WHO), about 70% of all infectious diseases over the last 30 years have been zoonotic. The habit of consuming and coming into direct contact with wildlife has created favorable conditions for many viruses to spread to humans, including HIV/AIDS, avian influenza, SARS, Ebola, MERS, and now Covid-19.

While the Vietnamese government has commendably managed Covid-19 infections within Vietnam, the costs to society are still immeasurable. Additionally, Covid-19 will not be the last of these infectious zoonotic diseases if we do not change our attitude and behavior towards nature and wildlife.

Reducing consumer demand for wildlife is a necessity to protect public health, biodiversity, and the environment, both in Vietnam and globally.

Action: Raising public awareness against wildlife consumption is not only the responsibility of NGOs, but also policy-makers, key ministries, provincial governments, and other central and provincial agencies. Raising public awareness for wildlife conservation and reducing consumer demand for wildlife can be achieved by communicating the irrefutable link between the wildlife trade and zoonotic outbreak, in addition to education about the importance of protecting biodiversity.



IMPLEMENT A CLEAR BAN ON ANY FORM OF COMMERCIAL TRADE OF ENDANGERED SPECIES

Endangered species such as pangolins and tigers should not be legal to trade in any way, shape, or form. Parts of endangered species such as rhino horn and ivory should also be banned from trade in any form regardless of its source.

Contrary to some beliefs, farming and trading endangered species is not a sustainable way to protect wildlife or promote conservation.

Not only does legalization of some products create the inability to distinguish which are legal or illegal, but it propagates the ongoing laundering of wildlife through legal farms, compromises enforcement efforts, may increase demand due to increased market availability, and ultimately, places more pressure on wild populations of the species.

Action: *The government should make it clear in regulations that the farming and commercial trade of tigers, bears, pangolins, and other endangered species is strictly prohibited. Breeding of endangered species should only be allowed under strictly regulated and controlled conservation breeding programs.*



STRENGTHEN MANAGEMENT OF CONSERVATION FACILITIES AND NON-COMMERCIAL FACILITIES

A growing number of facilities in Vietnam are keeping wild animals for different purposes, many of them registered as conservation facilities or zoos. These facilities are progressively emerging, despite the fact that there is no legal definition for the actual purpose of these facilities. Moreover, conservation facilities and non-commercial facilities like zoos do not have any proper enforceable regulations under current laws and legislation.

The loose nature of current legislation regarding the management of conservation facilities and non-commercial facilities allows these establishments to engage in the unchecked commercial trade of wildlife, many even exploiting captive wildlife for illegal purposes. Operating under the legal cover of “zoo”, for example, wildlife criminals are able to launder wildlife, source wildlife from illegal origins, and actively engage in illegal wildlife trafficking. What's more, many of these facilities contribute little, if anything at all, to wildlife conservation, and in a number of cases, their practices could be considered a threat to the conservation of wildlife.

Action: *Clearly define conservation facilities and other non-commercial facilities with detailed conditions for their establishment and effective management tools to oversee facility operations. Outlined regulations should include strict punishment for violations, ranging from fines for minor infractions, to criminal penalties, forfeiture of wildlife, and loss of operational license in cases where regulations are seriously breached. This will ensure these facilities cannot and will not engage in any illegal activities, and that they contribute to conservation efforts in different ways and at multiple levels.*



FINISH THE JOB: END BEAR FARMING IN VIETNAM

With about 400 bears remaining on farms in Vietnam and 36 bear-farm free provinces, we are significantly closer to reaching an end to bear farming in Vietnam once and for all. An increasing number of bear owners are voluntarily handing over their captive bears to the authorities, and provincial governments are becoming “bear farm-free” provinces one by one.

However, progress on this final push is hampered by the still-high number of bears kept in certain provinces, namely Ho Chi Minh and Hanoi, and especially Hanoi's Phuc Tho district. Local households in Phuc Tho alone account for nearly 160 captive bile bears – around 39% of all captive bears in Vietnam. The district remains a stronghold for the illegal bear bile business.

Action: *People's Committees and relevant agencies in Hanoi and Phuc Tho should put an emphasis on ending bear farming in the nation's capital, where bear farming remains an embarrassing reflection of the past on an otherwise modern city. Ho Chi Minh, Dong Nai, Nghe An, and Binh Duong – provinces that retain high numbers of captive bile bears – should follow suit and end bear farming in their provinces.*





STRICTLY REGULATE AND MANAGE COMMERCIAL WILDLIFE FARMS

The laundering of wild-caught animals through registered commercial wildlife farms in Vietnam is a critical threat to national and regional biodiversity. Evidence suggests that most commercial wildlife farms either supplement their captive stock with wild-caught animals, or operate as ranching facilities where all or most of their captive stock is sourced from the wild.

Action: Establish clear and assertive regulations on management of commercial wildlife farms that serve to address serious flaws in current management. Issues to be addressed include the laundering of wildlife through farms, the lack of punitive measures for owners who violate the law, the lack of effective monitoring by enforcement agencies, and the lack of clearly defined, evidence-based scientific identification of species viable for commercial farming (without detrimental impact on wild populations).

Failure to comply with regulations should lead to the punishment of farmers, and examples should be made of local authorities who are involved in criminal activities.



HOLD LOCAL AUTHORITIES RESPONSIBLE FOR ERADICATING WILDLIFE CRIME IN THEIR JURISDICTIONS

While local People's Committees have a responsibility to ensure that businesses and citizens within their jurisdiction remain in compliance with wildlife protection laws, the public acts as the eyes and ears on the ground by sighting and reporting wildlife crime. Therefore, authority responsiveness to publicly reported crimes is critical to establish an effective partnership between the public who reports wildlife crime and the authorities who address it.

Research conducted by ENV shows that authority responsiveness to publicly reported crimes is fairly high, averaging 84% for the whole country. However, the national success rate for live animal confiscation is only 35% for publicly reported cases.

Action: Hold local governments accountable for ensuring businesses and citizens within their jurisdiction comply with the law and that subordinate agencies respond quickly and effectively to publicly reported wildlife crimes. Engaging and cooperating with the public is an essential part of good governance.



PULL THE PLUG ON INTERNET WILDLIFE CRIME

Internet wildlife crime is on the rise as online markets are flooded with ivory, tiger parts, and other high-value wildlife products. Additionally, online sales of native and exotic illegal pets are booming in response to growing trends. Wildlife criminals are taking full advantage of online anonymity, with wide scale supplying of illegal wildlife and wildlife products to a large range of consumers.

In response to increasing internet wildlife crime, various online social media and shopping platforms such as Facebook, Google, Zalo and Shopee have participated in the effort to reduce wildlife violations on their platforms.

Authorities are also progressively responsive to wildlife crime on the internet given the high number of online violations discovered or reported on a daily basis. However, more needs to be done to stop the proliferation of the illegal wildlife trade online.

Action: Utilize existing laws to address and eliminate the growing use of the internet for the illegal wildlife trade by including provisions that call for strict punishment for the online advertising of protected wildlife.

Aggressively investigate and pursue online suppliers that offer live animals and high-value endangered wildlife products, resulting in seizures, arrests, prosecutions, and convictions, in order to deter and eliminate other active and would-be traders.

Leverage government influence for online social media platforms to be more effective in addressing violations on their websites, in addition to recognizing the positive efforts of Facebook, Google, Zalo and Shopee in combating internet wildlife crime thus far.