

BRIEFING

CRITICAL ACTIONS TO TACKLE THE ILLEGAL WILDLIFE TRADE IN VIETNAM

WILDLIFE CRIME

IN VIETNAM

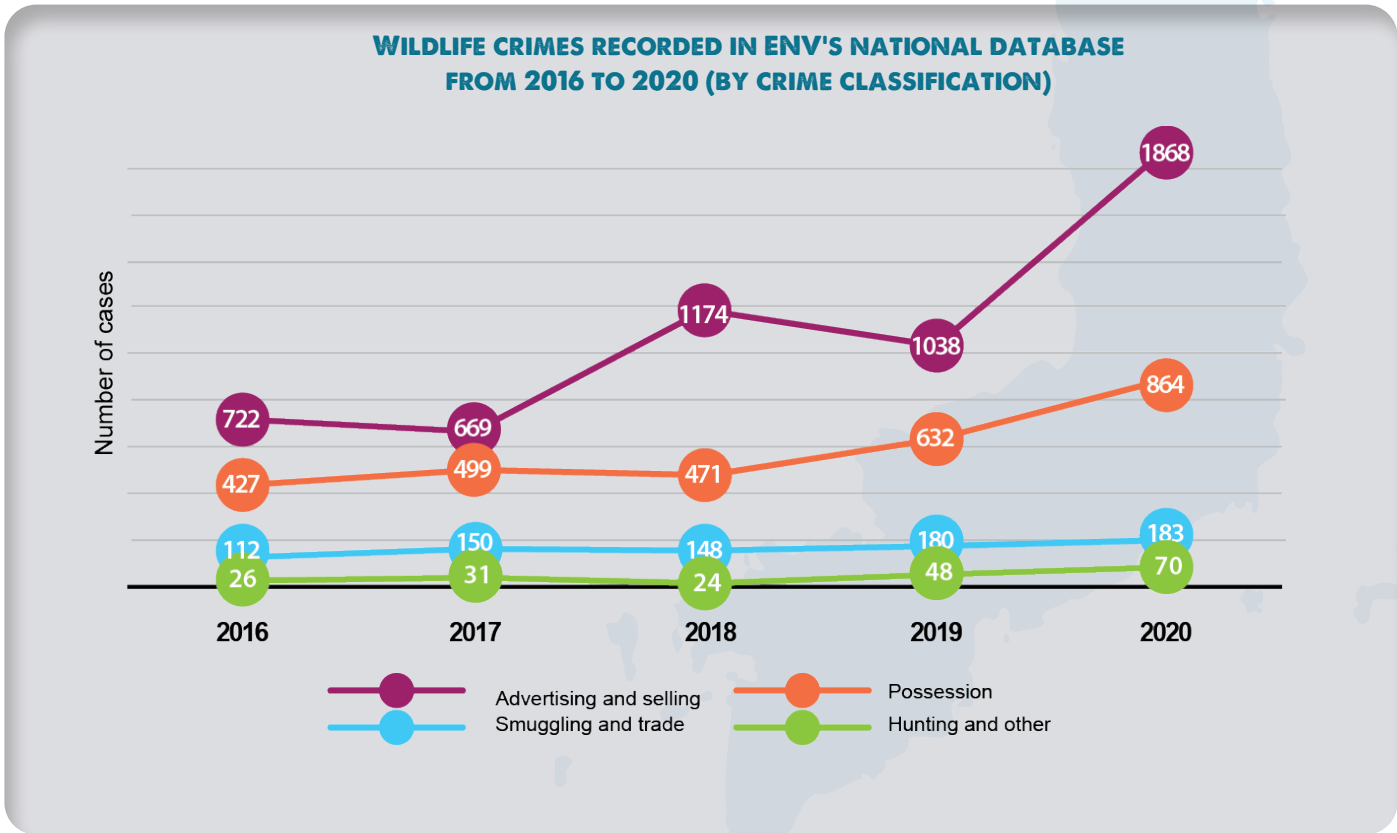
Vietnam's tropical climate has placed it amongst the 25 most biodiverse countries in the world^(*). More than 300 species of mammals, almost 900 species of birds, and more than 2,700 fish species find their home in Vietnam. Unfortunately, most of Vietnam's ecosystems and biodiversity, from the forests and wetlands to the ocean, have been under serious threat over the past decades due to overexploitation of natural resources, deforestation, and pollution. These serious threats have pushed hundreds of Vietnam's native species to the verge of extinction. Vietnam's last rhino was hunted in 2010, and tigers are considered functionally extinct. A long list of other species such as bears, pangolins, langurs, gibbons, and marine turtles have become critically endangered. Most, if not all, forested areas in Vietnam, including national parks and nature reserves, have become empty due to the uncontrolled illegal hunting of wildlife.

Vietnam has been playing a central role in the illicit global wildlife trade for the past few decades. In the 1990s, it was a major source state used to support the increasing demand for wildlife in China. However, when Vietnam could no longer supply the Chinese markets, it became a major transit state instead – a back door to China. Today, Vietnam is also internationally known as a major wildlife consumer country, and Vietnamese-led international wildlife trafficking networks operate all over the world, from Europe to Africa and even North America.

Over the past five years, ENV has documented 9,239 wildlife crime cases in Vietnam comprised of nearly 25,000 individual violations of the law. These range from minor infractions such as keeping wild animals as pets or advertising ivory products on the internet, to major seizures of rhino horn, pangolin scales, tigers, and other high-value species or products.

(*) <https://news.mongabay.com/2016/05/top-10-biodiverse-countries/>, visited on July 7, 2021.

Chart 1: Wildlife crimes recorded in ENV's national database from 2016 to 2020 (by crime classification)



1,759 NEW CASES
5,642 VIOLATIONS
IN 2020

NEARLY **100 TONNES**
OF IVORY, RHINO HORN, AND PANGOLIN
SCALES HAVE BEEN SEIZED SINCE 2015

16,556 DOCUMENTED
VIOLATIONS IN **12%** OF THE
SURVEYED CONSUMER ESTABLISHMENTS,
WHICH INCLUDED RESTAURANTS, BARS, MARKETS, AND PET SHOPS
IN 2013-2020



It is inarguable that the illegal wildlife trade not only harms the country's biodiversity and increases the risk of zoonotic diseases, but also impacts global biodiversity and reflects poorly upon the country's image in the eyes of the international community.

In addition, ENV has witnessed a substantial rise in the sale and advertisement of wildlife online as illegal markets shift from traditional fixed locations to "online marketplaces" where enforcement is more difficult. In 2020, ENV logged **1,759** new cases comprised of **5,642** violations involving live animals, parts, or products on the internet.

Moreover, since just as recent as 2015, nearly **100 tonnes** of ivory, rhino horn, and pangolin scales have been seized at major shipping ports and airports in Vietnam. This substantial volume more than likely reflects a minute percentage of the total volume smuggled into Vietnam over this period. Seizures outside of Vietnam of ivory and pangolin scales heading to Vietnam during this same period account for an additional **76 tonnes**.

Whether it be ivory, rhino horn, pangolin scales, or lion bone from the African continent,

marine turtle shell from as far away as North America, live pangolins, tortoises, and freshwater turtles, from neighboring states, or any number of other species sourced domestically or from abroad supplying Vietnamese or Chinese consumers, immensely profitable criminal enterprises stand behind the transnational trafficking of illegal wildlife, and the leadership of these networks operates with near impunity beyond the reach of law.

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In order for Vietnam to be successful in the fight against the illegal wildlife trade, these efforts require a coordinated, strategic, and comprehensive approach from many fronts simultaneously.

CRITICAL ACTIONS

FOR COMBATING WILDLIFE CRIME IN VIETNAM

ENV has identified the 10 below critical actions that the Vietnamese government should take in order to effectively tackle the illegal wildlife trade in Vietnam.

Take down the leaders of wildlife criminal networks



Strengthen management of conservation facilities and non-commercial facilities

Eradicate corruption



Finish the job: End bear farming in Vietnam

Establish effective deterrents



Strictly regulate and manage commercial wildlife farms

Reduce the risk of future pandemics associated with wildlife consumption and trade



Hold local authorities responsible for eradicating wildlife crime in their jurisdictions

Implement a clear ban on any form of commercial trade of endangered species



Pull the plug on internet wildlife crime



1

Take down the leaders of wildlife criminal networks

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

The first of these instances was the groundbreaking case of Nguyen Mau Chien, an international wildlife trafficker who led a rhino horn and ivory smuggling network operating in a number of African countries. Following the April 2017 seizure of rhino horn, ivory, tigers, and other wildlife products linked to his wildlife trafficking network, Chien was sentenced to 23 months in prison.

Less than a year later, the 2018 trial of Hoang Tuan Hai, co-leader of Vietnam’s largest marine turtle trafficking network, resulted in a sentence of four and a half years 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 sentenced to prison for eight 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. Hue, the head of a major tiger trafficking operation and partial owner of a well-known tiger farm in Laos, was arrested in July 2019 in possession of seven frozen tiger cubs.

Despite these victories, a number of major wildlife trafficking networks continue to thrive, moving ivory, rhino horn, pangolin scales, tigers, and other illegal wildlife products.

Action: It is of the highest priority for law enforcement agencies to target criminal enterprises and their leadership by initiating 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. To achieve change, criminal networks and their leadership must be targeted with arrest, prosecution, and imprisonment, thereby compromising their ability to operate and resulting in the elimination of their enterprises.

Notably, a major emphasis in targeting the leadership of trafficking networks needs to be placed on investigating major seizures at shipping ports and airports and linking these seizures to trafficking networks. For example, of the 29 major ivory and pangolin seizures at shipping ports between 2014 and 2020 (comprised of 76 tonnes of ivory and pangolin scales), only three cases resulted in identification of suspects, arrests, and prosecutions, and all three of those cases were in Da Nang.

These shipments belong to the leaders of major trafficking networks, and securing arrests and prosecutions of these “kingpins” is critical in order for Vietnam to effectively meet its national and international obligations to reduce and eliminate the country’s substantial role in transnational wildlife crime.



2 Eradicate corruption

Corruption comes in many forms, ranging from the issuance of commercial wildlife farm permits that provide a cover for criminal laundering operations, or letting criminals go free 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: Vietnam must apply much stricter punishment for every instance of corruption, require higher standards of integrity among officials, increase transparency, and promote accountability within the criminal justice system to be able to effectively tackle corruption.



3 Establish effective deterrents

Vietnam has taken significant steps in strengthening wildlife protection legislation, especially since the enactment of the revised Penal Code in early 2018. However, the value of what is widely considered to be an excellent law can only be truly measured by how it is applied within the criminal justice system.

Now, three years after the Penal Code came into effect, ENV can report a very positive trend occurring, as law enforcement agencies are taking a more serious stance in addressing wildlife crime, and most courts have adopted a much stricter approach toward deterring wildlife crime by issuing longer prison sentences to subjects convicted of serious wildlife crimes.

Table 1: Court performance by verdict date from 2015 to 2020

	2015	2016	2017	2018	2019	2020
Prosecutions	24	54	64	60	90	122
No. of cases resulting in prison term(s)	11	19	19	27	45	62
Percentage of cases resulting in prison term(s)	45.8%	35.1%	29.6%	45%	50%	50.8%
No. of subjects imprisoned	15	22	27	35	80	99
Average prison term (years)	0.98	1.55	1.21	3.22	4.5	4.38

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 make wildlife crime less attractive and effectively deter criminal activity.

Action: ENV calls upon prosecutors and judges throughout Vietnam to exercise “zero tolerance, zero sympathy, zero self-interest” in wildlife trafficking cases. In order to effect change, law enforcement agencies and the courts should apply the Penal Code to the fullest extent. Taking steps to arrest, prosecute, convict, and punish wildlife traffickers is critical to achieving deterrence for criminal behavior.



4

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, ARS, Ebola, MERS, and now likely Covid-19. Covid-19 will not be the last of these infectious diseases if we do not change our attitude and behavior towards nature and wildlife.

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

Action: Raising public awareness of 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.



5

Implement a clear ban on any form of commercial trade of endangered species

The commercial trade of endangered species does not promote wildlife conservation, but instead inevitably hinders and harms legitimate conservation efforts and places wild populations of endangered species at greater risk. If a species is at risk in the wild, commercial farming has proven beyond reasonable doubt that legalizing the trade of the species has a detrimental, if not devastating, impact on wild populations of the species. The Siamese crocodile is an excellent example, with wild populations having been wiped out mainly as a result of commercial farming of the species.

Additionally, the legalization of some wildlife products compromises enforcement by making it difficult for law enforcement to distinguish between legal and illegal products. Legal trade of some species such as rhino horn or lion bone may also have the negative impact of increasing consumer demand due to increased market availability, ultimately placing more pressure on wild populations of the species.

The bottom line is: If the species is endangered in the wild, it should not be traded in any form whatsoever.

Action: The government should make it clear in regulations that the farming and commercial trade of endangered species like tigers, bears, pangolins, and parts or products from endangered species is strictly prohibited. Breeding of endangered species should only be allowed under strictly regulated and controlled conditions with tangible benefits to conservation.



6

Strengthen management of conservation facilities and non-commercial facilities

The loose nature of current legislation regarding the management of conservation facilities and non-commercial facilities presents a threat to Vietnam's biodiversity. The increasing number and development of privately owned zoos, safaris, and ecotourism facilities requires more stringent regulations and enforcement, especially to ensure that animals are legally sourced and that these licensed non-commercial facilities do not engage in any form of commercial trade. It is also important to consider how these facilities contribute to conservation, whether their role is educating the public, conservation breeding, rescue, or scientific research.

Some of these facilities operate within the law for the most part, but others engage in laundering wildlife, selling animals like tigers, exploiting captive animals like bears for bile, or running commercial wildlife trading operations behind the scenes.

Action: Revise the law to 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 and loss of operational licenses in cases where regulations are seriously breached.

Those non-commercial facilities that violate wildlife protection laws should be closed. In contrast, non-commercial facilities that are in compliance with wildlife protection laws and contribute to conservation should become role models for new facilities as they develop.



7

Finish the job: End bear farming in Vietnam

With about 327 bears remaining on farms in Vietnam and 40 bear-farm free provinces, we are significantly closer to reaching an end to bear farming in Vietnam once and for all.

However, progress on this final push is hampered by the still-high number of bears kept in certain provinces, namely Hanoi and Ho Chi Minh City, and especially Hanoi's Phuc Tho district – a stronghold for the illegal bear bile business. Local households in Phuc Tho alone account for nearly 149 captive bile bears – around 43% of all captive bears in Vietnam.

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, and Nghe An – provinces that retain high numbers of captive bile bears – should follow suit and end bear farming in their provinces.



8

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 the 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).



9

Hold local authorities responsible for eradicating wildlife crime in their jurisdictions

Evidence from surveys of restaurants and other business establishments in ten major cities shows that about 12% of the businesses inspected had violations of wildlife protection laws. ENV believes that ward/commune, district, city, and provincial governments are responsible for doing their very best to reduce wildlife crime within their respective jurisdictions. While subordinate agencies represent the arm of local government, it is the local government and its leaders that bear the responsibility for how effective they are in reducing and eliminating wildlife crime within the jurisdiction they lead. Nearly 100% of all consumer crime can be eliminated if local governments commit resources to raising awareness and enforcing the law, establishing deterrents and maintaining a sustained level of monitoring to ensure compliance.

Action: Hold local governments accountable for ensuring businesses and citizens within their jurisdictions 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.



10

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.

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. Furthermore, aggressively investigate and pursue online suppliers that offer live animals and high-value endangered wildlife products, in order to deter and eliminate other active and would-be traders. Finally, leverage government influence for online social media platforms to be more effective in addressing violations on their platforms and websites.



EDUCATION FOR NATURE VIETNAM

Education for Nature – Vietnam (ENV) was established in 2000 as Vietnam's first non-governmental organization focused on the conservation of nature and the protection of the environment. ENV combats the illegal wildlife trade and aims to foster greater understanding amongst the Vietnamese public about the need to protect nature and wildlife. ENV works closely with government partners to strengthen policy and legislation, and directly supports enforcement efforts in the protection of endangered species of regional, national, and global significance. ENV also employs creative and innovative strategies to influence public attitudes and reduce demand for wildlife trade products.

Since 2007, ENV has focused its activities on three major program areas that comprise ENV's integrated strategic approach for addressing illegal wildlife trade in Vietnam. These include:

- Working with policy-makers to strengthen legislation, close loopholes in the law, and promote effective application of laws and policy that protect wildlife;
- Strengthening enforcement through direct support and assistance to law enforcement agencies in combatting wildlife crime;
- Reducing consumer demand for wildlife products through investment in a long-term and sustained effort to influence public attitudes and behavior, including mobilizing public participation and action protecting wildlife by reporting wildlife crime.



ACTION AGAINST EXTINCTION

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