



COUNTER WILDLIFE TRAFFICKING PRIORITIES 2023

In 2016, ENV first identified ten critical actions that Vietnam should take to stop the illegal wildlife trade and positively impact the future of Vietnam’s endangered wildlife, as well as to reduce and ultimately eliminate Vietnam’s role in global wildlife trafficking. In 2023, ENV identified the 10 following priorities for countering wildlife trafficking in Vietnam:



1 TAKE DOWN MAJOR INTERNATIONAL TRAFFICKING NETWORKS AND THEIR LEADERS

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

Since 2017, police investigations have led to the arrest of FOUR major top-tier international wildlife traffickers. Two additional “kingpins” are in prison for other crimes.

These four success stories include the arrest and prosecution of Nguyen Mau Chien, an international wildlife trafficker who led a rhino horn and ivory smuggling network operating in a number of African countries. This was followed by the 2018 trial of Hoang Tuan Hai, co-leader of Vietnam’s largest marine turtle trafficking network, which resulted in a sentence of four and a half years in prison. In 2019 and 2020, two notorious wildlife trafficking kingpins, Nguyen Huu Hue and Nguyen Van Nam, were sentenced to prison for eight and six years respectively.

While we should be proud of the progress, we should also realize that the game isn’t over yet. There are currently at least 14 known “kingpins” behind the trafficking of large quantities of ivory, pangolin scales, and rhino horns into or through Vietnam.

While the seizure of goods is a vital part of tackling the illegal wildlife trade, investigations that lead to the arrest of these senior traffickers in organized international criminal networks are essential if Vietnam is to have any significant impact on ending wildlife trafficking. If these individuals were to face prosecution, Vietnam’s role in international wildlife trafficking

Action: *It is of the highest priority for law enforcement agencies to invest time and resources into investigations that strategically target the leadership of major international and national criminal networks that traffic wildlife, resulting in arrests, prosecutions, and strict punishments, as well as serving to reduce and eliminate Vietnam’s role in international wildlife trafficking.*



2 INVESTIGATE MAJOR SEIZURES AT PORTS TO ULTIMATELY IDENTIFY, ARREST, AND PROSECUTE THE SENIOR TRAFFICKERS BEHIND THESE SHIPMENTS

An assessment of major seizures at Vietnam’s ports since 2018, which together amount to just over 60 tonnes of ivory and pangolin scales, shows that only one of these major seizures resulted in an arrest. This serious gap in Vietnam’s counter-wildlife trafficking efforts highlights the need to place greater emphasis on investigating port seizure cases and identifying the criminal networks that own these shipments.

ENV urges law enforcement authorities across the country to focus on targeting major trafficking networks specifically by using major seizures as opportunities to collect evidence and build cases against traffickers and their networks.

Moreover, enhancing cooperation with external law enforcement agencies is key to achieving successful outcomes. In some cases, foreign agencies are also looking at their side of the same case, as in the Da Nang seizure of July 2021, where South African law enforcement held crucial pieces of the puzzle that could have been beneficial to a prosecution in Vietnam.

Action: *Port authorities, in cooperation with other relevant enforcement agencies, must conduct in-depth investigations into major seizures at shipping ports, identifying the senior traffickers behind these shipments rather than focusing on shipping agents and other smaller players, and collaborating with external law enforcement agencies in order to achieve the successful arrest and prosecution of these wildlife trafficking kingpins to disrupt wildlife trade networks and establish effective deterrence.*

It is also critical that investigative methods include the use of technology to analyze computers, cell phones, and other evidence seized in relation to the case, as well as track the movement of money that will link investors in the shipment with other traffickers and sources.

Additionally, the Ministry of Public Security should be given immediate access at the time of the seizure to the evidence at airport and port seizures, avoiding potential delays that can complicate or adversely impact investigations.



3 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 the issuance of commercial wildlife farm permits that provide a cover for criminal laundering operations, to letting criminals go instead of arresting them, or facilitating clearance through airports, seaports, and along our land borders. After arrest, some criminals are also willing to pay a fortune in order to get reduced sentences or freedom from imprisonment.

Action: We as a country 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 that no one is above the law, and that the law is applied fairly and equitably to the benefit of society.



4 PREVENT CRIMINAL BEHAVIOR THROUGH ESTABLISHING 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, five years since the Penal Code came into effect, ENV can report a very positive trend, 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 2022

	2015	2016	2017	2018	2019	2020	2021	2022
Prosecutions	24	54	64	63	95	120	140	145
No. of cases resulting in prison term(s)	11	19	19	29	46	59	64	75
Percentage of cases resulting in prison term(s)	45.8%	35.1%	29.6%	46.0%	48.9%	49.2%	45.7%	51.7%
No. of subjects imprisoned	15	22	27	39	81	95	84	120
Average prison term (years)	0.98	1.55	1.21	3.08	4.45	4.09	3.73	3.25

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 increase the risks of wildlife trafficking 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, as well as widely disseminating such successes are critical to deterring criminal behavior.





5 ADDRESS LAUNDERING AND TIGHTEN CONTROLS OF COMMERCIAL FARMS THROUGH THE ISSUANCE OF A “CLEAN LIST” OF SPECIES VIABLE FOR FARMING

There are currently around 9,000 licensed commercial wildlife farms in Vietnam, and there are likely many more farms that are not properly accounted for or are awaiting licenses. It is self-evident that the poor regulatory controls and lack of effective oversight in wildlife farming have created an environment where profits are generated by the widespread laundering of wild animals through licensed farms.

The ways in which commercial wildlife farming currently links back to wildlife trafficking are myriad. Traffickers can buy falsified documentation from farms, representing the transported animals as being legally sourced from a licensed farm. Moreover, many facilities exist off the grid, keeping illegally sourced animals long before obtaining a farm license, with some farms keeping animals that they are not allowed to have under their license. In other cases, farms have been licensed in conflict with the law to breed endangered species, while corruption by local officials facilitates laundering and continues to undermine efforts to regulate commercial farming.

A major factor that contributes to the threat to Vietnam’s biodiversity as a result of commercial wildlife farming is the fact that a licensed farm can basically farm any species, as long as they meet certain requirements under the current law. One of these requirements is a consultation with and written response from the CITES Scientific Authority (SA) of Vietnam in the case of any regulated mammals, birds, or reptiles – a process which must occur for each new species registered. When initially registering such species for rearing at the facility, the CITES SA must ensure that the captive breeding or rearing of the animals will not adversely impact the species in nature.

This procedure, if administered in accordance with the current law, creates an administrative burden for the farm owner, owners the licensing agency, and the CITES Scientific Authority alike.

Action: Along with tighter controls and management of commercial wildlife farms, ENV is calling for the issuance of a “clean list” of species that CAN be farmed and the limiting of commercial farming to only these species. This approach increases efficiency and achieves the task of protecting species in the wild that are in need of protection from being laundered through farms and exploited for commercial purposes, while at the same time simplifying the regulations and reducing the huge administrative burden on farm owners, the licensing agency, and the CITES Scientific Authority in the licensing process.





6 DEVELOP ONE OVERARCHING LAW ON NON-COMMERCIAL/ CONSERVATION FACILITIES

The loose nature of and conflicts between current legislation regarding the management of conservation facilities and non-commercial facilities present a threat to Vietnam’s biodiversity. The increasing number and development of privately owned zoos, safaris, and ecotourism facilities require 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 and if these facilities contribute to conservation and/or serve to educate the public – the only two acceptable purposes for establishing such a facility – and exactly how such activities should be defined.

For the most part, many of these facilities operate within the law. However, illegal sourcing of animals, laundering of wildlife such as tigers at one zoo in particular, exploitation of captive animals, and commercial trade of captive wildlife all highlight the need for stricter regulations that benefit those in compliance with the law, while forcing those not in compliance to either meet the requirements of the law or cease operations.

Action: *Develop ONE law that clearly defines conservation facilities and other non-commercial facilities with detailed conditions for their establishment and effective management tools to oversee facility operations. The law must effectively prohibit commercial trade at these facilities, require all animals to be legally sourced, regulate the breeding of endangered species, and limit their establishment and operation to conservation- and educational purposes only. This new law should also include strict punishments for violations, ranging from fines for minor infractions, to criminal penalties and loss of operations licenses in cases where regulations are seriously breached.*



7 TACKLE TIGER TRAFFICKING IN AND INTO VIETNAM, ESPECIALLY IN NGHE AN PROVINCE



Since 2018, a total of 38 seizures involving 88 live and dead tigers being trafficked in Vietnam have been recorded on ENV’s Wildlife Crime Incident Tracking Database. A majority of these seizures are linked to Nghe An province, Vietnam’s hotspot and home to wildlife traffickers and illegal captive tigers.

In fact, investigations undertaken by ENV indicate that the majority of top-tier tiger traffickers – who may control as much as 60-80% of the tigers trafficked in Vietnam – are concentrated in three districts of Nghe An province. ENV has long received reports of as many as a few hundred tigers being purchased as cubs from Laos and Thailand and raised in “basements” by many households in Yen Thanh, Quynh Luu, and Dien Chau districts.

Until recently, law enforcement in the province has been reluctant to address wildlife crime in these districts, but a 2021 seizure of 17 tigers from two households marked a potential turning point reflecting the provincial government’s commitment to “clean up” tiger trafficking in the province.

Action: *The issue of tiger trafficking in Vietnam, and in particular in Nghe An province, must be tackled swiftly and effectively. ENV’s proposed solution entails focused investigations targeting the arrest and prosecution of eight identified major tiger traffickers in Nghe An province; seizure of all illegally held “basement” tigers; shutdown of registered tiger facilities in the province known to be laundering illegal tigers; cooperation with the Laotian government to close Vietnamese-owned or -operated tiger trafficking facilities based in Laos that are trafficking tigers into Vietnam; and the strengthening of effective controls at Cau Treo border gate to eliminate the flow of tiger cubs, as well as other forms of wildlife, from Laos into Vietnam.*



8

PULL THE PLUG ON WILDLIFE CRIMES ON THE INTERNET

With the current upward trend of online wildlife crime, it's important for law enforcement agencies and the justice system to take the issue seriously and agree on the most effective solution to address widespread advertising and sale of endangered wildlife on Facebook and other social media platforms.

In 2015, a total of 21% of all cases recorded by ENV involved online violations (284 cases). In 2022, the percentage of online crimes jumped to 49% (1,686) of all cases. Online sales of wildlife are the new marketplace, with many aspects benefiting the perpetrators: The seller is better insulated from detection, he/she does not have to possess products but only needs access to the product, it is more profitable given decreased overhead costs, and sales can reach a much larger customer base online.

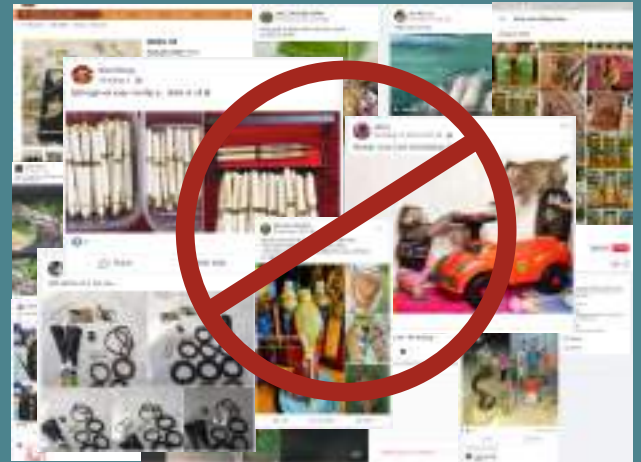
With the rapid development of online wildlife crime in the past few years, it is understandable that law enforcement agencies would be ill-equipped and unprepared to deal with this new form of crime. Given the volume and the nature of the crime, the approach cannot possibly be to try and address each and every violation.

Consequently, the approach must be strategic and aimed at targeting major suppliers while focusing on deterrence. ENV believes that about 90% of all online wildlife crimes can be addressed through establishing and communicating effective deterrence. In other words, if the risks of punishment are present and suitably strict, most people will follow the law. In order to establish those risks, we need both effective laws – which we have for the most part – and

effective enforcement and punishment to make examples of a few in order to influence the many.

ENV argues that there must be a clear and sustained campaign by enforcement agencies throughout the country to address online wildlife crime, with the aim of generating enough examples through serious fines – and in cases where the subject is a major online seller, arrest and prosecution – to deter all but the most stubborn criminals from engaging in the online sale of wildlife.

Action: Instructions must be issued to provincial law enforcement agencies to actively strengthen law enforcement with relation to online markets and suppliers of illegal wildlife, followed by the issuance of heavy fines as allowed under the law, and the arrest, prosecution, and imprisonment of serious violators to



9

FINISH THE JOB: ENDING BEAR BILE FARMING IN VIETNAM AND CLOSING DOWN ALL BEAR FARMS IN THE NATION'S CAPITAL



With about 250 bile bears remaining on farms in Vietnam and 43 bear farm-free provinces, the end of bear farming is well within our grasp.

However, ending bear bile farming in the nation's capital, the country's biggest hotspot for bile farms, should be our first priority. In total, 135 bears remain on bear farms in Hanoi, accounting for 54% of the national total, and Phuc Tho district alone is home to most of Hanoi's 24 remaining bear farms.

Recent steps by provincial government and law enforcement in Hanoi, such as the issuance of an instruction from the Hanoi People's Committee relating to the protection of bears and management of bear farms, the May 2022 arrest of a Phuc Tho bear farmer in possession of

350 vials of bear bile – which led to the closure of the farm and transfer of the owner’s remaining bears – and the February 2023 transfer of five more bears from another farm all demonstrate excellent progress towards tackling the issue, but more needs to be done to ensure that bear bile farming is completely eradicated in Vietnam’s capital.

Action: Given the high ratio of bears kept on farms in Hanoi in comparison to all other bear-keeping provinces in Vietnam, as well as its status as the country’s capital and model to other provinces, phasing out bear bile farming in Hanoi is simply not enough. The Hanoi and Phuc Tho People’s Committees should set a timeline for ending bear bile farming in the capital and address the issue once and for all, so that other remaining bear-keeping provinces can follow suit.



10

ARREST THE GROWTH OF THE EXOTIC SPECIES TRADE



The trade in exotic species – mainly for keeping as pets – represents a growing trend in Vietnam, particularly among the younger generations. In the past two years alone, the ENV Wildlife Crime Incident Tracking Database recorded more than 288 cases involving more than 9,700 exotic wildlife individuals being traded or kept.

The number of animals that ENV has documented in the exotic pet trade is only the tip of the iceberg. Exotic species pose potential threats to native biodiversity and human health, and impact global efforts to protect endangered species.

Unfortunately, while all captive wildlife must be accompanied by proof of legal origin, the law does not specifically address the keeping of non-native species as pets. In fact, most exotic species pet owners do not have legal papers for the animals they are keeping, and in some cases, breeding. The result is a large and growing hobbyist community keeping, breeding, and selling reptiles, birds, and some exotic mammal species.

Action: It is critical that the government take steps to proactively address the rise of the exotic species trade in Vietnam, before there is widespread introduction of non-native species to the wild, and before the illegal market grows to a point where the crisis is unmanageable.

In addition to putting in place specific regulations on keeping wildlife (and exotic species in particular) as pets, as well as imposing a ban on the release of exotic species into the wild, it’s also important that law enforcement agencies strictly monitor and handle violations involving exotic species, as well as strengthening international border management and monitoring to prevent exotic species from entering Vietnam without legal documentation.

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 employs creative and innovative strategies to influence public attitudes and reduce demand for wildlife trade products. 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 STRATEGIC PROGRAMS

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.



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