

10 CRITICAL ACTIONS

FOR VIETNAM TO STOP THE ILLEGAL TRADE OF ENDANGERED WILDLIFE

1. TAKE DOWN THE LEADERS OF CRIMINAL NETWORKS

In a ground-breaking prosecution in 2018, Vietnam for the first time convicted the leader of a major international wildlife trafficking network. Nguyen Mau Chien was sentenced to 13 months in prison following the April 2017 seizure of rhino horn, ivory, tigers and other wildlife products.

Another notable case was the prosecution of a major marine turtle trafficker, Hoang Tuan Hai. Hai was sentenced to four years and six months in prison for his involvement in trafficking approximately 10 metric tonnes of marine turtles seized from warehouses operated by Hai and his brother in late 2014.

While these successes can be considered substantial achievements, major wildlife trafficking networks continue to operate with near impunity, smuggling tonnes of ivory, rhino horn, and pangolin scales, as well as tigers, bears, and other endangered wildlife.

Action: It is a priority for law enforcement agencies to target criminal enterprises and their leadership, undertaking in-depth investigations that focus on arresting and prosecuting “kingpins” for their role in leading criminal enterprises that profit from organized criminal activity trafficking endangered wildlife. Successfully seizing large quantities of wildlife is always a positive development to be applauded, but the authorities cannot have a real impact on wildlife trafficking until efforts target the criminal organizations that traffic wildlife, and their leadership.

2. ERADICATE CORRUPTION

Corruption is one of the most sensitive but crucial challenges that Vietnam faces in combatting wildlife crime, especially in cases involving the smuggling of high value products like rhino horn and ivory. Criminals circumvent the law at every stage of the trafficking process from paying authorities to bypass inspection at border points and backroom deals with law enforcement to avoid arrest or reduce charges, to purchasing freedom in the courts.

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 goods, and act in the best interests of the country by upholding the law. Vietnam must apply higher standards and increase accountability within the criminal justice system to tackle corruption and ensure that the law is applied consistently and effectively, and that no one is above the law.

Indeed, most traffickers would simply cease to ship tonnes of ivory to Vietnam if the risk of loss were increased, and they did not ‘own’ safe routes into the country.

3. ESTABLISH EFFECTIVE LEGAL DETERRENTS

Vietnam has made significant steps forward in strengthening wildlife protection legislation, especially the enactment of the revised Criminal Code in early 2018. By some accounts, the revised Criminal Code is a “dream law” as it closes loopholes, increases punishment for serious offenses, and incorporates a foundation on which the criminal justice system can effectively deter wildlife crime.

An analysis of prosecutions for wildlife trafficking offenses in 2018 (for which the outcome is known) indicates a sea change in penalties imposed in comparison with the sentences before the Penal Code 2015 took effect. Additionally, in the 19 cases brought to trial in 2018, 12 subjects in 10 cases were given a jail sentence. This indicates a growing determination by the judiciary system and law enforcement agencies to apply zero tolerance to wildlife crime.

Action: Establishing a strong deterrence is a critical component of any successful strategy to reduce and eliminate criminal activity. At present, the risks of engaging in wildlife trafficking are low, while the profits are lucrative. However, when the law is fully applied, the risks increase making the prospects of profitability less attractive, effectively deterring criminal activity.

Law enforcement agencies and the courts should apply the Penal Code to its fullest extent, especially in ALL serious cases involving high value species and when prosecuting key members of major criminal networks. ENV calls upon prosecutors and judges throughout Vietnam to exercise “zero tolerance, zero sympathy, zero self-interest” in wildlife trafficking cases.

4. BAN RHINO HORN TRADE IN ANY FORM

In the wake of the global rhino crisis, Vietnam has steadily made progress to reduce the demand for rhino horn and strengthen the legislation aimed at eliminating the smuggling of rhino horns. Despite the actions of some countries at the supply end of the rhino horn trade that would open the door to legal trade of rhino horn and other high value wildlife products, Vietnam has remained committed to curbing the demand and eliminating the rhino horn trade within our country.

Action: Vietnam should maintain the ban on any form of rhino horn trade, including the trade of trophies.

5. DESTROY ALL STOCKPILES OF CONFISCATED IVORY AND RHINO HORN

Vietnam conducted its first official “ivory crush” in Hanoi in November 2016. This was a very positive first step by Vietnam in dealing with the growing stockpiles of confiscated ivory and rhino horn, estimated to exceed 50 tonnes.

Following the Hanoi ivory destruction, in early 2017 Lao Cai provincial authorities destroyed 43 elephant tusks that were confiscated in 2015. This independent action by Lao Cai was significant in that it was perhaps the first time that a province independently disposed of confiscated ivory stock in Vietnam.

Action: Since early 2017, there have been very few stockpile destructions of confiscated ivory or rhino horn in Vietnam. ENV contends that destruction of ivory AND rhino horn should become the routine outcome following the conclusion of cases involving seizures. Small samples of confiscated ivory and rhino horn should only be retained by state authorities for the purpose of DNA analysis and mapping, education and training, and scientific research.





6. STRICTLY MONITOR TIGER FARMS AND STOP UNCONTROLLED BREEDING OF TIGERS AT ZOOS AND RESCUE CENTERS

Tiger farming is insufficiently regulated in Vietnam. Since 2010, the number of tigers in captivity has increased by roughly 197%, with approximately 241 tigers currently being kept at 17 private zoos and facilities.

It is strongly suspected that some of these private facilities are laundering tigers from other sources, and one or more facilities have sought to sell tiger cubs. Additionally, many of the facilities are actively breeding tigers in captivity, which could potentially lead to a proliferation in captive tiger numbers, and if left unchecked, risks becoming a serious management problem for the authorities in the immediate future.

Arresting the development of captive tiger populations is critical in addressing the illegal trade of tigers and preventing another crisis similar to the 2005 bear farm crisis during which local authorities permitted thousands of illegally sourced bears to accumulate on bile farms.

Action: Tightly control captive populations through a registration and microchipping program, alongside restrictive measures on breeding, management and movement of tigers, a requirement for dead tigers to be notified and registration of new tigers in cases where they are legally sourced.

7. FINISH THE JOB: END BEAR FARMING IN VIETNAM

As of the end of 2018, there are a total of approximately 750 bears in captivity in Vietnam, a significant decrease from about 4,300 in 2005. In addition to a steady decline in the number of bile farm bears due to attrition, an increasing number of bear owners are voluntarily handing over their captive bears to the authorities, indicating recognition by bear owners that bear bile farming is a remnant of the past, and coming to an end. Moreover, provincial governments are increasingly acting to become “bear farm-free” provinces, and authorities in most provinces are pursuing bear-related violations, including advertising and sale of bear parts, more aggressively.

Action: ENV calls on other provinces, especially Hanoi and Ho Chi Minh City, where large numbers of bile bears remain in captivity to follow suit and become “bear farm-free” provinces. The bear bile industry is a relic of the past and this cruel and illegal business has no place in a modern Vietnam.

8. STRICTLY CONTROL THE LICENSING OF COMMERCIAL WILDLIFE FARMS

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 nearly all of their captive stock is sourced from the wild.

Action: Establish clear and effective regulations on management of commercial wildlife farms that serve to address serious flaws in current management, such as the laundering of wildlife through farms, the lack of punitive measures for owners that violate the law, the lack of effective monitoring by enforcement agencies, and the lack of clear guidance and evidence-based scientific input identifying species that can be commercially farmed (without detrimental impact on wild populations).

Moreover, prohibit the commercial farming of ANY and ALL endangered species regardless of origin, including clarifying this restriction in revisions of decrees that are currently being drafted by the Ministry of Agriculture and Rural Development.

Lastly, ban further licensing of “conservation facilities” until legislation defines the purpose and permitted activities of these facilities, banning commercial trade of wildlife at these facilities, and requiring licensed facilities to provide clear proof showing how the facility will contribute to conservation prior to obtaining a license.

9. HOLD LOCAL AUTHORITIES RESPONSIBLE FOR ERADICATING CONSUMER WILDLIFE CRIME IN THEIR JURISDICTIONS

Local People’s Committees at the village, commune, district, and provincial level have a responsibility to ensure that businesses operating within their jurisdictions, such as restaurants, traditional medicine shops, and other consumer establishments, remain in compliance with wildlife protection laws, and do not offer illegal wildlife or wildlife products to consumers.

Consumer crime reduction campaigns carried out in six major cities show that violations by retail establishments have decreased in areas where the local government has prioritized enforcement. For example, the overall results of ENV’s Consumer wildlife crime reduction campaign in Ho Chi Minh City, Hanoi, Hue, Can Tho, Ba Ria – Vung Tau and Khanh Hoa show the prevalence of violation decreased to 55% after the intervention of local authorities. In particular, the authorities of Hue City and Phu Nhuan district of Ho Chi Minh City were outstanding in addressing 100% of the wildlife violation notified by ENV.

“Cleaning up” the district is the responsibility of local government and the capacity of local government to do so is, in a way, a reflection of their willingness to take responsibility and effectively administer their subordinate agencies in performing their duties.

Action: Issue clear instructions to the People’s Committees at the commune, district, and municipal levels to engage in efforts supported by subordinate functional agencies to effectively eradicate consumer wildlife crime in their jurisdictions, including addressing advertising, selling, and possession of wildlife in violation of the law. Local government can be most effective if they are held accountable for ensuring that businesses within their respective communities comply with the law.

10. PULL THE PLUG ON INTERNET WILDLIFE CRIME:

While wildlife crime appears to be in decline at retail establishments in major cities across Vietnam, internet wildlife crime is on the rise as the online market for ivory, tiger products, and other high value wildlife, as well as both native and exotic pets, has become trendy in recent years.

Action: Utilize existing laws to address and eliminate the growing use of the internet to advertise and sell endangered wildlife in Vietnam through: (1) Requiring corporates owning e-commerce websites to delete violating advertisement of endangered species; (2) Developing a mechanism to pursue and shut down social media channels belonging to individuals that advertise and sell wildlife on social media platforms (such as Facebook). Aggressively investigate and pursue suppliers that offer live animals and high value endangered wildlife products with the aim of achieving arrests and prosecutions.

For more information about how we can work together, contact:

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Find ENV’s guidance on Wildlife protection law here:

<http://www.envvietnam.org>