

## Secretariat's overview on Parties that have 'substantially achieved' their NIAPs

### China

#### Key findings of the ETIS report prepared for CoP17

The Elephant Trade Information System (ETIS) report submitted to the 17th meeting of the Conference of the Parties (CoP17, Johannesburg, 2016) (the Annex to [Document 57.6 Rev.1](#)), identifies China as belonging to the group of countries that account for the greatest quantity of illegal trade in ivory. The ETIS report states that these countries have been highly impacted by illicit ivory trade movements and were part of the trade chains in 94% of the large-scale ivory seizures reportedly made, that represent higher-level criminal activity since 2009 (Figure 7 and Table 3, ETIS report).

The report further highlights China as having the highest values for the mean number of seizures and the mean weight of ivory seized, according to seizures data, with the country continuing to be a major destination for illicit ivory. The proportion of seizures that involved large movements of ivory, and hence the presence of higher-level organised crime, is reported to have decreased somewhat to about half of the weight of ivory seized when compared to previous assessments.

The report states that China's *rule of law* indicator is well below average and could signal problematic challenges while China's law enforcement effort ratio is the highest in the analysis suggesting dedicated performance overall in terms of interdicting illicit ivory. The report concludes that the high number of non-criminal seizures with low weight values indicate ongoing commitment in terms of policing people and cargo coming into China.

The report prepared for CoP17 highlights that since 2002, successive ETIS analyses identified China's domestic ivory market as the key driver behind illicit trade in ivory. China's domestic ivory market score is the highest in the ETIS analysis and the report states that this comes at a time when the legal ivory trading system has been criticised for regulatory abuse, and illicit internet and social media trade beyond physical markets has come into greater focus as a problematic law enforcement challenge.

The report states that since 2002 China continues to be the main end-use destination for ivory from Africa, although most recently significant quantities of raw and worked ivory have also been seized coming from Japan. Since 2005, China has allowed a domestic ivory trade subject to strict regulation; non-compliance with certain provisions of these regulations have been a serious issue spurring illegal trade in recent years. Following CoP16, the Chinese government clarified the necessity for accredited ivory dealers to have and publicly display ivory product certification cards for all retail inventory and that such cards must be given to consumers at the time of purchase. Since 2013, law enforcement actions in China resulted in at least seven manufacturers and 27 accredited retailers losing their licences.

The report highlights that on 26 February 2015 China imposed a one-year trade ban on the import of ivory carvings acquired after CITES took effect in 1975, including worked ivory trade under Namibia and Zimbabwe's annotation to the Appendix II listing of their elephant populations. Later in the year, further measures prohibited the import of elephant trophies through 15 October 2016. Both of these trade bans, and a trade ban on pre-Convention ivory carvings were subsequently extended by China through December 2019.

The report states that the many proactive actions taken by the authorities in China since CoP16 are not yet showing consequential impact sufficient to displace its position as country of 'primary concern' in the analysis. The report however also states that deeper assessment of the ETIS Transaction Index suggests some measure of positive change, and that the proportion of trade activity that concerns China and Hong Kong SAR collectively against that for all other countries has not grown further and has dropped below 30% for the first time in 2014 (Figure 9). The report concludes that there is a suggestion that further expansion of the Chinese ivory market has been somewhat arrested and that decline could potentially become more rapid under the right set of circumstances.

The report notes that awareness raising activities, including two highly-publicized ivory destruction events and various demand reduction initiatives, were unfolding in China. Dedicated law enforcement to stop ivory coming into China and to address illicit ivory trade in the Chinese market and through the internet is reported to have

continued, including some novel partnerships with NGOs and private sector players. The report states that evidence from on-going market monitoring suggests that illegal channels for retail ivory trade are progressively moving away from physical markets to e-commerce through the internet, including exclusive social media platforms that function on an invitation-only basis, using courier delivery services to move products to consumers. The report states that such trade obviously presents difficult law enforcement challenges not just for China but for countries all over the world. Further, active cross-border wildlife markets in Viet Nam, Myanmar and Lao PDR have developed primarily for Chinese consumers with little apparent interference from the authorities in these neighbouring countries.

According to the report, a great impediment to major improvement seems to rest on the fact that Chinese nationals remain prominently engaged in the procurement of illegal ivory in African source countries. It is reported that Asian criminal networks, often in collaboration with local political and economic figures, completely dominate the supply of raw ivory out of Africa. The report further states that this is exacerbated by increasing evidence of direct involvement of Chinese nationals in Africa-based ivory processing operations in many countries, including Angola, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Mozambique, Nigeria, South Africa and Zimbabwe, with production (primarily bangles, name seals and chopsticks) being shipped to Asia using courier companies as well as individuals who sometimes carry contraband on their bodies using specially adapted clothing. Finally, Chinese nationals based in Africa are identified in most market surveys as active ivory consumers in Africa's unregulated ivory markets.

The ETIS report states that China does not fulfil its reporting obligations under the Convention on the status of its ivory stockpiles.

### **Overview of NIAP implementation by China**

The detailed evaluation of the Secretariat on progress made by China with the implementation of its NIAP, prepared for the 65th meeting of the Standing Committee (SC65, Geneva, July 2014) is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the 11 actions in China's NIAP at the time, the Secretariat rated seven actions as 'substantially achieved', two as 'on track' for achievement and two as 'unclear'. The Secretariat noted that the positive evaluation reflected the efforts and commitment demonstrated by China in the delivery of its NIAP. It was further noted that there has also been a range of activities to strengthen collaboration with range and transit States and to provide enforcement assistance to range States in Africa. In particular, the substantial progress made with the implementation of actions under the category of international enforcement collaboration was acknowledged. The Secretariat also noted that many other actions were rated as either 'substantially achieved' or 'on track' for achievement based on the reported progress, but indicated that for some actions the evaluation of the progress made would have benefited from clearer milestones and more specific timeframes, and that as timeframes in the plan have been allocated against groups of activities rather than individual steps it was at times difficult to fully evaluate progress.

The detailed evaluation of the Secretariat on progress made by China with the implementation of its NIAP, prepared for the 66th meeting of the Standing Committee (SC66, January 2106) is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1). The Secretariat noted that China added three actions to its NIAP following SC65, related to stricter regulations for import and sale of ivory (short-term ban on import of some ivory products and phase out of domestic ivory trade, public destruction of confiscated ivory and training seminars on ivory trade for courier companies, international ivory retailers and hunting agencies). The Secretariat further noted that the progress report submitted by China indicates that the Party has continued implementation across the breadth of the NIAP between SC65 and SC66, and achieved most of the milestones in the revised NIAP. Key activities implemented since SC65 included continued strong international collaboration, such as participation in international enforcement operations, the convening of an expert workshop on demand-side strategies for curbing illegal ivory trade and the provision of training seminars for 10 countries in Africa and nine in Asia. It was reported that control of domestic trade in ivory has been strengthened through the establishment of new databases for ivory registration and awareness-raising activities such as the reporting of ivory seizures by mass media, the destruction of almost seven tonnes of confiscated ivory and seminars for courier companies, hunting companies and online traders took place. The Secretariat stated that the enhanced commitments of China to strengthen domestic laws for import and sale of ivory are positively noted. It was also noted that the drafting of regulations and associated actions to phase out the domestic retail of ivory is still underway, but appears to be progressing smoothly. The Secretariat also noted that while targeted enforcement operations and their results have been detailed, further information on the inspection schedules for ivory manufacturers and retailers would be valuable, and that information on China's use of forensics to investigate large-scale ivory seizures would also be of interest. The Secretariat's assessment concluded that China 'substantially achieved' its NIAP.

The Secretariat was not requested by the Standing Committee to evaluate the report submitted by China for the 67th meeting of the Standing Committee (SC67, Johannesburg, September 2016). This report is available as

Annex 2 to document SC67 Doc. 13. The report highlights policy developments and further measures taken by China since SC66 to implement its NIAP and to combat illegal ivory trade, such as the publication of Bulletin No. 3-2016, suspending the import of tusks and ivory carvings of *Elephantidae* spp. under different circumstances for the period 20 March 2016 until 31 December 2019, and a revised version of the “Law of the People’s Republic of China on the Protection of Wildlife” to be reviewed by the National People’s Congress of China. Furthermore, China reported that it planned to publish a schedule for the suspension of domestic commercial ivory trade before the end of 2016.

### **Results of consultation with relevant experts**

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* in Annex 3 of Resolution Conf. 10.10 (Rev. CoP17), engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS, the Monitoring the Illegal Killing of Elephants (MIKE) programme, partner agencies to the International Consortium of Combatting Wildlife Crime (ICCWC), and the International Union for Conservation of Nature (IUCN) African and Asian Elephant Specialist Groups. The Secretariat notes the information provided by ETIS, which highlighted the need for improved data quality in reporting to ETIS by China, in particular with regard to ivory seized by all authorities in China, and not only those seized by China Customs as currently seems to be the case. ETIS also highlighted that China’s new policy stance is likely to raise a number of issues, and notes the importance of clear parameters for a future ivory stock management system as of 1 January 2018, because of the danger of trade shifting into illegality. The shift from internet advertising on established e-commerce sites to more private social media trading (especially WeChat, China’s general equivalent to WhatsApp) is also highlighted as a matter of increasing concern, with the input received claiming that this ‘ready’ black market channel for illegal trade could negate the potential benefit of China’s ivory trade ban. Information provided by ETIS also alluded to the role of China’s economic and physical presence in Africa. Ivory processing operations run by Chinese nationals across the continent are mentioned as a logical result of China’s domestic efforts, suggesting the need for increased support to investigations and enforcement activities in Africa by China.

## **Hong Kong Special Administrative Region (SAR) of China**

### **Key findings of the ETIS report prepared for CoP17**

The ETIS report submitted to CoP17 (in the Annex to [Document 57.6 Rev.1](#)), continues to identify Hong Kong SAR as country of ‘primary concern’, primarily due to its role as major transit conduit for large quantities of ivory. Together with Uganda and Viet Nam, Hong Kong SAR exhibits a high value for the mean number of seizures during the period 2012-2014. The report states that Hong Kong SAR has greatly increased the number of seizures being made and reported to ETIS during this period; equally, it states Hong Kong SAR shows considerable decline in being implicated in seizures reported by others. Hong Kong SAR, Uganda and Viet Nam are suggested to exhibit the third highest value for weight, indicating that numerous seizures continue to be large-scale events. The report provides that over three-quarters of the weight of the ivory seized involved shipments that are over 800 kg of ivory, which points to the involvement of organised criminal groups.

The report states that although a slight negative value, the governance measure for *rule of law* falls in the middle, whilst the law enforcement effort ratio is fairly robust, indicating reasonably good law enforcement performance. The measure for internal trade in ivory is relatively high owing to the ongoing legacy of Hong Kong SAR’s ivory trade from previous decades.

The report states that Hong Kong SAR together with China, Kenya, Malawi, Malaysia, Singapore, the United Republic of Tanzania, Togo, Uganda and Viet Nam collectively account for the greatest quantity of illegal ivory in trade, according to the seizures data in ETIS (Figure 7, Table 3). It further suggests that the countries have been highly implicated in illicit ivory trade movements over the last three years and were part of the trade chains in 94% of the large-scale ivory seizures reportedly made that represent higher-level criminal activity since 2009.

The report provides that apart from functioning primarily as a transit intermediary for ivory destined for the Chinese mainland, Hong Kong also harbours one of the world’s largest domestic ivory markets. Recent ivory market studies in Hong Kong SAR have noted that local ivory carving has completely collapsed since the reversion of Hong Kong SAR back to China in 1997, but large stocks of worked ivory products remain in numerous retail outlets in the city. Ivory consumption by Hong Kong SAR citizens appears to be minor and possibly reflects a Chinese community where a high degree of demand reduction has been achieved, mainland

Chinese buyers are reported to dominate retail ivory sales, but import back to China without permits is illegal. Hong Kong SAR authorities have announced steps to improve law enforcement and trade regulation on various fronts. The ETIS data, however, suggest that the number of seizures made by Hong Kong SAR authorities in the period 2012-2014 has more than tripled over the previous three-year period, demonstrating increased attention to policing air cargo and passengers arriving in the city. Further, the Government of Hong Kong SAR, like the Chinese Government, has suggested that a total ivory trade ban may be imposed in the near future.

The report argues that the many proactive actions taken by the authorities in Hong Kong SAR since CoP16 are not yet showing consequential impact sufficient to displace the country's position as country of 'primary concern' in this analysis.

The report provides that Hong Kong SAR did not submit any ivory stock reports whatsoever, or only provided reports that did not fulfil the requirements and specify ivory stock inventory figures.

### **Overview of NIAP implementation by Hong Kong SAR**

The detailed evaluation by the Secretariat of progress made by Hong Kong SAR with the implementation of its NIAP, prepared for SC65, is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the 6 actions in Hong Kong SAR's NIAP at the time, the Secretariat rated three actions as 'substantially achieved', one as 'on track' for achievement and two as 'unclear'.

The Secretariat particularly commended Hong Kong SAR for the enforcement actions initiated, its participation in Operation COBRA II and exemplary information sharing with other Parties to support follow-up investigations. The three actions rated as 'substantially achieved' related to import control, intelligence exchange and international collaboration. Progress was unclear for actions related to the domestic regulation of ivory trade as the provided reporting was generic in nature. Although not included in the report, the Secretariat noted the commencement of the incineration of the 28-ton stockpile of seized ivory in Hong Kong SAR and its collaboration with South Africa to return a large number of ivory and rhinoceros horn specimens to that country, as a follow-up to investigations.

The detailed evaluation of the Secretariat on progress made by Hong Kong SAR with the implementation of its NIAP, prepared for SC66, is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1). The Secretariat noted that Hong Kong SAR added two actions to its NIAP following SC65, related to capacity-building and ivory destruction. Milestones and activities were also updated to cover implementation from July 2014 to August 2015. The Secretariat noted good progress. Most NIAP activities were completed in accordance with the milestones in the revised NIAP. Key activities since SC65 included the completion of comprehensive ivory stock checks in over 200 premises licensed to sell ivory along with a programme of surprise inspections in 274 ivory shops and non-licensed art and craftshops. In both cases the results exceeded the established NIAP milestones of 180 premises. A circular letter was issued to all licensees to remind them of the regulations that apply to the control of trade in ivory. The border control efforts of Hong Kong SAR were also noted by the Secretariat, with 185 seizures of ivory in the reporting period that resulted in the conviction of 62 people. Sniffer dogs continued to be deployed to support detection efforts (and were responsible for 22 of the reported seizures) and hologram technology was used to better monitor pre-Convention ivory. International collaboration continued through reporting to ETIS, participation in Operation Cobra III and forensic sampling of three large-scale ivory seizures. The Secretariat noted the clearer and more concrete milestones of the revised NIAP, responding to the lack of clarity noted in the Secretariat's SC65 evaluation. Activities to improve publicity and education were better defined and milestones achieved. The Party's progress report noted that work to implement the NIAP would continue through the completion of stock checks across remaining licensed premises and the further destruction of confiscated ivory, building on the destruction of the almost 30-ton stockpile of seized ivory in 2014. The Secretariat's assessment concluded that Hong Kong SAR 'substantially achieved' its NIAP.

The Secretariat was not requested by the Standing Committee to evaluate the report submitted by Hong Kong SAR for SC67. This report is available as Annex 3 to document SC67 Doc. 13. The report highlights the use of tamper-proof holograms to mark worked ivory weighing more than 0.1 kg; the establishment of an inter-departmental Wildlife Crime Task Force to develop strategies and protocols for enforcement operations and coordinate liaison with other national and international agencies; and a proposed amendment to the Protection of Endangered Species of Animals and Plants Ordinance, to effect a three-step plan to phase out domestic trade in ivory with the aim to submit a bill to implement the three-step plan to the legislative council in the first half of 2017.

## Results of consultations with relevant experts

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS, the MIKE programme, partner agencies to ICCWC, and the IUCN African and Asian Elephant Specialist Groups.

The Secretariat would like to thank ETIS for the information it provided, which highlighted that the proposal concerning a five-year domestic ivory trade phase-out followed by a total ban is presently under discussion in Hong Kong SAR's Legislative Council. It highlighted the need for strict implementation of all regulatory measures for domestic ivory trade, identifying some shortcomings and stating that surveys conducted by TRAFFIC in August and in December 2015 found that only 38% of 131 shops assessed displayed ivory trading licenses. It emphasizes that with the likelihood of a change in the legal status of domestic ivory trade in Hong Kong SAR, it is crucial to ensure that a clear ivory stock management system is in place. The report also highlights the importance of sharing information at international level, in particular referencing a number of cases of illegal ivory trade detected between Hong Kong SAR and Zimbabwe, where offenders repeatedly used the same flights to smuggle illegal ivory. The sharing of such information is essential, to support the development of good risk management practices to combat illegal ivory trade across the entire illegal trade chain.

## Kenya

### Key findings of the ETIS report prepared for CoP17

The ETIS report submitted to CoP17 (in the Annex to [Document 57.6 Rev.1](#)), identifies Kenya together with the United Republic of Tanzania as the two East African countries through which the greatest illegal ivory trade flows out of Africa have transpired since 2009, according to the seizure data in ETIS.

The report states that Kenya and the United Republic of Tanzania regularly submit large numbers of seizure cases to ETIS, and overall made about six times more seizures themselves than those reported by other countries in which they were implicated; numerous cases made inside and outside of these two countries involve large quantities of ivory. The report states that it is, therefore, not surprising that this cluster has the second highest values for the mean number of seizures and the mean weight of ivory seized. Two-thirds of the ivory for which Kenya and the United Republic of Tanzania either seized themselves or were implicated in since 2012 represented large-scale consignments, indicating a strong presence of organised criminal activity behind the trafficking from these countries.

In terms of governance, the report provides that the mean *rule of law* score is the third most problematic in the analysis, indicating that corruption could be a significant factor in the trade. But this worrisome result could be offset by the law enforcement effort ratio of this group, which is tied for the second-best score in the analysis. Further, the domestic market score for Kenya and the United Republic of Tanzania is the lowest in this assessment which points to active suppression of local trade in ivory curios given the large tourist industries found in both countries.

The report states that Kenya together with China, Hong Kong SAR, Malawi, Malaysia, Singapore, the United Republic of Tanzania, Togo, Uganda and Viet Nam collectively accounts for the greatest quantity of illegal ivory in trade, according to the seizures data in ETIS (Figure 7, Table 3). It is reported that these countries have been highly implicated in illicit ivory trade movements over the last three years and were part of the trade chains in 94% of the large-scale ivory seizures reportedly made that represent higher-level criminal activity since 2009.

The report suggests that, since the CoP16 analysis, organised criminal elements operating in Kenya, the United Republic of Tanzania and Uganda have continued to move large quantities of ivory into, between, and out of these three East African countries, which collectively constitutes the greatest illicit ivory trade flows out of Africa in the period 2009 through 2014. It further suggests that most of this traffic is directed through Indian Ocean seaports, but that air transport is also a factor in the trade. In addition, ivory from Mozambique, Kenya, Malawi, Zambia and the Democratic Republic of the Congo is reported to have also been part of this traffic, according to forensic research to determine ivory origin. The report provides that since 2012, corruption issues have continued to be a major problem in all three countries, with various reports documenting serious

governance shortfalls at ports of entry and exit, within government institutions charged with protecting wildlife, and by political and economic figures in these countries, including ivory stock thefts, and various judicial failings such as ordering the release of seized ivory or suspects on bail, or imposing mediocre penalties.

The report states that since 2013, Kenya, the United Republic of Tanzania and Uganda seem to have met with greater success in prohibiting large-scale movements of ivory prior to export abroad (Figure 8). Moreover, criminal suspects have been arrested in conjunction with some of these seizures. Chinese nationals have been arrested in all three countries (one of whom was extradited to China from Kenya), and a Kenyan suspect, who had been placed on INTERPOL's global 'Red List', was arrested in the United Republic of Tanzania and extradited to Kenya. These developments demonstrate instances of effective regional and international law enforcement collaboration. The report states that Kenya has increased penalties for wildlife trafficking in national legislation.

The report states that in 2014 Kenya submitted reports indicating it had ivory stocks but provided no figures on the status of these inventories, while in 2015 Kenya did not submit any reports whatsoever, or only provided reports that did not fulfil the requirements and specify ivory stock inventory figures.

### **Overview of NIAP implementation by Kenya**

The detailed evaluation by the Secretariat of progress made by Kenya with the implementation of its NIAP, prepared for SC65, is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the 14 actions in Kenya's NIAP at the time, the Secretariat rated six actions as 'substantially achieved', five as 'on track' for achievement, one as 'challenging' and two as 'unclear'.

The Secretariat commended Kenya for its comprehensive NIAP with a broad range of actions and milestones to deliver, often within ambitious timeframes. The Secretariat highlighted the revision of the national legislative framework for wildlife and the new Wildlife Conservation and Management Act 2013 that came into force on 10 January 2014, which was supported by increased enforcement capacity, such as through the establishment of an Elite Anti-Poaching Unit. The Secretariat further commended Kenya for the recruitment of an additional 575 rangers to enhance investigation capacity and anti-poaching operations and acknowledged the range of national and international campaigns that were delivered to raise awareness of elephant poaching and illegal ivory trade and achieve a reduction in global demand for illegal ivory products. Although not included in the report the Secretariat highlighted the collaborative activities Kenya conducted in cooperation with China, which included an awareness raising event at China's Embassy in Nairobi and efforts to target an ivory smuggling syndicate operating between the two countries. This collaboration resulted in the arrest of two suspects of Chinese nationality in Kenya, followed by their extradition to China in early 2014.

The detailed evaluation of the Secretariat on progress made by Kenya with the implementation of its NIAP, prepared for SC66, is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1).

The Secretariat reported that activity has continued against many parts of the NIAP. The report noted that the impact of NIAP implementation has been observed through a 40% decline in poaching over 2014-2015. The Secretariat noted that key activities since SC65 include the establishment of a special wildlife crime prosecution unit and the convening of sensitization meetings for prosecutors and the judiciary. The report stated that the increased awareness, along with a strengthened wildlife crimes penalty framework, is helping to ensure that appropriate verdicts are handed down. The Secretariat noted that national enforcement capacity was strengthened by the recruitment of an additional 592 rangers, the increased use of sniffer dogs and the completion of a national ivory and rhinoceros horn stockpile audit and associated database. Forensics capacity was enhanced through the operationalization of the national forensics and genetic laboratory, and further forensic sampling of large-scale seizures. The Secretariat noted that Kenya's laboratory would also provide services for other countries in the region. International collaboration continued through participation in joint operations such as Operation Cobra III, cross-border meetings with the United Republic of Tanzania and bilateral missions with China, Thailand and Viet Nam. The Secretariat noted that there are a few activities listed in the NIAP that have not been reported against (e.g. high-level international collaboration pursued against Action 3.1, the establishment and operation of a wildlife crime reporting system under Action 2.4). It stated that further information would help clarify any additional activities delivered or if these were removed from the NIAP through post-SC65 revision. The development of subordinate legislation, originally scheduled for completion in April 2014, appeared to be still in progress. The Secretariat found that clarification of any challenges associated with this process would be useful. Kenya's progress report appeared to be partly based on an assessment of its enforcement capacity using a law enforcement capacity benchmark tool developed by the MIKE programme. The Secretariat noted that the included statements translate to a score of either a two or three out of three, and therefore Kenya does not appear to have identified any major capacity concerns

through this assessment. The Secretariat's assessment concluded that Kenya 'substantially achieved' its NIAP.

No report was submitted to SC67 by Kenya.

### **Results of consultation with relevant experts**

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS, the MIKE programme, partner agencies to ICCWC, and the IUCN African and Asian Elephant Specialist Groups. No additional information to be taken into consideration by the Secretariat was received.

## **Malaysia**

### **Key findings of the ETIS report prepared for CoP17**

The ETIS report submitted to CoP17 in the Annex to [Document 57.6 Rev.1](#) identifies Malaysia together with Malawi, Singapore and Togo as a 'country of primary concern' given its role as a major transit hub in the illegal ivory trade. The report states that these four countries fall together in a cluster for the first time as a result of developments that have occurred since 2012. It provides that these countries rarely made and reported ivory seizures to ETIS, and were infrequently implicated in the seizures made by others. However, the seizures they did make, or were implicated in, usually were very large, giving the group the fourth largest weight value in this analysis. The report notes that this cluster had the greatest proportion of total weight relating to seizures of 800 kg or more, suggesting that the bulk of the illicit ivory traffic moving through and from these countries was higher-level organised criminal activity.

The report states that the collective mean *rule of law* as a measurement of governance is clearly in positive territory, but that the value is skewed by the impact of Singapore which had the fourth best national score of any country in this entire cluster analysis. The report also states that the mean law enforcement ratio is rather poor for this group, suggesting that considerable quantities of illicit ivory traffic probably moves through these countries without being detected. The domestic ivory market score is low with little evidence of significant trade.

The report states that Malaysia together with China, Hong Kong SAR, Kenya, Malawi, Singapore, the United Republic of Tanzania, Togo, Uganda and Viet Nam collectively accounts for the greatest quantity of illegal ivory in trade, according to the seizures data in ETIS (Figure 7 and Table 3). It also states that all of these countries have been highly implicated in illicit ivory trade movements over the last three years and were part of the trade chains in 94% of the large-scale ivory seizures reportedly made that represent higher-level criminal activity since 2009.

It is reported that there is no contemporary evidence of any significant domestic ivory trade transpiring in Malaysia. As such, Malaysia is suggested to serve exclusively as transit country in the trade chains that link African suppliers with Asian end-use markets. Like the analysis presented at CoP16, the ETIS report prepared for CoP17 suggests that Malaysia remains the leading transit destination for large ivory consignments. The scale of the trade directed to Malaysia remains a serious concern and has increased in the more recent period, although law enforcement authorities in the country have made fewer seizures than was the case in the period 2009-2012. In this regard, the report states that Malaysia needs to focus upon risk assessment, intelligence gathering and targeting with respect to containerised sea and air cargo moving between Africa and prominent destination locations in Asia; the use of controlled deliveries and sniffer dogs is another important consideration for supporting effective law enforcement.

The report states that in 2014 Malaysia submitted ivory stock reports with inventory figures.

### **Overview of NIAP implementation by Malaysia**

The detailed evaluation of the Secretariat on progress made by Malaysia with the implementation of its NIAP, prepared for SC65, is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the 12 actions in Malaysia's NIAP at the time, the Secretariat rated six actions as 'substantially achieved', three as 'on track' for achievement and three as 'unclear'.

The Secretariat commended Malaysia for the particular progress made with actions related to national-level enforcement, legislative review, international demand reduction campaigns and managing the confiscated ivory stockpile. It highlighted that many capacity-building activities were successfully completed, with milestones related to training workshops to build skills in investigation techniques, identification skills, and wildlife-related legislation all met or exceeded. The Secretariat stressed the significant enhancement of national enforcement capacity through the appointment of over 40 new enforcement and prosecution staff and the revision of the terms of reference for CITES officers in all Customs administrations to clarify roles and responsibilities. The Secretariat noted, however, that progress with a couple of actions was unclear on the basis of the information provided.

The detailed evaluation of the Secretariat on progress made by Malaysia with the implementation of its NIAP, prepared for SC66, is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1).

The Secretariat noted that Malaysia made minor revisions to its NIAP following SC65. Outreach and awareness-raising activities were broadened, resulting in new actions on stakeholder awareness and wildlife conservation awareness seminars. The extent to which other milestones were revised or extended following SC65 was somewhat unclear. The Secretariat noted that there has been further activity against a number of NIAP actions between SC65 and SC66, including the actions rated as 'unclear' in the SC65 assessment. The Secretariat conducted a mission to Malaysia in March 2015, during which it discussed the further progress with NIAP implementation with key officials. In particular, the Secretariat noted the progress that was made with the adoption of forensic technology, with a new national wildlife forensic laboratory to open in November 2015 and the completion of further sampling from large-scale ivory seizures. Malaysia also maintained its delivery of targeted training to improve enforcement capacity, supported cross-agency cooperation through meetings of CITES authorities and conducted further awareness-raising activities including on World Elephant Day. The Secretariat noted that international collaboration was pursued through activities such as participation in Operation Cobra III and a meeting of the Wildlife Enforcement Network of the Association of Southeast Asian Nations (ASEAN-WEN). Over half of the actions in Malaysia's NIAP were rated by the Party as 'on track' for achievement, indicating that further activity was anticipated during the life of the NIAP. The Secretariat noted that for some of these 'on track' actions, there did not appear to be any post-SC65 activity detailed in Malaysia's progress report. Further information on any activities delivered following SC65 (e.g. detail of any enforcement operations held at sea ports and airports; or on specific milestones established via NIAP revision), would have been valuable. The Secretariat noted Malaysia's indication of need for further resources and technical capacity (e.g. to support the increased uptake of forensic technology) to strengthen NIAP implementation. The need for all NIAP countries to improve intelligence-sharing was also emphasized. The Secretariat commended Malaysia for including indicators in its report to help measure the progress made with NIAP implementation – one of only a few primary concern Parties to do so.

The Secretariat was not requested by the Standing Committee to evaluate the report submitted by Malaysia for SC67. This report is available as Annex 7 to document SC67 Doc. 13. The report highlights the implementation of a number of activities, resulting in its overall self-assessment of 'substantially achieved'. A joint enforcement operation, 'Ops Khazanah Negara', marking the enforcement cooperation between multiple Malaysian authorities, was conducted from 18 to 24 April 2016, during which a large number of persons and vehicles were checked. Malaysia further reports on the establishment of a multi-disciplinary Special Ivory Audit Committee, in January 2016. Under category 3 of its NIAP, on *International enforcement collaboration*, Malaysia reports on its participation in a variety of meetings and initiatives. On the basis of information received from the Association of Southeast Asian Nations (ASEAN) enforcement agencies, the Royal Malaysian Customs Department (RMCD) made an ivory seizure in March 2016. On outreach, public awareness and education, Malaysia reports the release of two press statements since SC66, one by RMCD on the ivory seizure mentioned, and the other by the Minister of Natural Resources and Environment, on the destruction of seized ivory in Malaysia, on 14 April 2016. Malaysia also reports on its organization of, or participation in, 22 exhibitions on wildlife conservation in 2016. Two operations had been conducted in March 2016, on the basis of information that was provided by the public, and it is reported that two suspects were prosecuted and convicted as a result. Malaysia further reports on the enhancement of its forensic capacity to combat wildlife crime, and states that it has received a request for assistance from ASEAN member States to analyse wildlife samples. A capacity building programme on CITES, wildlife crime investigations and species identification is planned to be conducted in August 2016. The Secretariat's assessment concluded that Malaysia 'substantially achieved' its NIAP.

### **Results of consultation with relevant experts**

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS,

the MIKE programme, partner agencies to ICCWC, and the IUCN African and Asian Elephant Specialist Groups. No additional information to be taken into consideration by the Secretariat was received.

## Philippines

### Key findings of the ETIS report prepared for CoP17

The ETIS report submitted to CoP17 in the Annex to [Document 57.6 Rev.1](#), identifies the Philippines as an 'occasional' transit country with a role in at least one recent large ivory seizure case, yet rarely otherwise involved in the trade chains of seizures reported by other countries, thus pointing to a major shift in that country's contemporary connection to evolving ivory trade dynamics. (The CoP16 analysis identified the Philippines as a country of 'primary concern' primarily owing to its role as a transit destination for large consignments of ivory from Africa.)

The report states that the governance indicator for *rule of law* is relatively high for the group of Austria, South Korea, Lao PDR, Turkey, Rwanda, Macau SAR, Philippine, Saudi Arabia, with the Philippines contributing negative scores, thus lowering the indicator. The report also states that the law enforcement ratio, the second poorest overall in this analysis, may be a factor in why the Philippines is chosen as pathway for large-scale movements of ivory that are orchestrated by organised crime syndicates. It further states that in almost all ivory seizures, the weight was 800 kg or more. Consequently, the report considers the Philippines to be a country of 'importance to watch' in order to raise attention and track existing and emerging developments which could potentially become problematic in terms of sources, trade routes or markets in future iterations of the ETIS analysis.

The report provides that the Philippines have moved from being a country of 'primary concern' to a country of 'importance to watch'. There is a domestic ivory carving industry that is primarily focused on the production of religious artefacts for local consumption, as stated in the report. It suggests that it is not yet recognised that this domestic ivory market complies with CITES requirements for internal trade as outlined in Resolution Conf. 10.10 (Rev. CoP16).

The report states that in 2014, the Philippines submitted ivory stock reports with inventory figures. Furthermore, it suggests that thefts of government ivory stocks have reportedly occurred in the Philippines.

### Overview of NIAP implementation by the Philippines

The detailed evaluation of the Secretariat on progress made by the Philippines with the implementation of its NIAP, prepared for SC65, is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the eight actions in the NIAP of the Philippines at the time, the Secretariat rated two actions as 'substantially achieved', one as 'on track' for achievement, four as 'challenging' and one as 'unclear'.

The Secretariat highlighted the Philippines' achievements with regard to national-level enforcement actions and the establishment of the cross-agency Philippines Operations Group on Ivory (POGI) comprising representatives from Police, Customs, the Department of Environment and Natural Resources, and the Office of the President of Philippines. Furthermore, it acknowledged the progress made with managing confiscated ivory and taking samples for DNA analysis. The Secretariat, however, noted the implementation delays in four NIAP actions – related to policy development, capacity building and public awareness – being reliant upon the submission and approval of a funding proposal to the Asian Development Bank. It noted that NIAPs were intended to list activities that could be delivered with nationally available funds and rather than be reliant upon additional external resources.

The detailed evaluation of the Secretariat on progress made by the Philippines with the implementation of its NIAP, prepared for SC66, is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1). The Secretariat noted that the Philippines revised its NIAP following SC65 to extend and amend milestones to June 2016. Four actions were removed from the revised NIAP (two of which were merged with other NIAP actions) and replaced by four new actions covering stockpile inventory, capacity-building, training in ivory identification and stockpile management, and international participation. The Secretariat noted that the reported activity indicated that progress with the implementation of the Philippines' NIAP improved following SC65. The Secretariat positively noted that the challenges identified in the SC65 assessment appear to have been resolved, with all actions actively progressing. The Secretariat noted that the operation of POGI was noted to be well underway, with the group participating in 15 enforcement operations between July 2014 and September 2015. The registration policy for raw and worked ivory – rated as 'challenging' in the SC65 assessment – had been drafted, undergone public

consultation and was 'on track' for adoption in December 2015. Similarly, the stalled capacity-building training was completed (with an amended focus on ivory identification, not intelligence-led surveillance as originally planned) following the mobilization of external funds. It was not clear whether the need for intelligence training remained, but the Secretariat noted that further capacity-building was addressed through train-the-trainers workshops and the 'International Workshop on the Prohibition of the Illicit Trade in Wildlife' hosted by the Philippines in November 2014. The Secretariat noted that more achievable milestones had been set for awareness-raising actions and these were achieved, including the completion of seminars with representatives from across government, airlines and international courier companies. The Secretariat noted that a few milestones were not reported against (e.g. progress towards the continuous monitoring of at least five major entry sea ports and airports. Further information on these activities would have been valuable. The Secretariat's assessment concluded that the Philippines 'substantially achieved' its NIAP.

The Secretariat was not requested by the Standing Committee to evaluate the report submitted by the Philippines for SC67. This report is available as Annex 4 to document SC67 Doc. 13. The report sets out the further measures taken by the Philippines on the implementation of its NIAP, including a complete inventory of the Philippine Government's ivory stock. The Philippines reported progress on the proposed Philippine Department of Environment and Natural Resources Administrative Order on the "Registration of Raw and/or Worked Elephant Ivory". It further reported that the POGI conducted 11 enforcement operations from 16 September 2015 to 15 June 2016, resulting in 10 criminal cases being filed in court. Although it is not clear from the report if any of these cases relate to illegal ivory trade, these operations were welcomed and encouraged by the Secretariat. The Philippines reportedly plan a Wildlife Enforcement Summit for November 2016. The Philippines pursued their international enforcement collaboration with Malaysian wildlife enforcement authorities and through ASEAN fora; and organized training seminars for airport authorities and awareness raising campaigns.

### **Results of consultation with relevant experts**

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS, the MIKE programme, partner agencies to ICCWC, and the IUCN African and Asian Elephant Specialist Groups. No additional information to be taken into consideration by the Secretariat was received.

## **Thailand**

### **Key findings of the ETIS report prepared for CoP17**

The ETIS report submitted to CoP17 in the Annex to [Document 57.6 Rev.1](#), identifies Thailand as country of 'secondary concern' together with Congo, Ethiopia, Nigeria, Cameroon, Gabon, South Africa, which repeatedly play important supporting roles in the illicit ivory trade, especially large movements of ivory. In the CoP16 analysis, Thailand was identified as a major end-use market for ivory and was noted as a country of 'primary concern' since 2002. The CoP17 ETIS report states that collectively, this group falls in the upper middle range in terms of frequency and scale, but the mean weight variable is artificially lower than it should be in that much of the raw ivory generated in these countries loses its identity as it moves along the trade chain.

The CoP17 ETIS report further states that governance values for this group are problematic with the *rule of law* score being the second poorest of any group in this analysis, whilst the law enforcement ratio is seriously inflated given Ethiopia's good performance in terms of making and reporting ivory seizures to ETIS. Removing the positive influence of Ethiopia from this cluster, the law enforcement effort ratio sinks to the second lowest position in this analysis because most countries in the group are rarely making seizures. In terms of large-scale ivory movements, about half of the seizures appear to have involved organised criminal elements, which is a greater value than was the case in the CoP16 analysis for most of these countries.

The domestic ivory market score for this group is also relatively high, largely owing to the situation in Nigeria and Thailand, although the Thai market has experienced major decline following implementation of new legislation.

Thailand was not the destination for any large-scale ivory seizures in the period 2012-2014, which has improved the country's standing in the current analysis significantly. Further, in the context of its NIAP, a series of far-reaching changes in policy, legislation, law enforcement and awareness initiatives have been rolled out by the government with strong NGO support, especially from WWF and on-going market monitoring by TRAFFIC. Although still a country of 'secondary concern', given the past positioning of this nation in ETIS analyses, Thailand

has arguably made the most impressive strides of any country in addressing illegal ivory trade problems since CoP16.

Thailand submitted ivory stock reports with inventory figures both in 2014 and 2015. Thefts of government ivory stocks have reportedly occurred in Thailand.

### **Overview of NIAP implementation by Thailand**

The detailed evaluation of the Secretariat on progress made by Thailand with the implementation of its NIAP, prepared for SC65, is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the 10 actions in Thailand's NIAP at the time, the Secretariat rated two actions as 'substantially achieved', two as 'on track' for achievement, two as 'challenging' and four as 'unclear'.

The Secretariat highlighted a number of actions that were underway, such as the revision of livestock moving regulations, the management of the national ivory stockpile, and activities to compile and monitor information on ivory traders. It noted that Thailand had made limited progress with its planned legislative amendments and the political situation in Thailand had presented an implementation challenge. Progress with actions related to law enforcement and monitoring data on ivory traders and levels of trade was deemed unclear. The Secretariat requested the clarification regarding some of the milestones set and where it appeared that actions had been delayed, took a conservative approach to the allocation of progress ratings.

The detailed evaluation of the Secretariat on progress made by Thailand with the implementation of its NIAP, prepared for SC66, is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1).

The Secretariat noted that in accordance with SC65 recommendations, Thailand developed a revised NIAP to address, *inter alia*, the matters set out in the footnote to the recommendations adopted at SC65: ensure the implementation of priority actions to progress legislative reform, establish registration systems for ivory possession and trade, and strengthen law enforcement and monitoring and control of ivory traders. Thailand's revised NIAP included 15 actions, of which most were essentially new or significantly broadened actions.

The Secretary-General of CITES conducted a mission to Thailand in December 2014 to review the progress made with implementation of the revised NIAP. During this mission, the Secretariat met with the Minister of Natural Resources and Environment and senior officials from the many agencies, including the Royal Thai Police, with a role in implementation of the revised NIAP. The intersessional reporting requirements directed to Thailand were also discussed. Thailand submitted two progress reports intersessionally, which provided an update on the initial progress with implementing the revised NIAP. Thailand's 15 January 2015 progress report rated all actions that had commenced at that stage as 'substantially achieved' or 'on track'. In particular, the first progress report highlighted that key legislative amendments of the SC65 footnote had been achieved and that activities to strengthen law enforcement of the SC65 footnote were underway. The March progress report noted that all actions in the revised NIAP had commenced, and progress with all actions was again rated as 'substantially achieved' or 'on track'. A key development since the first progress report was the commencement of the new registration systems for possession of African elephant ivory and domesticated elephant ivory, and for domestic ivory traders and their trading stock of the SC65 footnote. The Standing Committee reviewed the January and March progress reports intersessionally and considered that Thailand had made satisfactory progress with the implementation of its NIAP since SC65 as well as achieved the three actions detailed in the SC65 footnote. In light of the clear progress made by Thailand, and the further progress reporting to be provided for SC66, no intersessional recommendations were considered necessary.

On Thailand's report to SC66, the Secretariat commended Thailand for the notable reform programme to strengthen the control of ivory possession and trade that had been completed since SC65. In January 2015, the enactment of the Elephant Ivory Act 2015 strengthened controls and introduced new penalties for the possession and trade of domesticated elephant ivory. Other legislative amendments introduced penalties for illegal possession or trade in African elephant ivory and a more rigorous system for the identification of live domesticated elephants. The Secretariat noted that the legislative reform was implemented through the roll-out of three interconnected registration systems for (i) the legal possession of African elephant and domesticated elephant ivory, (ii) ivory traders and their stock, and (iii) confiscated ivory. New national ivory databases had been developed to collect existing and new data, and facilitate monitoring for any illegal trade or possession. The Secretariat noted that over 47,000 possessors of domesticated elephant ivory had been registered through this process, along with 54 possessors of African elephant ivory. At the time of the report, 247 traders of ivory had been recorded, with data on their ivory stocks expected to be incorporated in the database by December 2015. Substantial activities to strengthen law enforcement had been completed. This included the establishment of 22 ivory information centers and the deployment of 79 ivory trade monitoring teams to advise traders on legal requirements and conduct regular inspections to detect non-compliance (with inspections held up to 2-3 times

per month prior to the enactment of the Elephant Ivory Act, and 3-4 times per month subsequently). A cross-agency Task Force led by the Royal Thai Police had also been established, along with a national network of informers and activities to enhance customs and border control inspections. Efforts to build the capacity of authorities to enforce the new laws through training manuals and workshops were noted. Diverse activities to raise awareness of legal and illegal ivory trade among the public, ivory traders and foreign tourists had been delivered, including through online and diplomatic channels, and campaigns at trade hotspots such as Chatuchak weekly market. While some activities—such as the establishment of registration systems—were completed slightly behind schedule, and the adoption of subordinate regulations was still being finalized, the actions set out in Thailand's revised NIAP appeared to have been substantially completed. The Secretariat noted the comprehensive nature of the progress made by Thailand, along with the positive way in which the Party responded to the Standing Committee's requests for progress reports and any further information. The Secretariat's assessment concluded that Thailand 'substantially achieved' its NIAP.

The Secretariat was not requested by the Standing Committee to evaluate the report submitted by Thailand for SC67. This report is available as Annex 5 to document SC67 Doc. 13. The report highlights further measures taken by Thailand to implement its NIAP, including updates on legislation reforms, the development of a mobile application to enable real time remote access to the ivory database system in support of law enforcement activities, and the identification of target areas to ensure the close monitoring of ivory trade, with inspections being conducted twice a month in these areas. It is also reported that ivory shops registered under the Elephant Ivory Act decreased in number, from 215 to 151. Furthermore, by using DNA analysis, five shops selling African elephant ivory were identified and charged under the Wild Animal Reservation and Protection Act. Thailand also reported that a DNA database of domesticated elephants in Thailand was developed, to support effective control over domesticated elephants and over ivory from these elephants. Targeted enforcement activities resulted in ivory seizures and arrests, both at ports of entry and exit, as well as domestically. Thailand added research to its NIAP as a new element, with the first phase of this research focused on gathering information on the wastage associated with the processing of ivory from raw to worked ivory. It further reported 83 capacity building activities, attended by at least 400 officers from national agencies responsible for wildlife law enforcement. These capacity building activities focussed on providing training on new legislation and regulations related to the ivory trade. Public awareness raising activities continued. Between January and June 2016, the Law Enforcement Subcommittee, the Public Awareness Subcommittee and the National CITES Committee reportedly held five meetings to monitor the implementation of Thailand's NIAP.

### **Results of consultation with relevant experts**

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS, the MIKE programme, partner agencies to ICCWC, and the IUCN African and Asian Elephant Specialist Groups. The Secretariat was provided with the United Nations Office on Drugs and Crime rapid assessment: *Criminal justice response to wildlife crime in Thailand*,<sup>1</sup> which it considered in its observations and recommendations on Thailand.

## **Uganda**

### **Key findings of the ETIS report prepared for CoP17**

The ETIS report submitted to CoP17 in the Annex to [Document 57.6 Rev.1](#), identifies Uganda as an important entrepôt/export centre in East Africa with clear links to Central African ivory trade flows. Together with Hong Kong SAR and Viet Nam, Uganda exhibits a high value for the mean number of seizures during the period 2012-2014. Indeed, Uganda has greatly increased the number of seizures being made and reported to ETIS during this period; equally, Uganda was more frequently implicated in seizures made by others. The three countries exhibit the third highest value for weight, indicating that numerous seizures continue to be large-scale. Over three-quarters of the weight of the ivory seized involved shipments that are over 800 kg of ivory, which points to the involvement of organised criminal groups.

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<sup>1</sup> [https://www.unodc.org/documents/southeastasiaandpacific/Publications/2017/Thai\\_Assessment\\_13\\_16\\_May\\_2017.pdf](https://www.unodc.org/documents/southeastasiaandpacific/Publications/2017/Thai_Assessment_13_16_May_2017.pdf)

The report states that although a slight negative value, the governance measure for *rule of law* for this group falls in the middle, whilst the law enforcement effort ratio is fairly robust, indicating reasonably good law enforcement performance.

The report provides that Uganda together with China, Hong Kong SAR, Kenya, Malawi, Malaysia, Singapore, the United Republic of Tanzania, Togo and Viet Nam collectively accounts for the greatest quantity of illegal ivory in trade, according to the seizures data in ETIS (Figure 7, Table 3). All these countries have been highly implicated in illicit ivory trade movements over the last three years and were part of the trade chains in 94% of the large-scale ivory seizures reportedly made that represent higher-level criminal activity since 2009.

The report states that, since the CoP16 analysis, organised criminal elements operating in Kenya, the United Republic of Tanzania and Uganda have continued to move large quantities of ivory into, between, and out of these three East African countries, which collectively constitute the greatest illicit ivory trade flows out of Africa in the period 2009 through 2014. Most of this traffic is directed through Indian Ocean seaports, but air transport is also a factor in the trade. Since 2012, corruption issues have continued to be a major problem in all three countries, with various reports documenting serious governance shortfalls at ports of entry and exit, within government institutions charged with protecting wildlife, and by political and economic figures in these countries, including ivory stock thefts, and various judicial failings such as ordering the release of seized ivory or suspects on bail, or imposing mediocre penalties.

The report provides that, assuming that countries further along the trade chain are continuing to make seizures and correctly identify the trade chains for the seizures they make. Kenya, the United Republic of Tanzania and Uganda seem to have had greater success, since 2013, in interdicting large-scale movements of ivory prior to export abroad (Figure 8). Moreover, criminal suspects have been arrested in conjunction with some of these seizures. These developments demonstrate instances of effective regional and international law enforcement collaboration.

The report states that in 2014 Uganda submitted ivory stock reports with inventory figures. TRAFFIC confirmed that ivory tusks which formerly comprised part of Burundi's ivory stockpile were seized by Ugandan authorities in March 2015. Other thefts of government ivory stocks have reportedly occurred in Uganda in recent years.

### **Overview of NIAP implementation by Uganda**

The detailed evaluation of the Secretariat on progress made by Uganda with the implementation of its NIAP, prepared for SC65, is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the 20 actions in Uganda's NIAP at the time, the Secretariat rated five actions as 'substantially achieved', five as 'on track' for achievement, three as 'challenging' and seven as 'unclear'.

The Secretariat commended Uganda for developing an ambitious and comprehensive NIAP. It highlighted the significant enhancements of Uganda's enforcement capacity, including the recruitment of an additional 80 staff for the Ugandan Wildlife Authority's Intelligence Enforcement Unit, which resulted in the rate of seizures increasing. The Secretariat also highlighted the establishment of an Inter-agency Task Force and progress with policy and legislative improvements including the approval of a new National Wildlife Policy by Uganda's Cabinet in March 2014, and amendments to strengthen national wildlife legislation. The Secretariat also noted the injunction granted to the Uganda Wildlife Authority (UWA) and Ugandan Revenue Authority halting the release of ivory confiscated in 2013.

The Secretariat noted limited progress in implementing the actions related to capacity building and training, that appeared to be reliant upon Uganda securing external resources for implementation.

The detailed evaluation of the Secretariat on progress made by Uganda with the implementation of its NIAP, prepared for SC66, is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1). Following SC65, Uganda revised its NIAP integrating, where possible, capacity-building actions into NIAP actions for intelligence and enforcement. The Secretariat noted the further progress made with raising government and public awareness, through a number of inter-agency workshops involving judiciary, police, immigration and customs, along with a national dialogue on illegal wildlife trade. The capacity of the Intelligence Enforcement Unit established prior to SC65 had been strengthened through the completion of staff training, the procurement of equipment, and the establishment of a wildlife crime database. Progress was also reported regarding the use of sniffer dogs. The inter-agency task force established ahead of SC65 was operational, and executed major operations (including Uganda's participation in Operation Cobra III and Operation Worthy II). Joint investigations with Kenya, Malaysia, Singapore and the Lusaka Agreement Task Force (LATF) were also reported. While noting the further progress since SC65, the Secretariat had the impression that some challenges regarding to legislative reform appeared to remain and that actions were proceeding well behind the original scheduled adoption date of June 2014. Following the theft

of stockpile ivory in mid-2014 Uganda implemented further security measures and a stockpile management protocol was due for completion by December 2015. Uganda noted the need for more national capacity to effectively support regional and international investigations.

The Secretariat was not requested by the Standing Committee to evaluate the report submitted by Uganda for SC67. This report is available as Annex 9 to document SC67 Doc. 13. Uganda reported a significantly increased level of awareness about wildlife conservation and illegal ivory trade in the country, extending beyond enforcement agencies to its citizens. Illegal ivory trade had been a frequent subject of discussion in Parliament, and three national dialogues on illegal wildlife trade had been held in the country. It was reported that since SC66, the Wildlife Amendment Bill was approved by Cabinet, and had been prioritized by the President as one of the first bills to be considered by Parliament. Regulations on the powers of search, arrest, possession and use of firearms for the UWA were finalized, and together with Regulations to better incorporate CITES provisions in domestic legislation, were to be published as soon as the Wildlife Amendment Bill was passed.

Uganda also reported that members of its intelligence unit were strategically deployed to combat illegal trade in wildlife. It was reported that judicial and prosecutorial training sessions on wildlife crime were held, and that UWA acquired six additional sniffer dogs. 12 UWA staff members were at the time undergoing a dog handler's course. Two training interventions on combating wildlife trafficking and general CITES provisions were held for customs, police and wildlife enforcement officers. More than 100 participants from the Democratic Republic of the Congo, Ethiopia, Kenya, Rwanda, South Sudan, Uganda and the United Republic of the United Republic of Tanzania participated in the two training interventions, organized under the auspices of the Uganda National Interagency Task Force.

Uganda also reported on its participation in three major international operations conducted under the auspices of the Uganda National Interagency Task Force. Furthermore, Uganda reported on the work conducted to collect samples from confiscated ivory for DNA analysis, and on how the analyses results assisted it to understand the dynamics of illegal ivory trade and to map out illegal ivory trade routes. Uganda reported that the first ever comprehensive inventory of the ivory stockpile held by UWA was completed; a stockpile management protocol developed; and a database of the ivory stockpiles held by the UWA was created and in use. The Secretariat's assessment concluded that Uganda 'substantially achieved' its NIAP.

### **Results of consultation with relevant experts**

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS, the MIKE programme, partner agencies to ICCWC, and the IUCN African and Asian Elephant Specialist Groups. No additional information to be taken into consideration by the Secretariat was received.

## **Viet Nam**

### **Key findings of the ETIS report prepared for CoP17**

The ETIS report submitted to CoP17 in the Annex to [Document 57.6 Rev.1](#), identifies Viet Nam and Hong Kong SAR, primarily as major transit conduits for large quantities of ivory and Uganda as an important entrepôt/export centre in East Africa with clear links to Central African ivory trade flows. The group exhibits a high value for the mean number of seizures during the period 2012-2014. Indeed, both Hong Kong SAR and Uganda have greatly increased the number of seizures being made and reported to ETIS during this period, whereas the number of seizures made and reported by Viet Nam has actually declined; equally, Viet Nam and Uganda were more frequently implicated in seizures made by others, whilst Hong Kong SAR shows considerable decline in this respect. The group exhibits the third highest value for weight, indicating that numerous seizures continue to be large-scale events. Over three-quarters of the weight of the ivory seized involved shipments that are over 800 kg of ivory, which points to the involvement of organised criminal groups.

The report provides that although a slight negative value, the governance measure for *rule of law* falls in the middle, whilst the law enforcement effort ratio is fairly robust, indicating reasonably good law enforcement performance. The measure for internal trade in ivory is relatively high owing to the ongoing legacy of Hong Kong SAR's ivory trade from previous decades and growing evidence of ivory processing in Viet Nam, especially for cross border ivory markets primarily catering to Chinese tourists.

The report states that Viet Nam along with China, Hong Kong SAR, Kenya, Malawi, Malaysia, Singapore, the United Republic of Tanzania, Togo and Uganda collectively accounts for the greatest quantity of illegal ivory in trade, according to the seizures data in ETIS (Figure 7, Table 3). All these countries have been implicated in illicit ivory trade movements over the last three years and were part of the trade chains in 94% of the large-scale ivory seizures reportedly made that represent higher-level criminal activity since 2009.

The report states that Viet Nam, identified as a country of 'primary concern' at CoP16, continues to serve as a transit country for ivory destined for China, according to Vietnamese authorities. Most seizures have been made at the port of Haiphong near Ha Noi, but in more recent years Phouc Long ICD Port in Ho Chi Minh City and Da Nang in Central Viet Nam have made numerous seizures; if this ivory is destined for China using overland travel, these ports greatly increase the distance to the border with China.

Other evidence suggests that local ivory processing in Viet Nam has been escalating over the last three years, and that ivory is being found for sale in considerable quantities in places such as Buon Ma Thuot City in Dak Lak province in the central highlands that have not previously been identified as locations for significant domestic ivory trade. Of particular concern are a series of villages in the vicinity of Hanoi that reportedly support a growing cross-border market in wildlife products with China with relative impunity. The open display of ivory (and other wildlife products such as rhino horn) in these markets indicates a lack of targeted law enforcement action in Viet Nam; indeed, not a single ivory seizure case reported to ETIS by Viet Nam in this period concerns law enforcement action in the market place.

Another issue of increasing concern stated in the report, is the number of Vietnamese nationals being apprehended in or coming from Africa with ivory, including instances that appear to be orchestrated by criminal syndicates operating in Angola, Mozambique, South Africa and Togo, according to ETIS seizure data.

Thefts of government ivory stocks have reportedly occurred in Viet Nam in recent years.

### **Overview of NIAP implementation by Viet Nam**

The detailed evaluation of the Secretariat on progress made by Viet Nam with the implementation of its NIAP, prepared for SC65, is presented in the Annex to document SC65 Doc. 42.2. It highlights that of the 21 actions in Viet Nam's NIAP at the time, the Secretariat rated 13 actions as 'substantially achieved', six as 'on track' for achievement and two as 'unclear'.

The Secretariat noted the ambitious range of actions in Viet Nam's NIAP. In particular, the Secretariat acknowledged the progress that has been made with reforming Viet Nam's policy and legislative framework for elephant conservation and regulation of illegal ivory trade. This includes a number of governmental Decrees and Directives along with the establishment of a national programme for elephant conservation from 2013 to 2020. The Secretariat felt that the clear progress with these actions reflects the commitment from the highest political level to combat illegal ivory trade in Viet Nam. The Secretariat highlighted other activities related to the implementation of Viet Nam's NIAP that were not included in progress reports, such as the Prime Minister of Viet Nam's Directive of 20 February 2014 on *Strengthening the direction and implementation of measures for controlling and protecting endangered, rare and precious wild animals* that acknowledges the serious threat that illegal trade in wildlife brings to Viet Nam. Furthermore, Viet Nam's plan to host the ASEAN-WEN meeting in May 2014 was mentioned and Viet Nam's formal request for the implementation of the ICCWC Wildlife and Forest Crime Analytic Toolkit in the country was welcomed.

The Secretariat emphasized that Viet Nam incorporated CITES priorities, including combating illegal wildlife trade, into its revised draft National Biodiversity Strategy and Action Plan, which was expected to open up opportunities to attract Global Environment Facility funding.

The detailed evaluation of the Secretariat on progress made by Viet Nam with the implementation of its NIAP, prepared for SC66, is presented in Annex 1 to document SC66 Doc. 29 (Rev. 1). Viet Nam revised its NIAP following SC65 to extend implementation to April 2015. Some new milestones were established as part of the revision, anti-corruption efforts refocused and a new activity related to awareness raising and demand reduction added. Further progress was made with international and regional cooperation, including the adoption of a Memorandum of Understanding (MoU) between Viet Nam and China, and an agreement to strengthen cooperation at key border points was entered into with the Lao PDR. An MoU with the Czech Republic was also signed. National inter-agency collaboration continued through the Viet Nam Wildlife Enforcement Network. The capacity of enforcement officials was strengthened through additional training in wildlife law, CITES requirements, investigation techniques, identification of specimens and new scanning technologies. There had also been clear progress with the implementation of the national elephant conservation programme, with USD two million funding secured for implementation and a number of provincial projects developed. The development of a secure ivory

stockpile and associated database was delayed by a lack of resources and technical capacity, with a revised proposal to conclude stockpile centralization by 2016. The Secretariat's assessment concluded that Viet Nam 'substantially achieved' its NIAP.

The Secretariat was not requested by the Standing Committee to evaluate the report submitted by Viet Nam for SC67. This report is available as Annex 6 to document SC67 Doc. 13. The report states that the President of Viet Nam and the President of the United States of America released in May 2016 a joint announcement committing to combat illegal wildlife trade. The interdisciplinary steering committee further promoted coordination between different national agencies, and the Party reported that approximately 150 officers from customs, police, the military, and wildlife authorities were trained on combating wildlife crime, and 50 judges on the new Penal Code approved by the Vietnamese National Assembly in 2015. Joint trainings with China were also conducted for officers from China, Lao PDR, and Viet Nam. Viet Nam also reported activities relating to enforcement and seizures, as well as the collection of DNA samples for forensic analysis. Viet Nam reported that a Conference on Illegal Wildlife Trade would take place in Hanoi in November 2016.

### **Results of consultation with relevant experts**

The Secretariat in accordance with the provisions of Step 5, paragraph b) of the *Guidelines to the National Ivory Action Plan Process* engaged with relevant experts to identify any information that should be taken into consideration by the Secretariat in formulating its recommendations in accordance with the provisions of Step 5, paragraphs c) to f) of the Guidelines, to the present meeting. The Secretariat in this process engaged with ETIS, the MIKE programme, partner agencies to ICCWC, and the IUCN African and Asian Elephant Specialist Groups. No additional information to be taken into consideration by the Secretariat was received.