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A SITUATIONAL REVIEW of Wildlife Crime and Law Enforcement Response in Viet Nam, 2013 - 2017

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in Viet Nam, 2013 - 2017**

Wildlife Conservation Society, Viet Nam Program (WCS Viet Nam)

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Since 2016, the Wildlife Conservation Society (WCS) – Viet Nam Program, in collaboration with the Supreme People's Procuracy of Viet Nam (the Department of Criminal Justice Statistics and Information Technology - Department 2) has assessed the situation of wildlife violations and crimes in five years, from 2013 to 2017 through statistics and analysis of arrests and penalties for violations. The results of the assessment are aggregated into the situational review of Wildlife Violations and Law Enforcement Response to wildlife offences in Viet Nam in 2013-2017.

We express our gratitude to the Supreme People's Procuracy of Viet Nam and the Department of Criminal Justice Statistics and Information Technology (Department 2) therein for supporting and coordinating to elaborate this Situational Review. Our appreciation also goes to the law enforcement agencies (the Public Security, the Customs, the Forest Protection, the Border Defense, etc.) and local People's Procuracies for their support in finalizing this Situational Review.

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TABLE OF CONTENT

ACKNOWLEDGEMENTS	1
EXECUTIVE SUMMARY	4
I. BACKGROUND	8
II. INTRODUCTION.....	10
III. METHODOLOGY	11
3.1. Data collection.....	11
3.2. Data Analysis.....	11
IV. WILDLIFE VIOLATIONS AND CRIMES IN VIET NAM	13
4.1. Magnitude of wildlife crime	13
4.1.1. Number of cases by species.....	13
4.1.2. Seized wildlife by cases.....	14
4.1.3. Seized species by individuals	14
4.1.4. Seized species by weight	15
4.1.5. Types of seized wildlife	15
4.1.6. Ivory related violations.....	16
4.1.7. Pangolin related violations.....	18
4.1.8. Rhino horn related violations	19
4.2. Offenders' demographics	21
4.2.1. Gender	21
4.2.2. Age.....	21
4.2.3. Residence	22
4.3. Sources and destinations of wildlife crimes	23
4.3.1. Cross-border wildlife transporting and trafficking.....	23
4.3.2. Illegal transporting and trading of wildlife in Viet Nam (domestic trade)	24
V. GOVERNMENT RESPONSE.....	25
5.1. Geographical distribution	25
5.1.1. Geographical extent of the response.....	25
5.1.2. Number of recorded cases per provinces and provincial-level cities	25
5.2. Timeline of enforcement actions	27
5.2.1. Enforcement actions rate over time	27
5.2.2. Monthly consistency of enforcement efforts by provinces and centrally administered cities	28
5.3. Engagement of law enforcement agencies	30
5.3.1. The involvement of the law enforcement agencies by case	30
5.3.2. Involvement of law enforcement units by weight of wildlife seizures.....	32
5.3.3. Inter-agency cooperation.....	34

5.4. Handling of wildlife crimes.....	35
5.4.1. The number of offenders facing criminal charges.....	35
5.4.2. The number of offenders facing criminal prosecution.....	35
5.4.3. Conviction to wildlife crimes.....	35
5.4.4. Penalties applied for wildlife crime.....	36
5.4.5. Administrative sanctions.....	37
5.4.6. Proportion of administrative sanctions and criminal penalties	37
5.4.7. Distribution of wildlife crime cases by species.....	38
5.5. Comparison between wildlife crimes and other relative type of crimes over 5 years (from 2013 to 2017).....	39
5.5.1. Comparison between wildlife crimes and crimes of illegal possession, transportation and trading of drugs (Article 194).....	39
5.5.2. Comparison between wildlife crimes and crimes of illegal manufacturing, possessing, transporting and trading of prohibited items (Article 155).....	39
5.6. Rate of recidivism on the protection of wildlife	40
5.6.1. Rate of recidivism on wildlife protection in the criminal sector.....	40
5.6.2. Rate of recidivism on wildlife protection in the administrative sector	40
VI. CHALLENGES IN ANALYZING AND EVALUATING THE SITUATION OF WILDLIFE CRIMES IN VIET NAM IN 5 YEARS (FROM 2013 TO 2017)	41
Challenge 1: Nationwide coverage.....	41
Challenge 2: Involvement of law enforcement agencies in data collection	41
Challenge 3: Exclusion of pending and suspended cases	41
Challenge 4: Consistency of detail	41
Challenge 5: Bigger picture	41
VII. RECOMMENDATIONS	42
7.1. Recommendations for statistics and analysis on wildlife crime	42
<i>Recommendation 1: Designating a focal point and set up a central database of wildlife crime</i>	<i>42</i>
<i>Recommendation 2: Obtaining statistics and analyzing data on wildlife crimes.....</i>	<i>42</i>
7.2. Recommendations for law enforcement activities	43
<i>Recommendation 3: Developing wildlife identification skills</i>	<i>43</i>
<i>Recommendation 4: Strengthen law enforcement based on statistics and analysis</i>	<i>44</i>
ANNEX.....	45
BIBLIOGRAPHY	47

EXECUTIVE SUMMARY

The Situational Review of Wildlife Crime and Law Enforcement Response in Viet Nam in 2013-2017 reflects the wildlife violation situation, and the law enforcement agencies' arrests and civil and criminal penalties for violations from 2013 to 2017 in Viet Nam. This situational review is based on data aggregated by local People's Procuracies throughout the country and provided by offices of the Public Security, Customs, Forest Protection, Border Defense, etc.

According to collected data between 2013 and 2017 (in 5 years), authorities detected 1,504 violation cases with 1,461 offenders of wildlife regulations; this has been analysed based on indicators (*with 44 figures and 02 tables of data to illustrate*) including: offenders' behaviors, means of violation; wildlife species' names, types, quantities, weight, origin; offender demographics; law enforcement agency response; comparison between wildlife crime and other crimes of similar nature (crimes involving illegal drugs or prohibited goods); recidivism rates of wildlife violations, etc.

As a result, this is a reliable document for the Viet Nam administration agencies and law enforcement agencies when it comes to the consideration and strengthening of wildlife crime prevention and suppression in Viet Nam.

The main findings in this situational review include:

- ***Most frequently confiscated species***

Over 180 wildlife species were illegally transported or trafficked during the period studied, and endangered, precious and rare species such as pangolins, snakes, birds of different species, and turtles comprised the majority of detections and confiscations.

- ***Trafficking of non-native species***

Cases involving species not native from Viet Nam (i.e. rhino, elephant, pangolin) constitute 13.5% (203/1,504) of the total violations, 7.43% of individual wildlife seized (1,949/26,221) and 44.64% (18,450kg/ 41,328kg) of the total confiscated weight recorded in this dataset. Readers are encouraged to note that the above figures may not represent the actual extent of transport and trade of these species in the country.

- ***Hotspots of confiscated wildlife in Viet Nam***

Geospatial analysis of wildlife confiscations shows specific concentrations in Ha Noi, Ho Chi Minh City or border areas including Mong Cai, Quang Ninh Province (adjacent to China), Que Phong in Nghe An Province, Da Krong in Quang Tri Province (adjacent to Lao PDR), An Giang Province, Tay Ninh Province (adjacent to Cambodia).

In terms of species, pangolin trafficking is prevalent in northern coastal provinces of Viet Nam. Meanwhile, ivory trafficking appears to be more concentrated in big cities, via air or along the most trafficked land gateways with China.

- ***Sources and destinations of confiscated wildlife***

Confiscated wildlife originating in Africa amounted to over 50% of the total documented sources of wildlife (19 out of 38 cases), the prominent exporting location being Angola (5 out of 19 cases, or 26.32%).

Based on the responses from the local People's Procuracies and other offices, only 2 out of 1,504 cases (0.13%) were detected and arrested by the law enforcement agencies in the provinces of Ha Giang and Cao Bang, in which the offenders pleaded guilty to transporting wildlife (pangolin and primates) to China. However, this occurs in a context of a very low absolute number of reports specifying sources and destinations of the traded wildlife.

- ***Notable involvement of working-age offenders***

Demographic analysis of wildlife offenders from 2013 to 2017 indicates that most of the offenders were average working-age people.

It is noteworthy that wildlife crimes involving both administrative and criminal charges were carried out by average working-age offenders (30 – 35 years old), making up 26.63% (389/1,461) of the cases according to the analysis.

The age distribution of female offenders shows nearly 50% of the offenders were aged between 54 and 59.

- ***Provinces with consistent law enforcement***

Consistent law enforcement over time is a key factor in combating wildlife crime in Viet Nam. According to the aggregated data, municipalities in which law enforcement agencies apprehended a consistently high rate of offenders during 60 months of 5 years (from January 2013 to December 2017) include Dong Nai (126 offenders), Ha Noi (122), Lang Son (102), Quang Tri (98), Ho Chi Minh City (74), Quang Ninh (69), Tay Ninh (68), An Giang (63), Nghe An (56), Hau Giang (55), Dong Thap (54). Meanwhile, Long An and Tien Giang reported only one case throughout 60 months of this report.

The total number of wildlife violations recorded in 56 municipalities is 1,504, ranging from 1 to 128 cases in each city and province. 7 municipalities reported that there was no data available include Vinh Phuc, Quang Ngai, Ben Tre, Tra Vinh, Vinh Long, Can Tho and Soc Trang. However, media reports suggest wildlife violations were detected in some of these locations.

- ***Enforcement actions over time***

The number and composition of violations varies between years:

- In 2013, 339 cases (81 criminal and 258 administrative) and 355 offenders (113 criminal and 242 administrative).
- In 2014, 219 cases (23 criminal and 196 administrative) and 215 offenders (19 criminal and 196 administrative).
- In 2015, 297 cases (102 criminal and 195 administrative) and 270 offenders (143 criminal and 127 administrative).
- In 2016, 334 cases (81 criminal and 253 administrative) and 350 offenders (110 criminal and 240 administrative).
- In 2017, 315 cases (74 criminal and 241 administrative) and 271 offenders (111 criminal and 160 administrative).

- ***Agencies involved in law enforcement operations***

From all law enforcement agencies involved in combating wildlife crimes, the four specialized agencies are Public Security, Forest Protection, Customs, and Border Defense. The Forest Protection agencies were responsible for recording the majority of administrative cases (754 of 1,143 cases, or 65.97%), while the Police recorded the majority of criminal cases (273 of 361 cases, or 75.62%), which is coherent with respective functions, tasks and mandates of each agency as prescribed by the law of Viet Nam. Customs, Border Guards and other agencies including the Harbor Checkpoint Control Agency, Coast Guards, Market Surveillance Office, etc. also contributed to detections of wildlife violations in the same time.

- ***Proportion of criminal and administrative sanctions***

Overall, one-third of the total violations (both in number of cases and volume of confiscated wildlife) were handled as criminal cases, while the remaining two-thirds received administrative sanctions.

There were fluctuations in the proportion of criminal offenders between 2013 and 2017. The percentage of criminal prosecution was 22.78% (113/496) of defendants in 2013, but 3.83% (19/496) in 2014. This number increased to 28.83% (143/496) in 2015, and was 22.18% (110/496) in 2016 and 22.38% (111/496) in 2017.

- ***Handled violations***

Over the five years, the primary offence was illegal wildlife transportation, with 81.99% of the criminal violations (296 out of 361 cases) and 56.69% of the administrative violations (648 out of 1,143 cases) while the proportions of illegal wildlife trading were 35.18% (127 out of 361 cases) and 20.91% (239 out of 1.143 cases) respectively.

- ***Extent of criminal penalties***

The percentage of suspended sentence ranked first with 57.41% (248/432) of the offenders, followed by custodial sentence 37.5% (162/432), nearly half of which received a mild sentence of less than 12 months (41.36%, or 67/162 accused); a minor proportion of 5.55% (9/162) received a sentence of more than 3 years.

Out of 432 defendants facing the first-grade trial, 26 (6.02%) were given a monetary fine (total 417.5 million VND) in addition to jail time. The additional monetary fine in one case ranges from 1 million VND (42.75 USD), lowest¹ to 130 million VND (5,558 USD), highest.

- ***Extent of administrative penalties***

The majority of administrative sanctions for wildlife violations fell in the range of 2 million to 11 million VND (85.5 – 470.3 USD) and accounted for 61.66% (595/965) of the fines; this is followed by fines of less than 2 million VND (85.5 USD) 16.99% (164/965), and over 100 million VND (4,275 USD) 1.76% (17/965).

1 The exchange rate used in this situational review is USD 1 = VND 23,390, as of 27 October 2018.

I. BACKGROUND

Wildlife crimes, including illegal transporting, trading, poaching, etc., are globally the fourth most lucrative illegal activities, after drugs, arms and human trafficking. According to the United Nations Environment Program, global wildlife trade is estimated at between US\$ 7 billion and US\$ 23 billion a year (Nellemann et al. 2017). With a rising trend, this is becoming one of the most lucrative and widespread illegal activities in the world. This is a relatively lower risk activity due to often inadequate legal wildlife protection frameworks, and is often associated with other forms of crime including money laundering (Loucks et al. 2009; UNODC 2012).

Wildlife crime causes revenue loss, as it evades taxes, trade levies, and negatively affects tourism and ecosystem services provision (Rosen & Smith 2010). Exposure to exotic species and wildlife transported without veterinary care presents major risks to human and livestock health, impacting the broader economy through loss of productivity, food insecurity and delays in international trade.

East Asia is a major wildlife consumption hotspot and wildlife trafficking destination, grossing an estimated value of over US\$ 2.5 billion a year in illegal proceeds (UNODC 2013). While the majority of wildlife traditionally has been sourced locally, the increasing biodiversity depletion within the region and the demand for exotic species have driven transcontinental wildlife trafficking, impacting ecosystems in upstream countries such as those in Africa.

In recent years, Viet Nam has increased its visibility in the global fight against wildlife crimes. Increasing government concern over this issue resulted in tightened surveillance by law enforcement agencies, major reforms in the Penal Code, and greater participation in a number of high-impact international cooperation initiatives.

In September 2016, one week before the 17th meeting of the Conference of the Parties to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Directive No.28/CT-TTg was issued by Prime Minister Nguyen Xuan Phuc instructing urgent solutions preventing and combatting the violation of wildlife. By this Directive, the Viet Nam government officially acknowledged that *“illegal activities, including processing, handicraft making and trading, and openly selling wildlife products such as ivory and rhino horns [were] still taking place”* in the country. Signaling a tightening of the rule of law for wildlife protection, the government committed new energy to *“monitor, investigate and apply serious punishment to those involved in illegal trade of ivory and rhino horn, as well as inspect craft villages, processing workshops, souvenir shops in tourist spots, airports, seaports, and traditional medicine shops”*.

Acknowledging the international scale of transporting, trading, capturing, breeding and hunting wildlife in the world and the impact that local consumption of wildlife products has

on the habitats of other countries, Viet Nam has dedicated increased attention to establishing a closer international cooperation with range countries in both law enforcement and legal support. In September 2018, the Supreme People's Procuracy of Viet Nam and the National Prosecuting Authority of South Africa signed a Memorandum of Understanding (MoU) on crime prevention and suppression through mutual legal assistance, exchange of experience and training cooperation to improve prosecutorial capacity, and the exchange of legal and judicial documents. In August 2017, Viet Nam and Mozambique signed an MoU to cooperate on wildlife protection and conservation from 2017 to 2022. In December 2018, the Supreme People's Procuracy of Viet Nam and Minister of Justice, Constitutional and Religious Affairs of Mozambique officially signed a Mutual Legal Assistance Treaty (MLAT) on criminal matters. These would represent major and unprecedented steps towards ensuring accountability for wildlife crimes at the international level, and enable joint investigations on prominent cases.

MoUs or Joint Action Plans have also been signed between ministries and agencies of Viet Nam and neighbouring countries such as Lao PDR and China. Specifically, in October 2017 the Department of Forestry Inspection of Lao PDR and the Forest Protection Department of Viet Nam signed a MoU in the field of forest protection, control and prevention of trafficking forest products from 2017 to 2022. In 2015, Viet Nam and Lao PDR also signed an MOU to implement the 2015-2020 cooperation plan, such as the Trade Agreement on Smuggling Prevention and Development of Joint Action Plans to stop smuggling especially in the border provinces. The CITES Management Authority of Viet Nam and the CITES Management Authority of China signed an MOU in information exchange, awareness raising and capacity strengthening.

These initiatives and reforms have been guided by political pressure and strong evidence of the negative impact of illegal trade on wildlife populations. However, only limited information is available about the actual magnitude of wildlife crime and on the performance of government agencies in enforcing wildlife protection laws.

To further reflect wildlife crime situation in Viet Nam and inform law enforcement missions, WCS Viet Nam carried out a thorough collection and review of wildlife criminal and administrative violation data countrywide covering the period of 2013-2017. This situational review was developed with the support of the Department of Criminal Justice Statistics and Information Technology (Department 2) of the Supreme People's Procuracy of Viet Nam, law enforcement agencies (Public Security, Forest Protection, Customs, Border Guards...) and the Procuracy departments at all levels.

II. INTRODUCTION

To understand the magnitude of the wildlife crimes and law enforcement performance in Viet Nam, this review employs a number of indicators elaborated for this purpose by international bodies such as the International Consortium on Combating Wildlife Crime (ICCWC), the United Nations Office on Drugs and Crime (UNODC) and by other agencies and experts. Please refer to the Bibliography section on page 47 for a full list of references.

The Situational Review of Wildlife Crime and Law Enforcement Response in Viet Nam, 2013-2017 draws upon collected and analyzed data on the situation of illegal wildlife poaching, transport, trade, etc. and the outcomes of law enforcement actions in combating those illegal activities throughout the country. The dataset used for this situational review consists of 1,504 cases, 1,461 offenders handled by 315 law enforcement units and agencies across 56 centrally administered provinces and cities, covering an area hosting 91.11% of the population in Viet Nam² across the period of 2013-2017. The situational review consists of three sections as follows:

The first section of this situational review provides an overview of the wildlife violations, which includes:

- Insights into the species traded, such as those most frequently subject of illegal trade and traded in largest quantity;
- Geospatial analysis highlighting the hot-spots, prevalent sources and destinations of transporting, trading, stockpiling, hunting, possessing wildlife activities;
- Demographic analysis of wildlife offenders;

The second section of this situational review offers detailed insights into the action of law enforcement agencies, including but not limited to:

- Overview of intervention rates against wildlife crimes by agency and geography;
- Timeline trend of law enforcement activities;
- Analysis of criminal prosecution rates and trends;
- Analysis of indictments and sanctions for both administrative and criminal cases;
- Distribution and trend of conviction rates.

These indicators can cast new light on the phenomena and the Viet Nam government's response to it.

The third section of this situational review lists considerations along with recommendations for strengthening and streamlining future actions and reviews.

² According to the population data of Viet Nam in 2016 of the General Statistics Office of Viet Nam

III. METHODOLOGY

This situational review of wildlife crime cases apprehended and handled by law enforcement agencies in Viet Nam covers January 1, 2013 to December 31, 2017 inclusive.

3.1. Data collection

The Department of Criminal Justice Statistics and Information Technology (Department 2) of the Supreme People's Procuracy of Viet Nam took main responsibility for and was the focal point for data compilation. Data was provided by local People's Procuracies and law enforcement agencies of all 58 provinces and 5 first-tier cities (within which, there was report of no data on violations from the agencies of 7 provinces: Vinh Phuc, Quang Ngai, Ben Tre, Tra Vinh, Vinh Long, Can Tho, Soc Trang).

The template used to gather information on violations is attached in the Annex. Collected data included information about:

- a) Offenders' demographics: age, gender
- b) Confiscated wildlife species
- c) Law enforcement agencies' operations against wildlife violations and crimes
- d) Criminal prosecution cases / offenders
- e) Judiciary trials (first-grade and appeal)
- f) Administrative cases

Collected data covered mainly closed cases, omitting an undefined number of pending cases for further investigation.

In addition, the Department 2 of Supreme People's Procuracy conducted field trips to 3 sample locations: Quang Ninh Province, Quang Tri Province and Ho Chi Minh City to identify challenges and difficulties in handling wildlife violations and to propose more effective and practical recommendations.

3.2. Data Analysis

Recognized international indicators have been adopted to analyse this dataset, include those suggested by the International Consortium on Combating Wildlife Crime (ICCWC), the United Nations Office on Drugs and Crime (UNODC), as well as a number of other renown organizations and practitioners in this area.

A total of 60 indicators – or performance measures – have been used for this situational review, providing insights into critical information for a successful national counter wildlife crimes strategy. The following research questions were answered in this analysis:

a. Wildlife Species

- What is the magnitude of illegal trade across wildlife species?
- What are the most frequently seized wildlife species?
- How are wildlife species trafficked?

A section is dedicated specifically to report the patterns and magnitude of the trade in Elephants and Pangolins – two endangered species frequently trafficked in Asia.

b. Offenders

- What are the demographic characteristics of wildlife offenders?
- Where are the largest concentrations of offenders located?

c. Law enforcement

- Which law enforcement agencies are active in countering wildlife crimes?
- Where does the highest number of wildlife and wildlife products seizures take place?
- What is the extent of inter-agency cooperation among national law enforcement agencies in combating wildlife crimes?
- What is the enforcement rate of wildlife protection laws over time?
- How consistent is the enforcement of wildlife protection laws across Viet Nam's provinces?

d. Judiciary

- What is the number of penalized and convicted wildlife offenders and what are the levels of criminal and administrative punishments?
- What are the criminal and administrative sanctions for wildlife violations?
- What is the proportion of cases for criminal versus administrative punishments?
- What are the most frequent violations of wildlife protection laws?
- How time-efficient is the prosecution of apprehended wildlife criminals?
- What are the most frequent penalty terms for wildlife crimes?
- What is the extent of enforcement response to different illegally traded species?

Based on the available dataset, this analysis has identified a number of findings casting more light on wildlife trade situation and the effectiveness of law enforcement in detecting and handling wildlife violations in Viet Nam. Despite the some limitations in the dataset (as previously noted), as the first national review, it is hoped this analysis holds value for both law enforcement agencies and management authorities in understanding and improving law enforcement against wildlife crimes in Viet Nam.

IV. WILDLIFE VIOLATIONS AND CRIMES IN VIET NAM

4.1. Magnitude of wildlife crime

The illegal nature of wildlife crime poses a number of challenges when we were trying to estimate precise figures of the size of the trade. Assessments based on short-term illegal market surveys are only able to frame the visible side of such trade. Reports based on undercover investigations can provide deep insights into the criminal practice, but are unlikely to offer a broad picture, due to necessary focus on the individual cases. Therefore, data collected by the competent agencies in Viet Nam provides an additional source to assess the actual magnitude of wildlife crimes, and is the firm base of this situational review.

It shall be noted that collected data covered mainly closed cases, omitting an undefined number of pending cases for further investigation. Neither skills, equipment nor integrity variables were available and taken into account for this situational review.

4.1.1. Number of cases by species

From 2013 to 2017, the law enforcement agencies in Viet Nam detected and registered 1,504 wildlife-related cases. From over 180 species³, snake-related cases topped the chart with 20.55% (309/1,504) of the cases, followed various types of turtle 10.31% (155/1,504), birds 8.58% (129/1,504), and pangolins 7.38% (111/1,504)⁴. Elephants and rhinos accounted for a minimal share of the number of cases, respectively 3.39% (51/1,504) and 2.73% (41/1,504) of the total cases recorded during the 5 years of this situational review (Figure 1).⁵

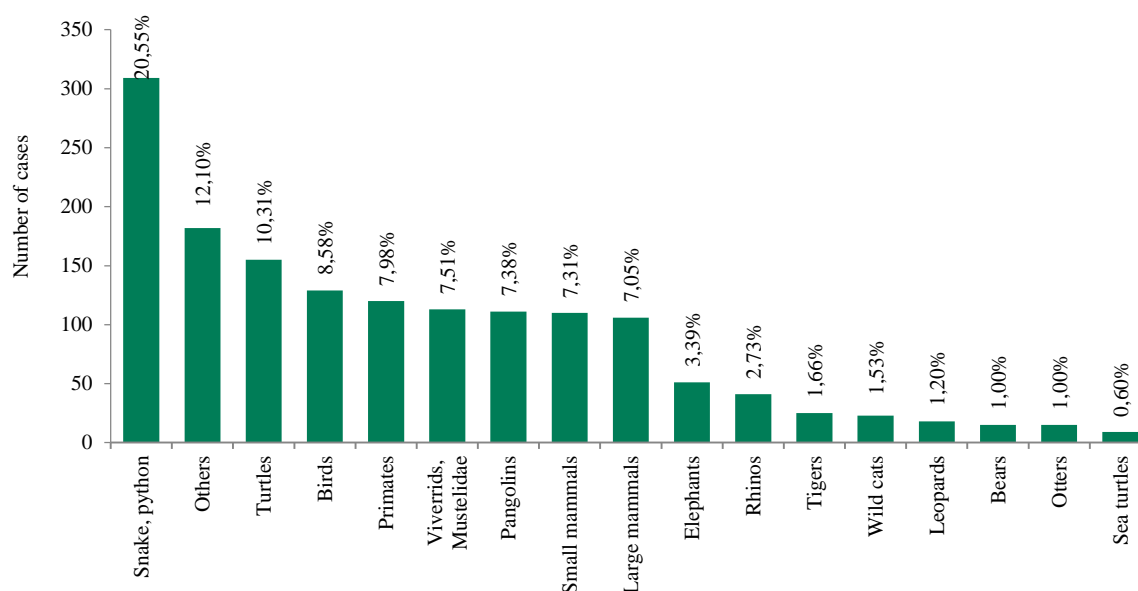


Figure 1. Percentage of cases, in terms of wildlife species

³ Indicator: Proportion of trade by species (Crookes et al. 2005)

⁴ Indicator: Dominant species in the market (Dupain et al. 2012)

⁵ It shall be noted that details of an unspecified number of wildlife violation cases involving species not native to Viet Nam were withheld from this situational review on the basis that the Penal Code 1999 did not include provisions about endangered non-native species. The reader is advised to exercise caution, as the actual share of trafficked elephant ivory and rhino horn in Viet Nam may not be accurately reflected in this analysis.

4.1.2. Seized wildlife by cases

From January 2013 to December 2017, law enforcement agencies initiated 361 criminal prosecutions out of 1,504 cases with 496 out of 1,461 offenders, and imposed administrative fines on 965 offenders in 1,143 cases; there were 201 cases in which the offenders had not been identified (*bona vacantia*).

Looking at the sanctions of the 1,504 cases, we can see that:

- The cases in which there were more than 200 wildlife units accounted for a major part. There was case in which 4,391 turtles were confiscated, equivalent to 16.75% (4,391/26,221) of the total number of wildlife units confiscated, and another case with 3,635 pieces of ivory weighing 8,404kg (20,34% of the total weight, or 8,404/41,327 kg) (Figure 3).
- Small-scale offences with less than 10 wildlife units confiscated accounted for only 8.38% (126/1,504) of the total violations recorded by the law enforcement agencies.

4.1.3. Seized species by individuals

Out of more than 180 wildlife species confiscated, turtles were by far the largest proportion, accounting for nearly one-third (31.23% or 8,118/26,221) of the total number of wildlife units confiscated, followed by birds 29.11% (7,632/26,221), snakes and boas 18.56% (4,867/ 26,221) and pangolins 7.43% (1,949/26,221) (Figure 2)⁶

While this indicator can provide a solid representation of the number of detected birds, snakes and turtles, it does not identify the actual volume of wildlife.

Criteria for numbering the confiscated items varies broadly across the sample, which can be unit or weight, therefore this indicator shall be coupled with the confiscated weight volume in order to identify the species prevalent from seizures.

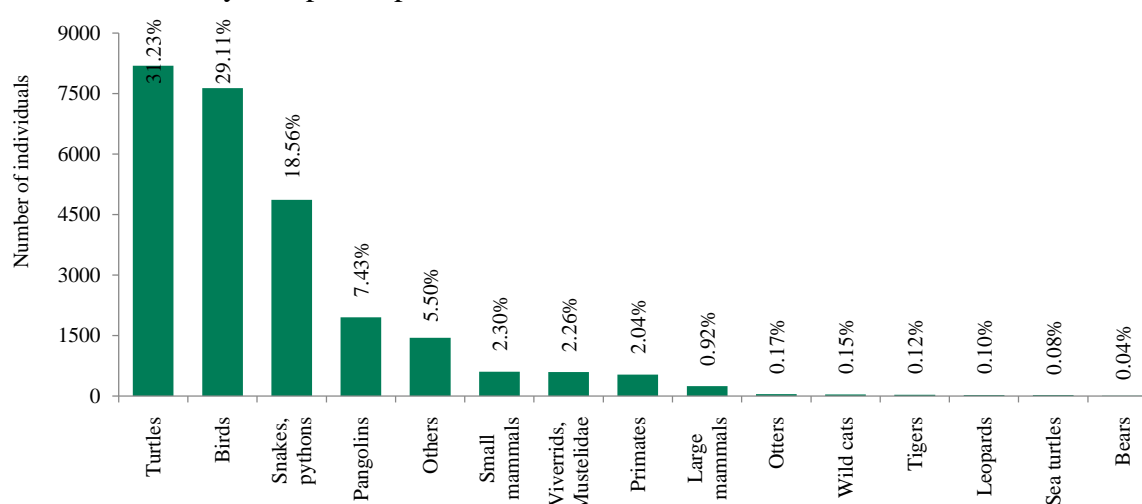


Figure 2. Seized wildlife by units

⁶ Indicator: Number of trafficked wildlife (Weinbaum et al. 2013; CITES 2014; INTERPOL 2014; Milikem 2014; USFWS 2011; WCO 2007; WildAid 2014).

4.1.4. Seized species by weight

Analyzing the total weight of confiscated species helps evaluate the extent of wildlife crime.⁷ Between January 2013 and December 2017, over 41 tons of wildlife and wildlife products were confiscated by law enforcement agencies in Viet Nam. This is a conservative figure given that the weight of the seizures was reported only in 71% of the cases. The majority of the volume recorded was for ivory, accounting for 23.55% (9,732/41,328kg); followed by pangolins 20.17% (8,337/ 41,328kg), and snakes and boas 16.69% (6,897/ 41,328kg). On the contrary, products from rhinos and birds were counted by number of units, making their total reported mass relatively minor: 0.92% (381/41,328kg) and 1.11% (459/41,328kg) respectively. See Figure 3 below.

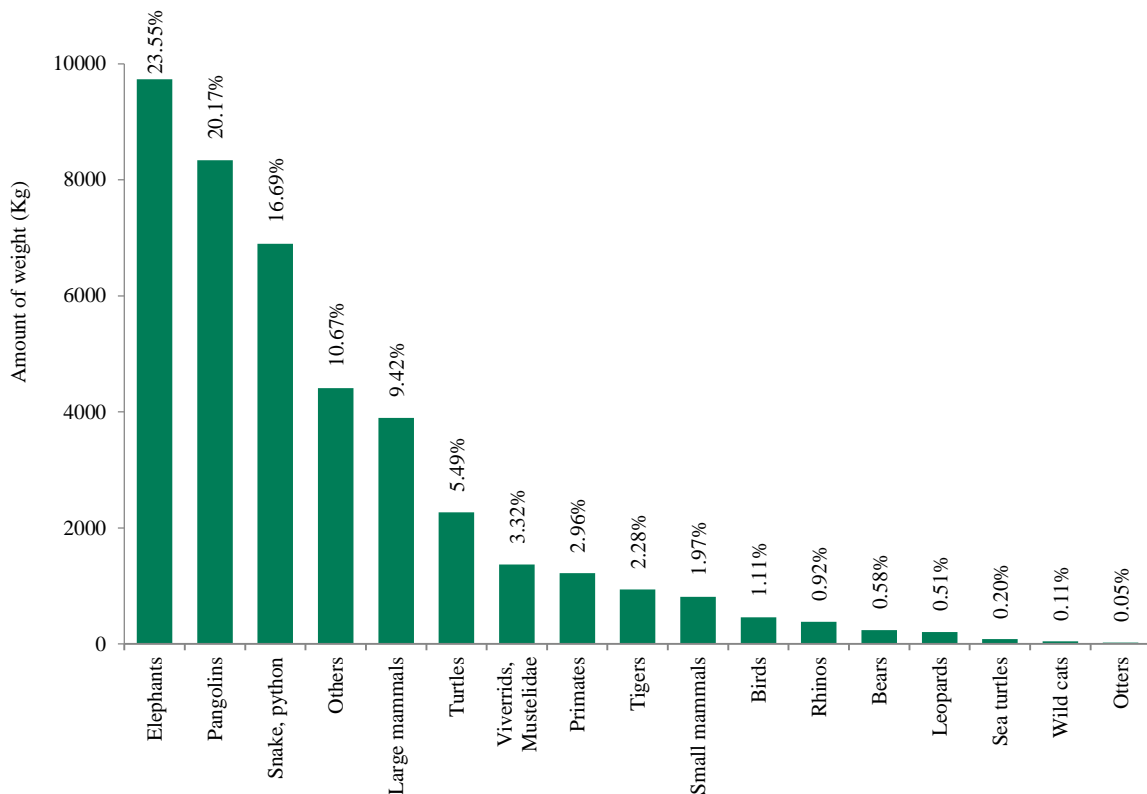


Figure 3. Total weight of seized species

4.1.5. Types of seized wildlife

Overall, 26,221 units and 41,328kg wildlife and products from wildlife were confiscated. The majority 80.13% (21,011/26,221) of the units of wildlife were alive at the time of confiscation, 18.64% (4,887/26,221) were dead (3.19% of the total weight, or 1,317/41,328kg), and the remaining 1% of the units (262/26,221) or 5.22% weight (2,156/41,328kg) were dead and frozen (see Figure 4 and 5).^{8,9}

7 Indicator: Agnew et al. 2009; CI 2014; CI & FAO 2002; CITES 2014; COMIFAC 2012; Crookes et al. 2005; DEFRA 2014; Dupain et al. 2012; GRASP 2014; Interpol 2013, 2014; Ntiamoa-Baide 1997; Sharma et al. 2014; TRAFFIC 2008; WCS 2014; WildAid 2014; Wingard & Zahler 2006; WWF 2014; Zeller et al. 2011.

8 Indicator: Number of bodies confiscated (CITES 2014)

9 Indicator: Number of alive confiscated (CITES 2014)

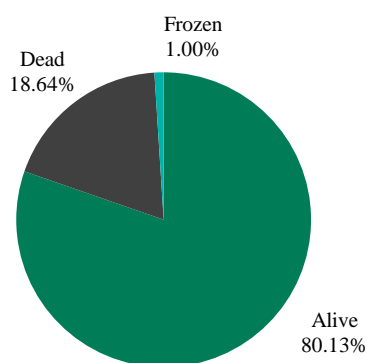


Figure 4. Seized wildlife by number of individuals

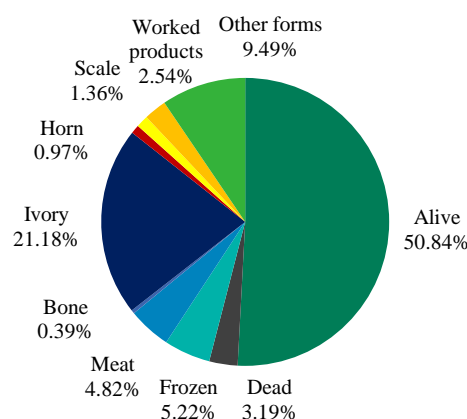


Figure 5. Seized wildlife by weight

4.1.6. Ivory related violations

From 2013 to 2017, the law enforcement agencies handled 48 cases related to 9,732 kg elephant-related items, accounting for the largest proportion of ‘weighted’ wildlife 23.55% (Figure 3).

The weight of raw ivory comprised 89.95% (8,753/9,732 kg) of the total weight of confiscated elephant-related items, the rest being ivory products such as rings and bracelets. Albeit large in number, such jewelry products have a limited weight, which explains why rings and bracelets combined account for only 10.04% (977/9,732 kg) of the total weight of ivory confiscated (Figure 6).^{10,11}

From ivory seizure reports we can identify a majority of offenders (43.75%) handling 20kg to 150kg of ivory (in 21 identified cases out of total 48). An additional 22.92% (11/48) offenders handled smaller pieces of ivory, ranging from 1kg to 5kg, and 25% (12/48) offenders handled over 150kg.¹² Notably, specific offenders in Bạc Liêu Province traded 749 pieces of elephant ivory weighing 1,422kg (Figure 7).

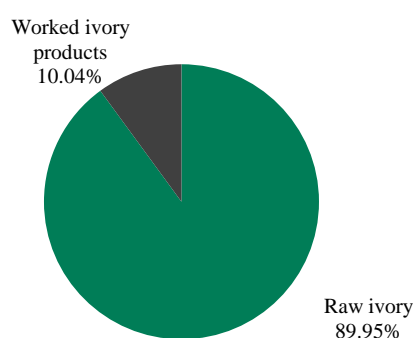


Figure 6. Types of seized ivory products by weight

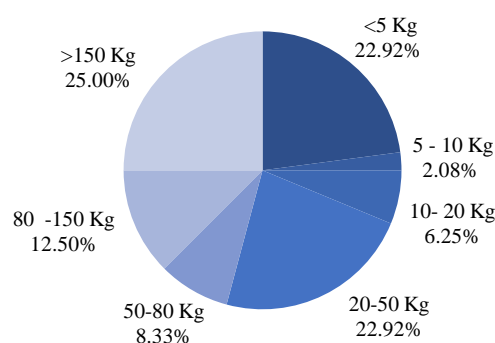


Figure 7. Magnitude of ivory trafficking by weight

10 Indicator: Weight (Kg) of ivory carvings (CITES 2014)

11 Indicator: Quantity of ivory carvings (CITES 2014)

12 According to ICCWC, large-scale seizures are seizures of a size that is considered significant or unusual in its scale, implies the involvement of an organized criminal network, or that would be likely to have a significant impact on the species concerned. For ivory, a large-scale seizure is defined as a seizure of 500 Kg or more (defined by CITES). For other species, a large-scale seizure may need to be defined on the basis of historical seizure data. Thereinafter, mentions of “large-scale” seizures or violations in this situational review are solely estimation of WCS in comparison with illegal trade situation of each species.

Data on illegal ivory trade related to only 10 municipalities: Ha Noi, Ho Chi Minh City, Lào Cai, Điện Biên, Bắc Giang, Quang Ninh, Thanh Hóa, Nghệ An, Quảng Nam, Tây Ninh and Bạc Liêu (Figure 8).

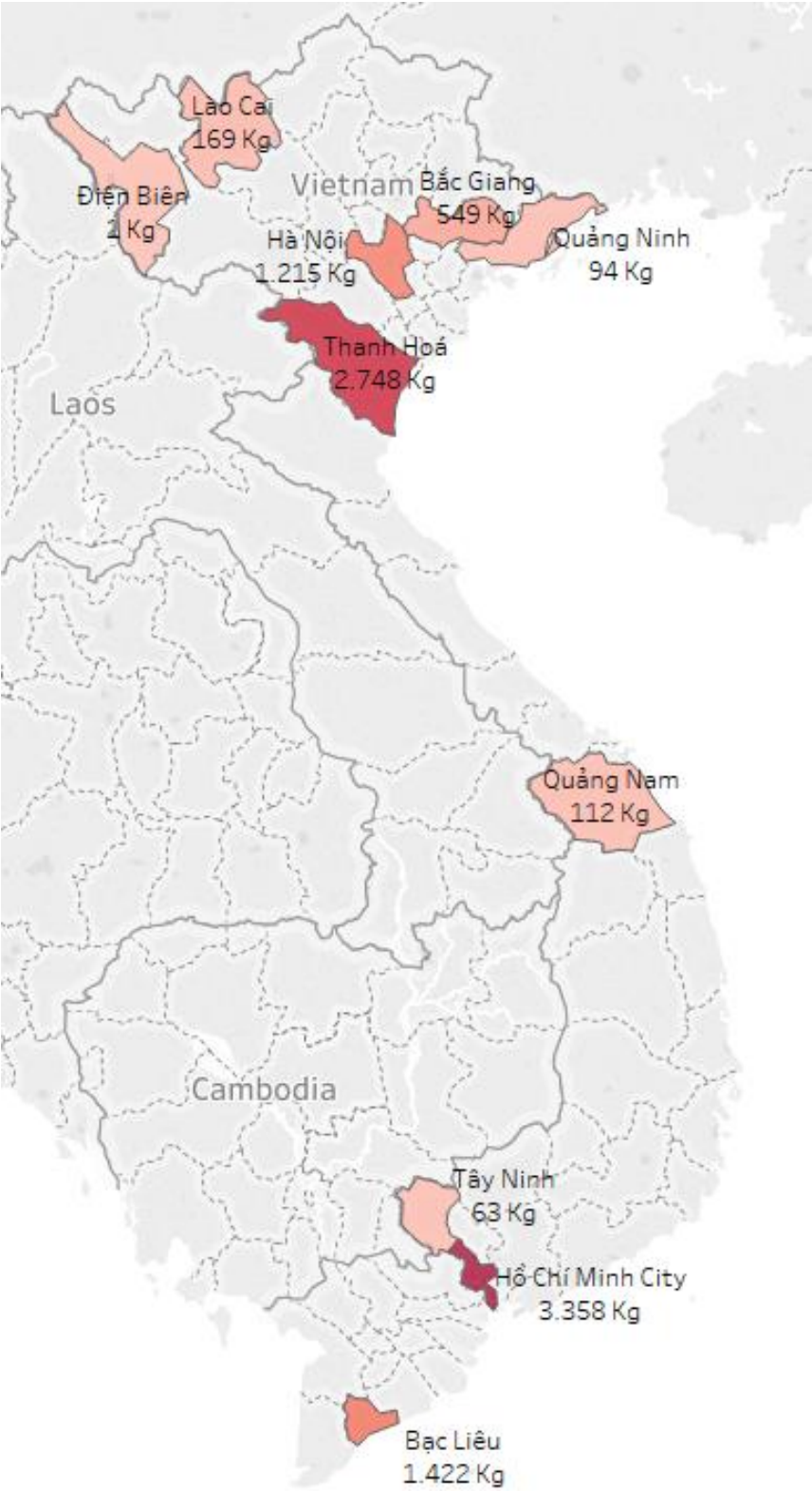


Figure 8. Geographical distribution of ivory seizures by weight

4.1.7. Pangolin related violations

During the 5-year period, a total mass of 1,949 pangolins and 8,337kg pangolins and scales (20.17% - second to ivory in proportion) was recorded in 111 confiscations by authorized agencies (Figure 3).

Live pangolins comprised the majority weight: 91.49% (7,627/8,336 kg) of the total weight (95.33%, or 1,858/1,949 of the units); then 20.81% (1,735/8,337kg) related to dead including frozen pangolins, and scales (Figure 9).

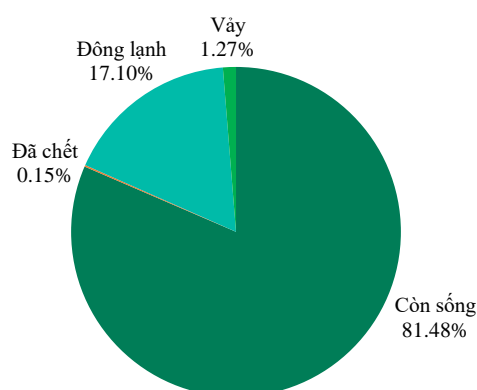


Figure 9. Condition of confiscated pangolins

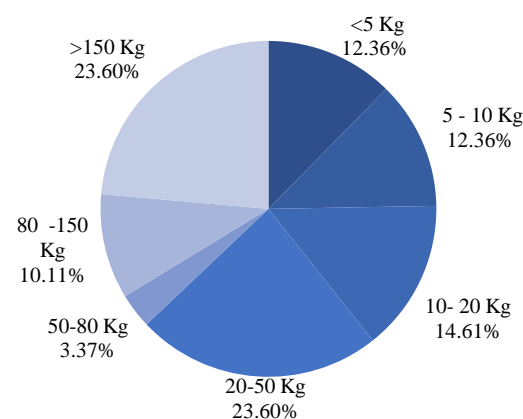


Figure 10. Pangolin trafficking by weight

Most of the seizures were large-scale trafficking of pangolins, with over 23% (27/117) of the cases showing a volume of greater than 150 kg (Figure 10) at the time of the seizure, and seizures occurred particularly in Quang Ninh (3,318kg), Hải Phòng (1,083.4kg), Hưng Yên (821kg), and Ninh Bình (722.4kg) (Figure 11).

Readers are encouraged to note that in some provinces, the local authority confiscated pangolins, but did not clearly report the weight of the seized pangolins.



Figure 11. Geographical distribution of pangolin seizures by weight

4.1.8. Rhino horn related violations

From 2013 to 2017, the law enforcement agencies dealt with 41 cases involving 228 rhino horns weighing 381.17kg. The seizures were carried out in 8 provinces and cities (Ha Noi, Quang Ninh, Bắc Giang, Bắc Ninh, Thái Bình, Nghệ An, Tay Ninh and Ho Chi Minh City). Ha Noi was the top province for seizures, totaling 130 horns weighing 195.8 kg, followed

by Ho Chi Minh City with 68 horns (weighed 112.2kg), Nghe An with 31kg and Quang Ninh with 4 horns (weighed 3.604kg) – the lowest (Figure 12).



Figure 12. Geographical distribution of rhino seizures by weight

4.2. Offenders' demographics

4.2.1. Gender

The majority of identified offenders are male: 81.52% (1,191/1,461) with the remaining 18.21% offenders being female. This percentage of male offenders slightly increased when only those offenders subjected to criminal charges are considered – 85.08% (422/496) of the total offenders.

4.2.2. Age

The age distribution of offenders generally is in line with the traditional Bell Curve of the workforce, with the largest share being 26.63% (39/1,461) held by offenders aged between 30 and 35, followed by those aged between 36 to 41 19.85% (290/1,461), between 24 and 29 15.81% (231/1461) and under 18 being the lowest 0.14% (2/1.461) (Figure 13)

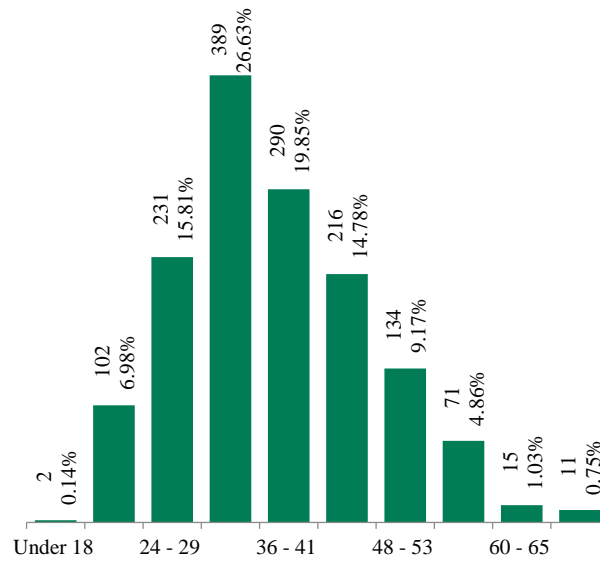


Figure 13. Age distribution of apprehended wildlife offenders

Serious crimes with criminal charges often involve average working-age offenders, with over 25.4% (126/496) of the offenders facing criminal penalties from 30 to 35 years old. In a similar fashion, the majority of offenders subjected to administrative penalties ranges from 30 to 35 years old, accounting for 27.25% (263/965) of all offenders (Figure 14 and 15).

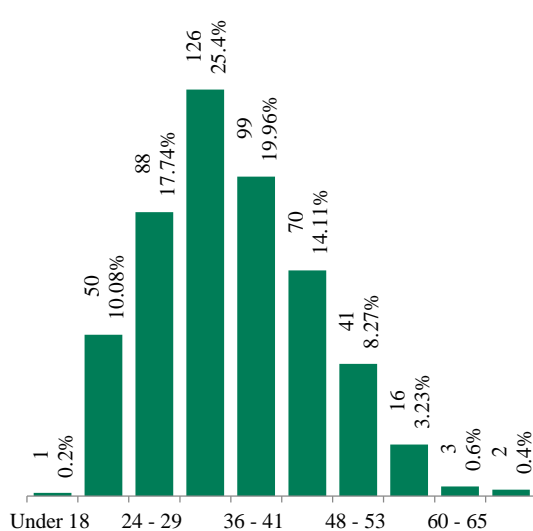


Figure 14. Age distribution of wildlife offenders apprehended under criminal laws

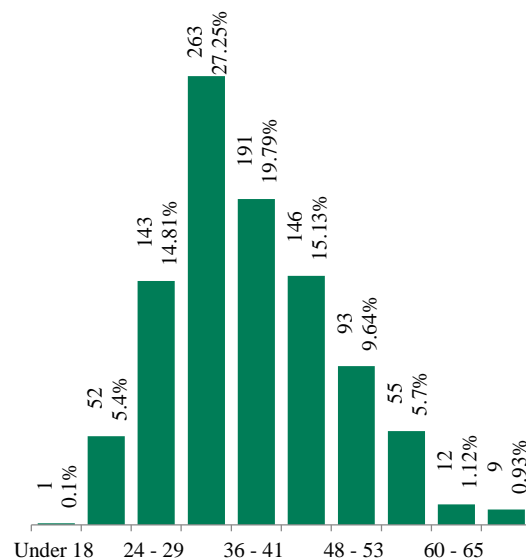


Figure 15. Age distribution of wildlife offenders apprehended under administrative laws

Meanwhile, data on female offenders show a different pattern, with a flatter distribution across ages; from 30 to 35 years: 55 offenders – 14.14% compared with male offenders, from 36 to 41: 67 offenders – 23.1%, from 42 to 47: 53 offenders – 24.54%, and from 48 to 53: 37 offenders – 27.6% (Figure 16). Nearly a half of offenders between 54 and 59 years old are female – 31 female offenders – 43.66% compared with their male counterparts.

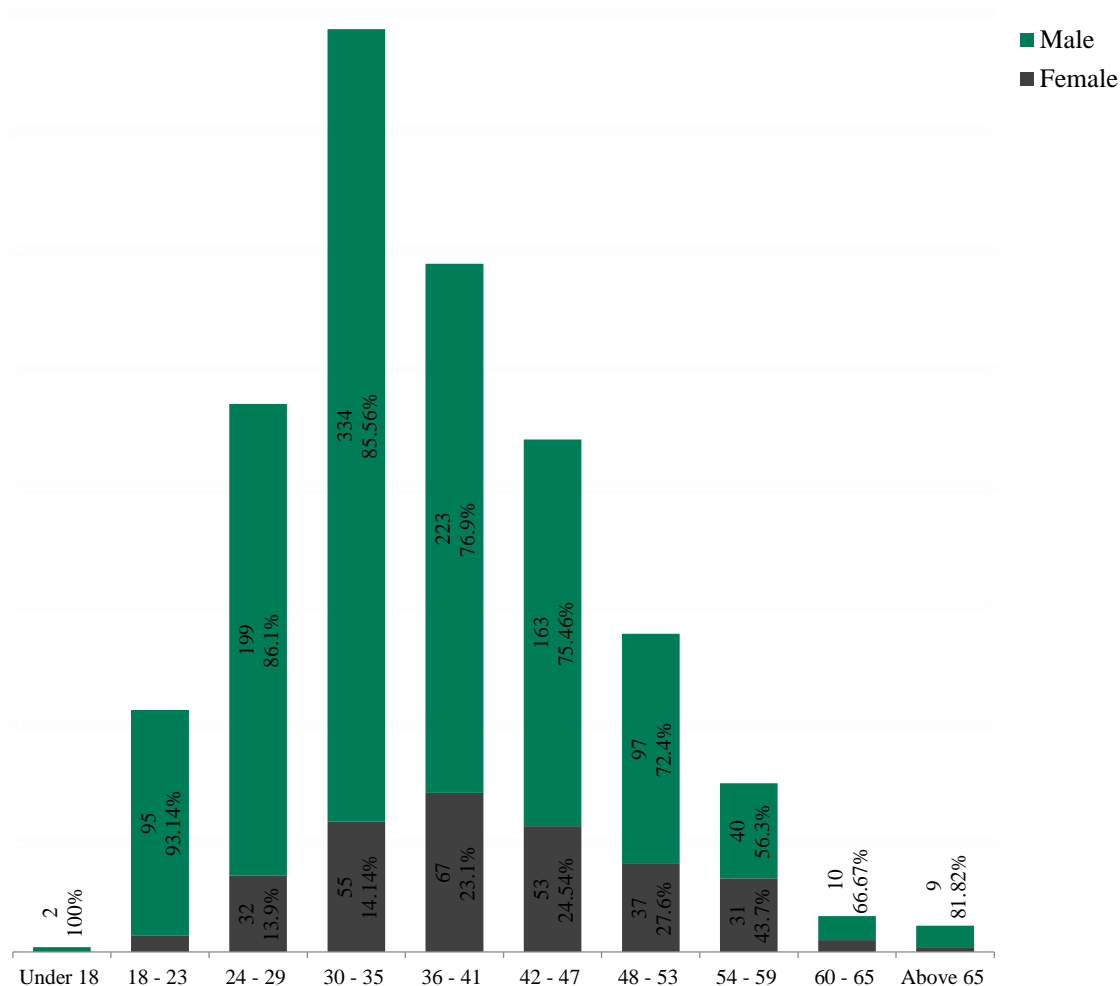


Figure 16. Age and Gender of the Offenders

4.2.3. Residence

The declared location of residence of apprehended wildlife offenders generally follows the distribution of the population across Viet Nam. Detected offenders often come from densely populated provinces, with the exceptions of Lang Son Province in the north, and Dong Nai in the south of the country which were hosting the largest number of identified offenders.

4.3. Sources and destinations of wildlife crimes

4.3.1. Cross-border wildlife transporting and trafficking

In a limited number of cases in which the origin of confiscated wildlife is identified, 97.47% of the wildlife originated in Viet Nam (1,466/1,504 cases), the rest from other countries (2.53% - 38/1,504 cases).

Wildlife from Lao PDR accounted for the largest share of 26.32% (10/38 cases) of the non-native wildlife and were pangolins, turtles, and snakes. Neither elephant ivory, rhino horn nor teeth of jaguars and lions was found. Those exotic wildlife products were mostly from Africa, a majority of which came from Angola (Figure 17) with cases making up 26.32% (or 5/19) of total cases from Africa. This suits the fact that elephant ivory and rhino horns trafficked to Viet Nam originate in Africa¹⁶.

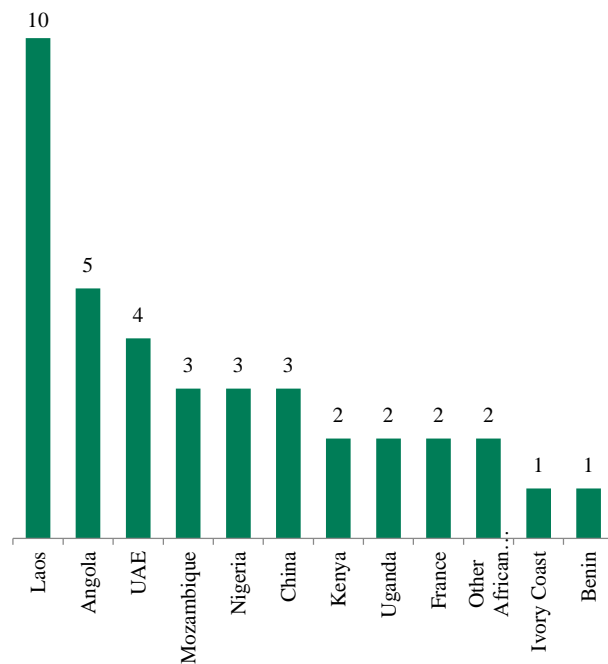


Figure 17: Origin of trafficked non-native wildlife

Based on the data collected, in only 0.13% (2/1,504) of the detected cases, offenders plead guilty to transporting wildlife (pangolins and primate) to China. Those offenders were arrested by authorities in the provinces of Ha Giang and Cao Bang.

However, the limited number of cases where the origin was recorded prevents drawing any definitive conclusions from this data.

It should be noted that information provided by Customs authorities is limited (only 59 of the 1,504 violation cases (3.92%) were detected and handled in five years). Consequently, statistics related to international trafficking in wildlife may not reflect the actual magnitude of the trade.

¹⁶ Please note that country of origin is declared by offenders. So, there is high likability that rhino horns are trafficked through Mozambique, but not from Mozambique rhinos. According to National Conservation Authority of Mozambique, the 2016 census found just over twenty rhinos (Bartolomeu Souto, 2016).

4.3.2. Illegal transporting and trading of wildlife in Viet Nam (domestic trade)

From a number of cases where this information was provided in the seizure records, we were able to highlight the key cities where wildlife trafficking routes originated and ended. The provinces of Lào Cai, Tuyen Quang, Lang Son in the north and Tay Ninh, An Giang, Cà Mau in the south were most frequently identified as wildlife sources.

As for the domestic destinations, the cities of Ha Noi, Ho Chi Minh City, Dong Nai, Quang Tri, Quảng Nam, Quang Ninh were most frequently reported. It should be noted that Quang Ninh is located on the main route to Mong Cai, a hotspot for trafficking wildlife to China.

However, these findings may not reflect the whole situation, due to the small number of records including these details: 142/1,504 cases accounting for 9.44% of the cases featured the shipping destination and 186/1,504 cases accounting for 12.37% featured the shipping origin.

V. GOVERNMENT RESPONSE

5.1. Geographical distribution

5.1.1. Geographical extent of the response

Viet Nam government action against wildlife crimes has involved a broad range of law enforcement agencies all across the country. Overall, 56 provinces and centrally-administered cities in Viet Nam have documented their efforts in detection, prevention and suppression of wildlife crimes, corresponding to more than 88.89% of provinces and centrally-administered cities, covering an area hosting 91.11% of the population in Viet Nam (based on the 2016 population of Viet Nam). In addition, 7 provinces reported there were no violations of wildlife in 5 years (from 2013 to 2017): Vinh Phuc, Quang Ngai, Ben Tre, Tra Vinh, Vinh Long, Can Tho, Soc Trang.

5.1.2. Number of recorded cases per provinces and provincial-level cities

Provinces with high numbers of violations are Dong Nai (126), Ha Noi (122), Ho Chi Minh City (74). Provinces hosting major gateways to Cambodia, Lao PDR and China recorded more violations of wildlife trade than others, such as Lang Son (102), Quang Tri (98), Quang Ninh (69), An Giang (63), Nghe An (56). (Figure 18).

A large number of violations are concentrated in Lang Son and Quang Ninh Province, and in the intersection between Ha Noi and Lang Son, Ha Noi and Mong Cai, the major border gateways with China. Likewise, the hotspots in Quang Tri and Nghe An Province lie in proximity with trade gateways with Lao PDR. Provinces in the south such as Dong Nai, Dong Thap, Tay Ninh, Hau Giang, An Giang are also hotspots for cross-border wildlife trafficking between Cambodia and Viet Nam.

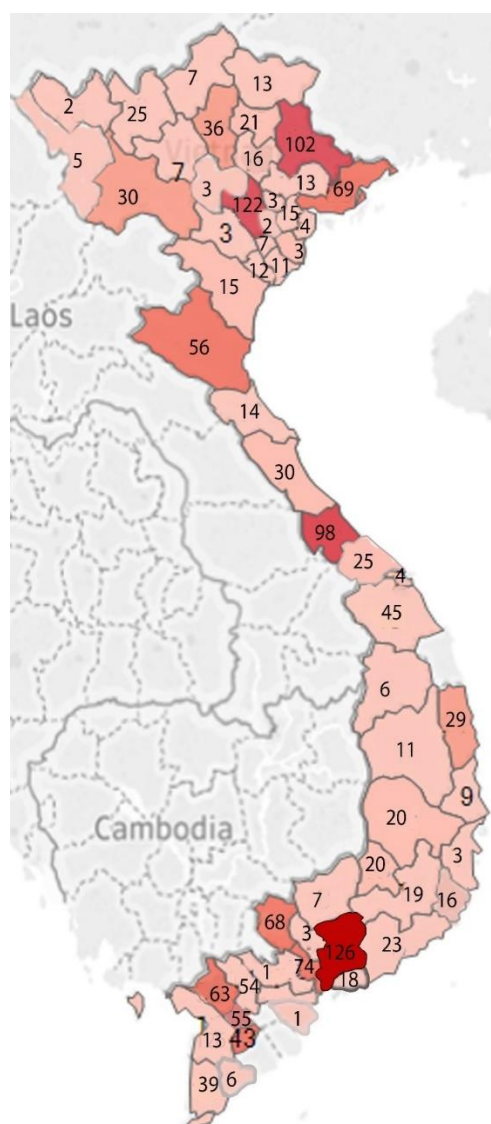


Figure 18. Number of wildlife trafficking cases (by province)

Looking at the charge types resulting from wildlife confiscations, criminal charges were concentrated mostly in the two largest cities of Ha Noi and Ho Chi Minh City with 67 and 49 cases respectively, accounting for 32.13% (116/361 criminal cases). On the contrary, offenders apprehended in border or rural areas of the country in most cases experienced mostly administrative charges (Figure 19 and 20).



Figure 19. Number of seizures resulting in administrative cases



Figure 20. Number of seizures resulting in criminal cases

It should be noted that statistical data concerning the geographic distribution of wildlife seizures can be subject to two perspectives: (i) highlighting hotspots of wildlife violations (ii) law enforcement presence/performance. To cast light on the nature of law enforcement agencies' activities, we added Section 5.5 to compare this type of crime to other crimes of similar nature (5.5.1. *Comparison wildlife crimes to drug crimes*; 5.5.2. *Comparison wildlife crimes to prohibited goods*).

5.2. Timeline of enforcement actions

5.2.1. Enforcement actions rate over time

Analysis of the number of wildlife crime cases shows a fluctuation trend over the 5-year period, specifically:

- In 2013, 339 cases with 355 offenders apprehended and handled.
- In 2014, 219 cases with 215 offenders apprehended and handled.
- In 2015, 297 cases with 270 offenders apprehended and handled.
- In 2016, 334 cases with 350 offenders apprehended and handled.
- In 2017, 315 cases with 271 offenders apprehended and handled.

The analysis of specific months shows that the number of cases significantly reduced in the month of February; over 5 years, this month only accounted for 3.46% (52/ 1,504) of the total number of cases (Figure 21). It is possibly due to the fact the Lunar New Year often coincides with this month, which is likely observed by either the offenders or law enforcement officers or both. However more thorough research to confirm the causes may be needed.

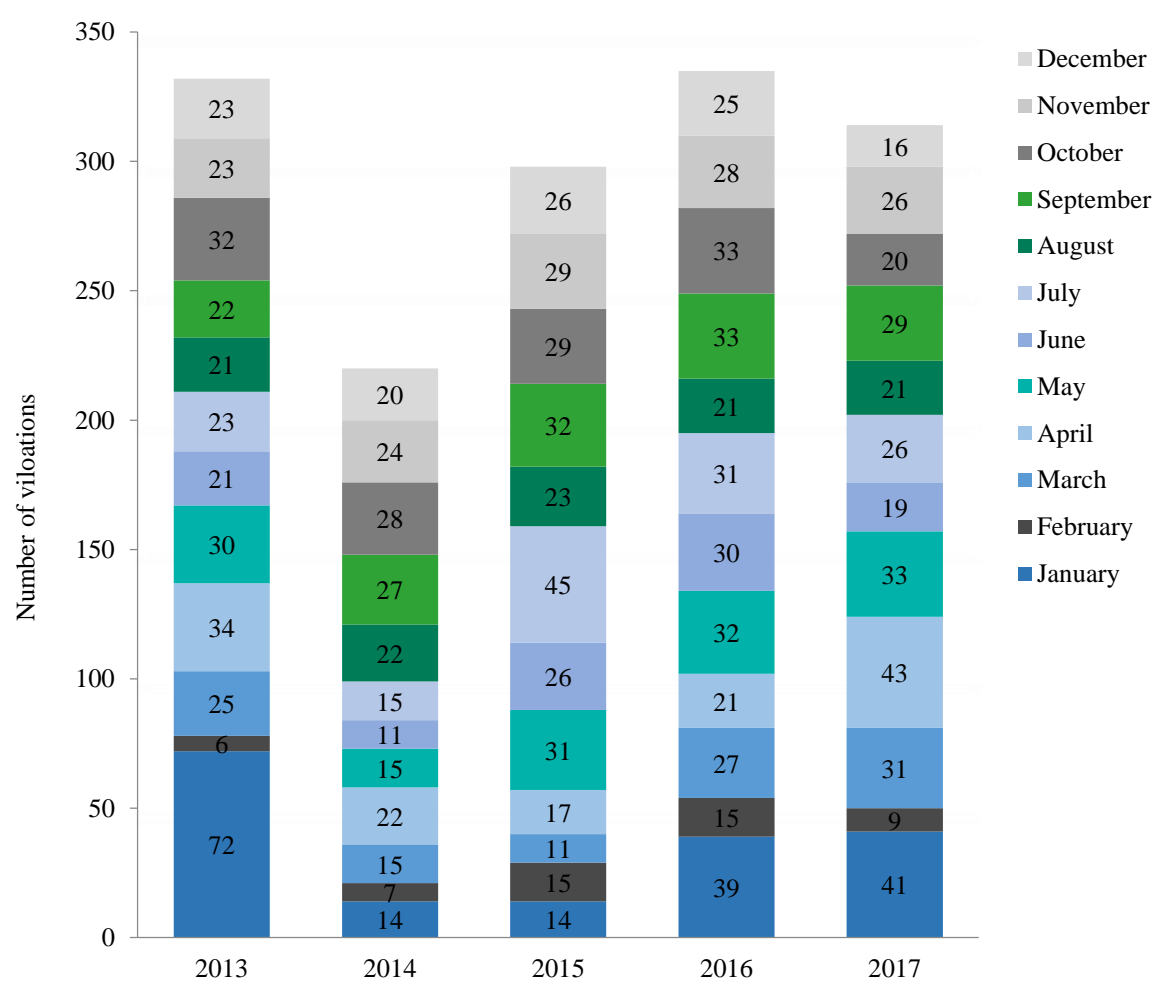


Figure 21: Number of violations by years and months for 5 years (2013 - 2017)

5.2.2. Monthly consistency of enforcement efforts by provinces and centrally administered cities

Dedicated singular operations can result in sizable seizures and detrimentally impact a criminal enterprise, but frequent enforcement actions are more effective in conveying territorial rule of law.

Considering the frequency of law enforcement actions, the provinces and cities of Ha Noi, Tuyen Quang, Quang Ninh, Quang Tri, Quảng Nam, Tay Ninh, Dong Nai, Ho Chi Minh City and An Giang were the most consistently active against wildlife violations. Specifically, these provinces executed enforcement actions in 60/60 months in 5 years. The second most active provinces were Lang Son, Nghe An, Quang Binh, Bình Thuận, Lâm Đồng (59/ 60 months). In contrast, we can find several provincial level governments who concentrated their action against wildlife crimes during only one to three of the 36 months including Long An, Tiền Giang (1/60 months); Lai Châu, Hưng Yên (2/60 months); Hòa Bình, Phú Thọ, Bắc Ninh, Thái Bình, Ninh Thuận, Bình Duong (3/60 months). Furthermore, major cities and trade gateways such as Da Nang and Hải Phòng, the leading seaports of Viet Nam only concentrated their activities in 4 out of 60 months in the period. (Table 1)

Table 1. Number of violations apprehended by province, provincial-level city and by month for 5 years (2013 - 2017)

5.3. Engagement of law enforcement agencies

5.3.1. The involvement of the law enforcement agencies by case

Between January 2013 and December 2017, law enforcement agencies apprehended 1,504 cases¹⁷ with 1,461 subjects involved.^{18, 19} Forest Protection agencies were responsible for 54.12% of total wildlife crime cases (814/1,504), followed by Police forces 39.56% (595/1,504) (Figure 22). Of the total number of wildlife cases, the most active body was at the District Level (Forest Protection Units and Police), responsible for 59.64% of the overall cases (897/1,504), followed by provincial authorities 27.99% (421/1,504). National (central), and Commune level authorities accounted for a combined 1.46% (22/1,504) of the recorded wildlife crime cases.

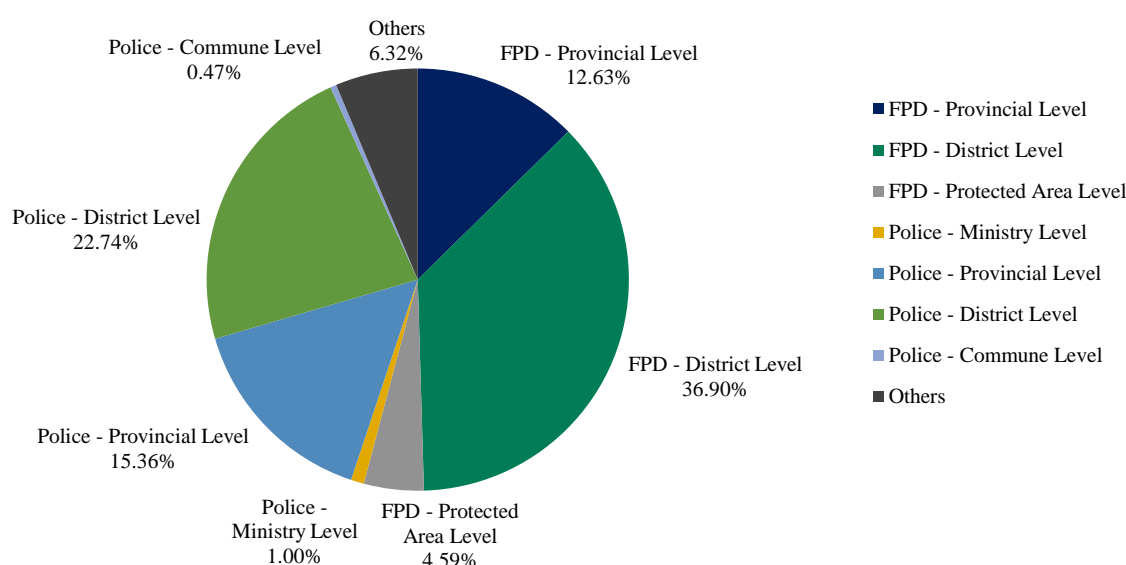


Figure 22. Number of wildlife cases initiated by law enforcement agencies

By comparing the number of criminal versus administrative cases initiated by each of these law enforcement agencies, Forest Protection force emerges as the leading agency with almost two thirds (754/1,143, or 65.97%) of administrative cases. While Police forces were responsible for initiating 21.41% (322/ 1,143) of overall administrative cases (Figure 23), other agencies (Customs, Border Guards, etc) only account for 4.37% (50/1,143). Analyzing the distribution of criminal cases across law enforcement bodies, the Police is unsurprisingly the key agency, accounting for 75.62% of wildlife related cases (273/361), followed by Forest Protection (60/ 361 cases or 16.62%) (Figure 24). This information is consistent with the mandate of Forest Protection and the Police in accordance with legislation related to wildlife protection in Viet Nam.

¹⁷ Indicator: Number of seizures (WCO 2007, Milliken 2014).

¹⁸ Indicator: Number of wildlife traders apprehended (ADF 2013).

¹⁹ Not all cases identified a suspect to be prosecuted.

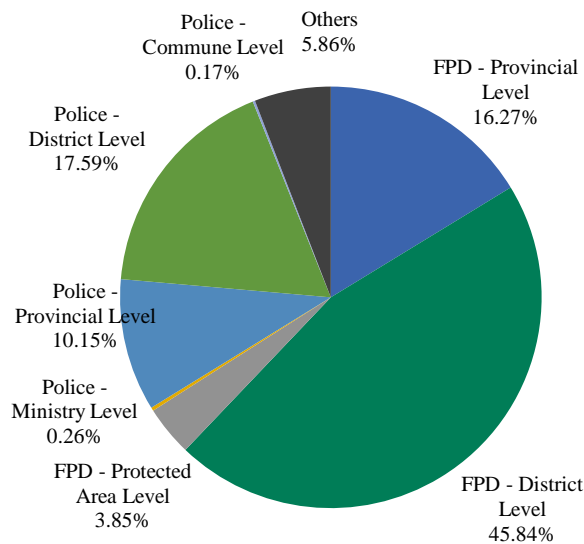


Figure 23. Administrative cases initiated by law enforcement agencies

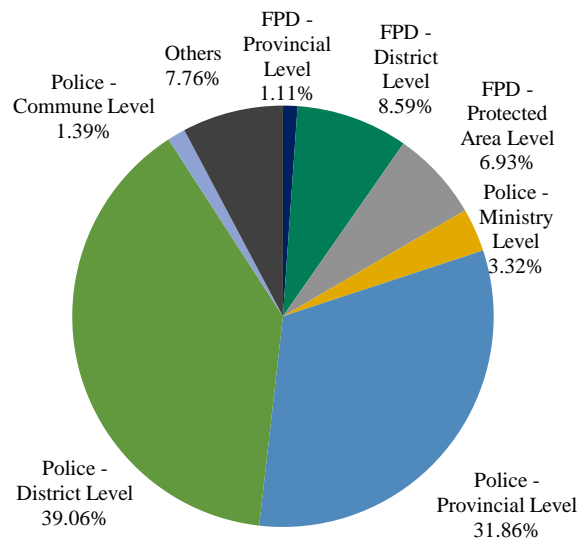


Figure 24. Criminal cases initiated by law enforcement agencies

In the system of police agency, 3 main special police forces directly involved in arresting and handling wildlife violations are: Environmental Police, Economic Police, and Traffic Police with the participation of some other forces of the police such as Mobile Police, Protection police. Among these, the Environmental Police is the most active specialized unit, taking part in the detecting 23.53% (140/595) of the total number of wildlife crime cases handled by the police (Figure 25).

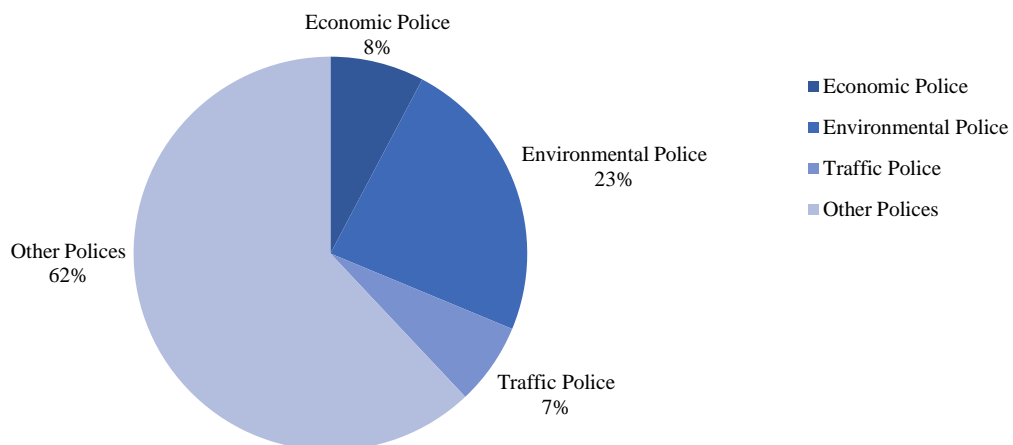


Figure 25. Wildlife cases initiated by law enforcement agencies

Considering the handling rate of wildlife violations in both administrative and criminal fields, the Environmental Police was responsible for the most cases handled, with 24.84% (80/322) of cases in the administrative field, followed by the Traffic Police at 7.45% (24/322) and the Economic Police at 4.66% (15/322) (Figure 26). In the criminal field, the Environmental Police handled 21.98% (60/273), followed by the Economic Police at 11.36% (31/273), and the Traffic Police at 5.86% (16/273) (Figure 27).

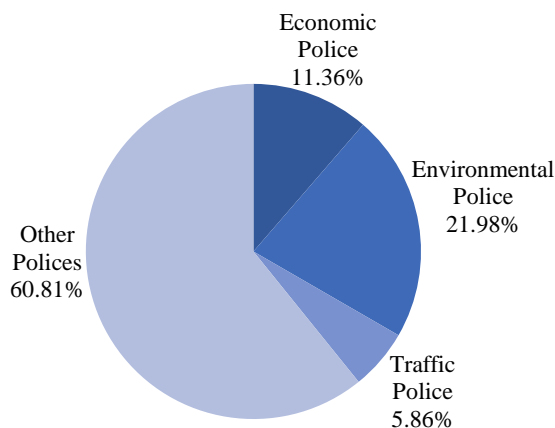


Figure 26. Administrative cases initiated by police agencies

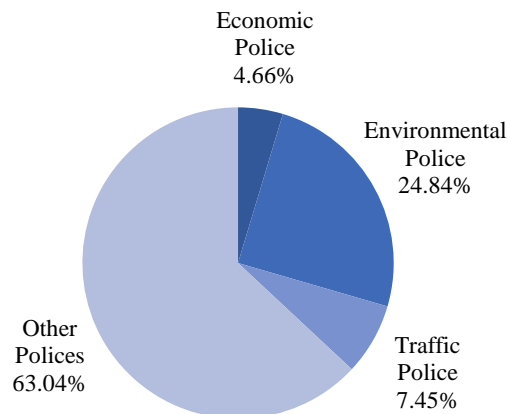


Figure 27. Criminal cases initiated by police agencies

5.3.2. Involvement of law enforcement units by weight of wildlife seizures

The number of wildlife violation cases alone may not be sufficient to understand the contribution of each law enforcement agency given the varied confiscation weights. For this reason, we looked into the distribution of wildlife seizures by weight, which further helps to identify the level of interventions of different law enforcement agencies.

Two agencies undertook the largest confiscations: the Police Force (18,776.005/41,327.545kg or 45.43%) and the Forest Protection Department (13,774.97/41,327.545kg or 33.33%). From a jurisdiction level perspective, district-level law enforcement agencies accounted for more than one third of the seized wildlife weight (16,196.53/41,327.545kg or 39.19%). Nonetheless, from the perspective of agencies involved, provincial-level police agencies have the highest number of confiscation cases, accounting for 25.6% (10,580/ 41,328kg). (Figure 28).

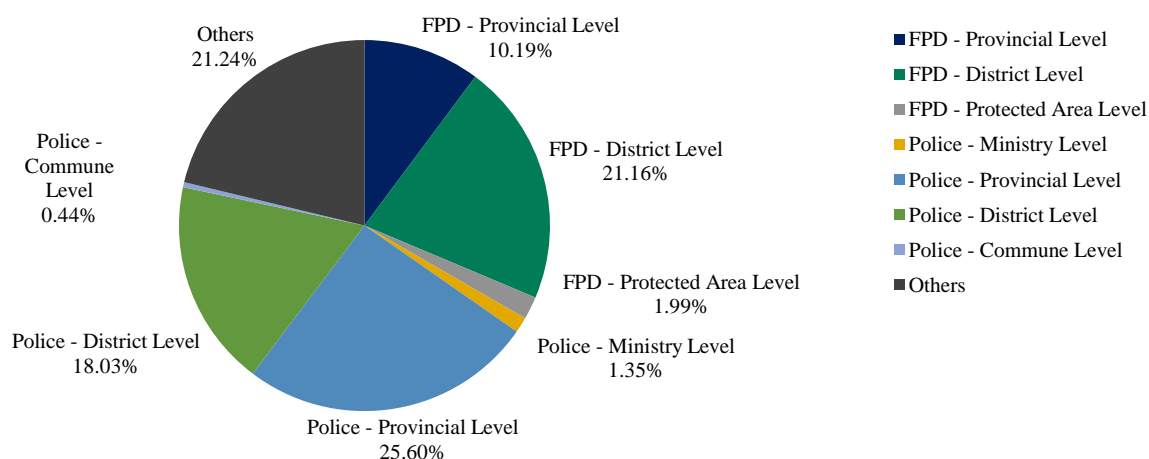


Figure 28: Wildlife seizures (weight) by law enforcement agencies

When the weight of the confiscated wildlife in both administrative and criminal cases are considered separately, there is a clear difference. In administrative cases, the Forest Protection handled most of the administrative violations in the total weight of confiscated wildlife accounting for 47.48% (13,051/27,488kg), followed by the Police Force with

6,723/27,488kg 24.45% (Figure 29). In criminal cases, the Police Force ranked first with the total weight of arrested and confiscated wildlife, accounting for 87.1% (12,054/13,839kg), followed by the Forest Rangers with only 724/13,839kg or 5.23% (Figure 30). This information is consistent with the mandate of Forest Protection Department and the Police Force concerning wildlife violations.

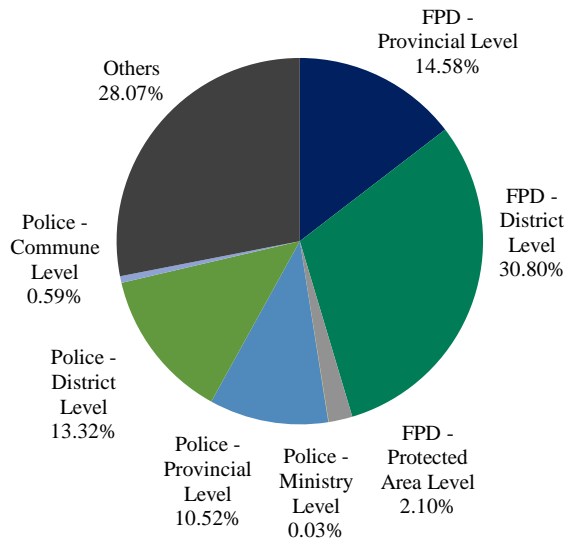


Figure 29: Weight of confiscated wildlife in administrative cases handled by law enforcement agencies

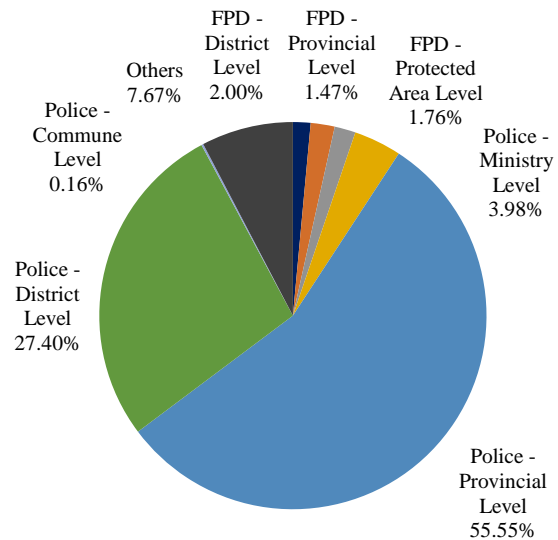


Figure 30: Weight of confiscated wildlife in criminal cases handled by law enforcement agencies

There were 3 main special police forces directly involved in handling wildlife-related cases, which are Environmental Police, Economic Police and Traffic Police, with the participation of the Flying Squad, the Protection Police, etc. The Environmental Police was the most active specialized unit, taking part in the detection of 15.5% (2,911/18,777) of the total number of wildlife crime cases handled by the police (Figure 31).

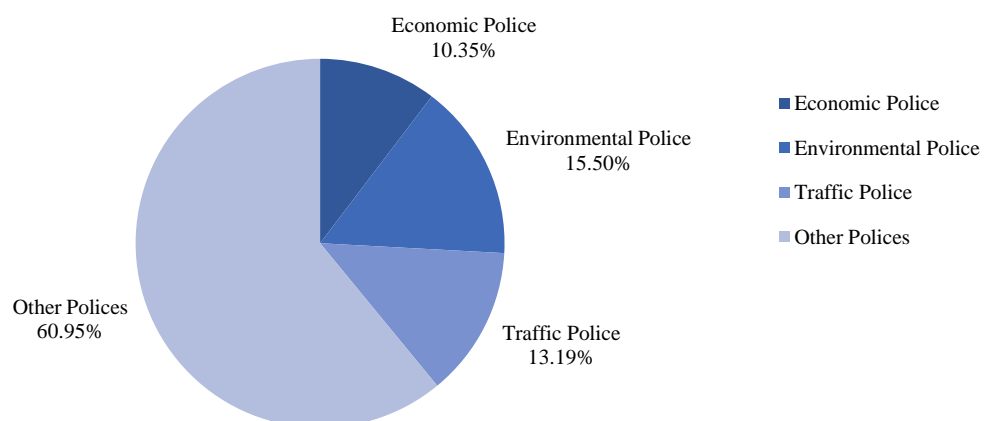


Figure 31: Weight of wildlife confiscated by police forces

Considering the handling rate of wildlife violations in both administrative and criminal way handled by the police forces, the Environmental Police was responsible for the most cases handled, with 22.41% (1,506/6,722) of administrative cases, followed by the Traffic Police at 19.61% (1,318/6,722) and the Economic Police at 6.57% (422/6,722) (Figure 32). For

criminal cases, the breakdown is the Economic Police 12.46% (1,501/12,055), the Environmental Police 11.65% (1,405/12,055), and the Traffic Police at 9.62%% (1.160/12.054) (Figure 33).

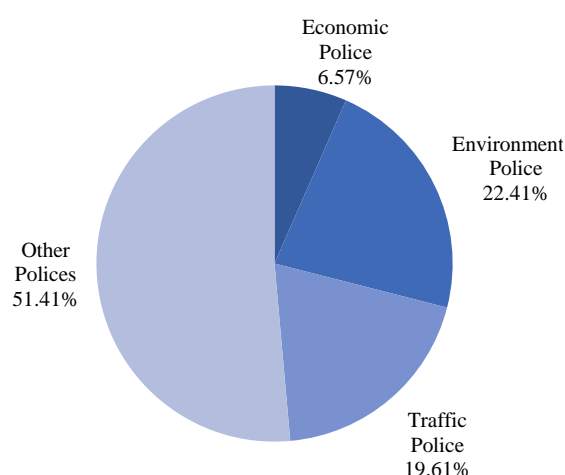


Figure 32: Weight of wildlife in administrative cases handled by police forces

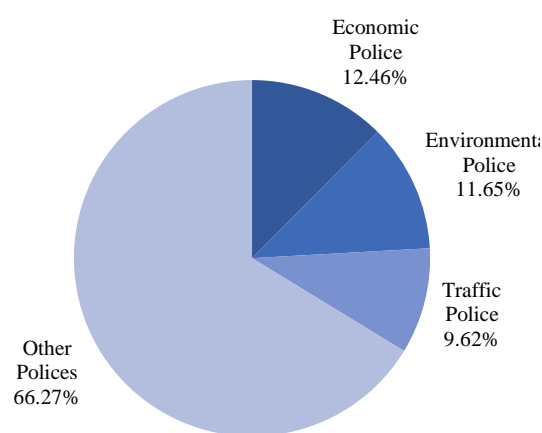


Figure 33: Weight of wildlife in criminal cases handled by police forces

5.3.3. *Inter-agency cooperation*

Law enforcement agencies confront different levels of complexity of the illegal trade chain and offender behavior. The geographical distance occurring between the source habitats and the points of sale and consumption is another factor often limiting the ability of an individual law enforcement body to finalize a case without cooperating with other government agencies.

During the timeframe, 25.86% (389/1,504 cases) of the wildlife crime cases involved cooperation between two or more law enforcement agencies.

5.4. Handling of wildlife crimes

5.4.1. The number of offenders facing criminal charges

In 5 years, law enforcement agencies arrested and charged 496 defendants. There is no big difference in the number of criminal charges between 2013 and 2017, except one in 2014.

Specifically, in 2013, 113 defendants faced criminal charges, in 2014 only 19, in 2015, there was 143, in 2016, there was 110 and in 2017, there was 111.

Thus, the number of defendants facing criminal charges in 2014 decreased by 94 compared to 2013, 124 compared to 2015, and 92 compared to 2017. The number in 2017 increased by only one defendant compared to 2016.

5.4.2. The number of offenders facing criminal prosecution

In 5 years, prosecutors at all levels (Procuracy departments) criminally prosecuted 448 accused persons. There is no big difference in the number of offenders facing criminal prosecution between 2013 and 2017, except one in 2014.

Specifically, in 2013, 86 defendants were criminally prosecuted, in 2014 only 20, in 2015 there was 103, in 2016, there was 119 and in 2017, there was 120 defendants.

Thus, the number of criminally prosecuted defendants in 2014 decreased by 66 compared to 2013, 83 compared to 2015, and 100 compared to 2017. The number in 2017 increased by only one defendant compared to 2016.²⁰

5.4.3. Conviction to wildlife crimes

Out of the 448 wildlife crime cases recorded by People's Procuracy between 2013 and 2017 in Viet Nam, 432 defendants (96.43%) were convicted in first-instance trial for violation of wildlife protection laws.

Years	2013	2014	2015	2016	2017	Total
Defendants facing criminal charges	113	19	143	110	111	496
Defendants facing criminal prosecution	86	20	103	119	120	448
Defendants being convicted in first instance trial	67	34	79	120	132	432

Table 2: Results of criminal proceedings for criminal violations of wildlife protection for 5 years (from 2013 to 2017)

20 Indicator: ADF 2013; GRASP 2014; Interpol 2014; Rosero 2010; Scharf et al. 2010; UNODC 2012; USDOJ 2015; USFWS 2011

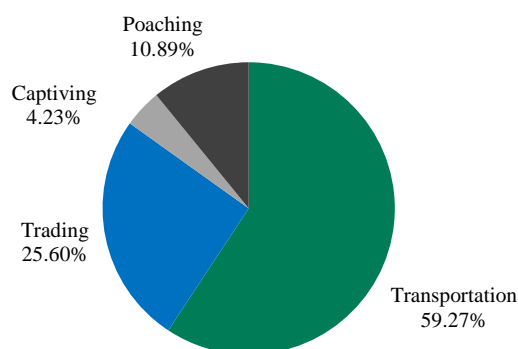


Figure 34: Wildlife crimes in First instance courts

5.4.4. Penalties applied for wildlife crime

Out of 432 wildlife-related accused persons going to courts at all levels throughout the country, those who faced suspended sentences accounted for the highest proportion of 57.41% (248/432 defendants), followed by those who were sentenced to definite imprisonment 37.5% (162/432), non-custodial sentences 3.47% (15/432), monetary fines 1.62% (7/432) and exemption from criminal liability 0.23% (1/432).²² (Figure 35)

A majority of offenders were charged for transporting endangered wildlife (59.27% - 294/432), followed by illegal wildlife trade (25.06 % - 127/432). Only a small percentage of the crimes were charged with illegal hunting and confinement, 10.89% (54/432) and 4.23% (21/432), respectively. (Figure 34).²¹

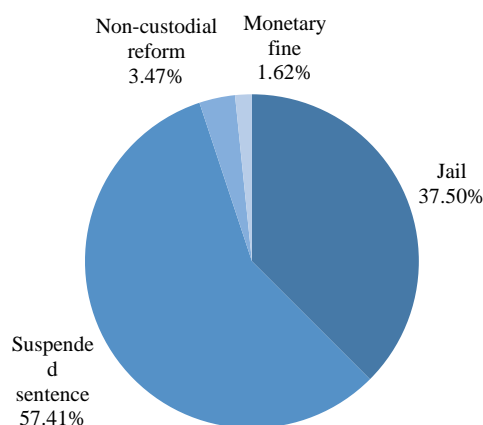


Figure 35. Penalties

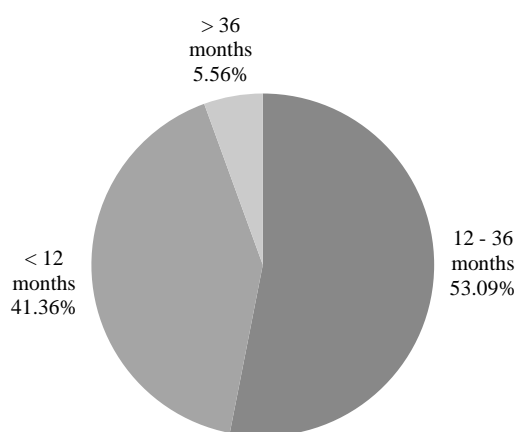


Figure 36: First instance penalty term

Out of 162 defendants facing definite imprisonment, 41.36% (67/162) were sentenced to definite imprisonment of less than 12 months, over 5% (9/162) over 36 months, the remaining 53.09% (86/162) from 12 to 36 months (Figure 36).

In addition to jail time, 16.05% of criminal cases (26/162 defendants) were sentenced to a monetary penalty amounting to 417.5 million VND (18.560 USD). Specifically, only one criminal case received the highest monetary penalty of 130 million VND (5.780 USD), and the criminal case received the lowest monetary penalty was 3 million VND (133 USD) at the hearing time.

²¹ Indicator: Number and type of violations (Rosero 2010)

²² Indicator: Number of law enforcement activities conducted (DEFRA 2014), number of conviction (ADF 2013)

5.4.5. Administrative sanctions

There were 965 out of 1143 administrative sanctions being implemented and 201 cases with unidentified offenders (derelict goods). There were 921 out of 965 offenders paying fine (95.44%), the rest were sanctioned with warning, confiscation of material (4.56% or 44 cases).

The vast majority of administrative violations related to transporting (648/965 cases accounting for 67.15%) and trading (239/965 cases accounting for 24.77%), and the remaining violations accounted for 78/965 cases or 8.08% (Figure 37).¹⁸

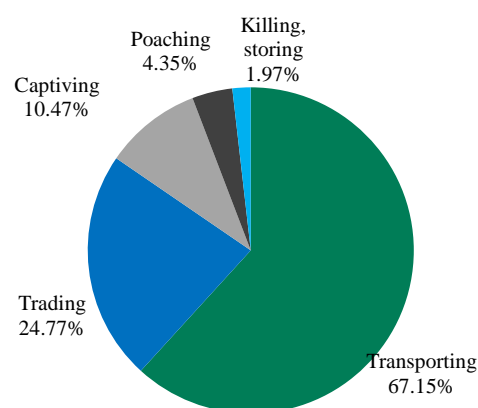


Figure 37: Administrative violations by activities

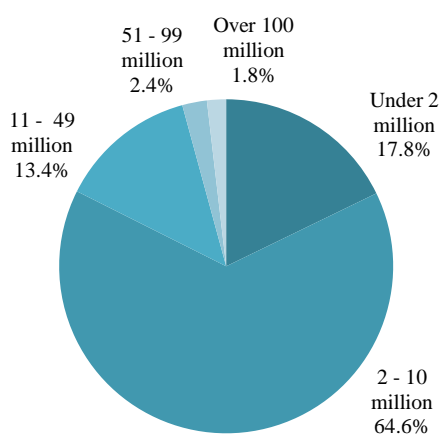


Figure 38: First instance monetary penalty (million VND)

In financial punishment cases (921/965), the majority of the sanctions (595 cases for 64.6%) involved a fine between 2 and 10 million VND. Fine of less than 2 million VND were imposed to 17.81% (164/921) of the total defendants. Fine between 11 and 49 million VND accounted for 13.36% (123/921 defendants). Fines between 50 and 99 million VND occupied 2.39% (22 defendants) and more than 100 million VND accounted for only 1.85% (17/921 defendants) (Figure 38).

5.4.6. Proportion of administrative sanctions and criminal penalties

Approximately two thirds of all wildlife violations are subject to administrative penalties and the remainder are subject to criminal penalties for five years. This profile is quite similar when considering the number of wildlife species and the weight of confiscated wildlife (Figure 39, 40, 41).

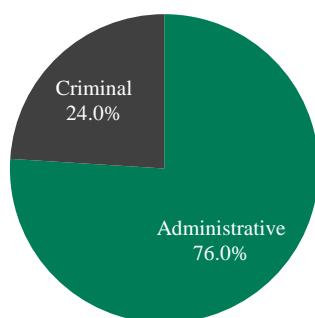


Figure 39: Administrative vs criminal sanctions (number of cases)

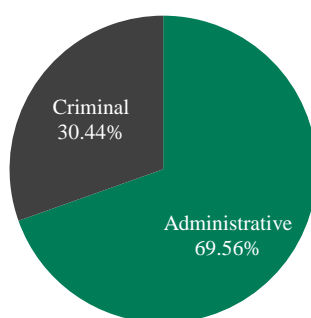


Figure 40: Administrative vs criminal sanctions (number of confiscated wildlife)

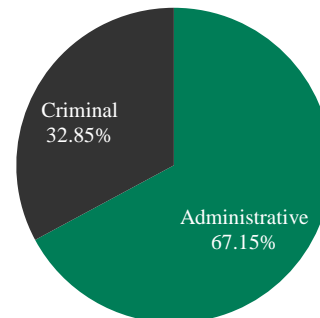


Figure 41: Administrative vs criminal sanctions (weight of confiscated wildlife)

5.4.7. Distribution of wildlife crime cases by species

Viet Nam law enforcement has acted to a different degree according to the wildlife species illegally traded. For example, 100% of individuals involved in violations of turtle, rhino horn, tiger, ivory faced criminal prosecution, except for cases where the offender could not be identified. In particular, for turtles, criminal charges accounted for 100% (9/9), tigers 84% (21/25), bears 80% (12/15), rhinos 53.66% (22/41), elephants 41.18% (21/51), Rhinoceros has a criminal processing rate of 53.66% (22/41) offense cases, elephants have a criminal processing rate of 41.18% (21/51) case of violation.

On the other hand, the most frequently confiscated wildlife yielded only administrative charges in the vast majority of the cases. This showed a de-facto different level of protection towards porcupines, crocodiles, bamboo rats with 100% cases; weasels with 96,67% cases (29/ 30), wild boars with 96,49% cases (55/ 57), iguanas with 95,35% cases (41/ 43), etc. (Figure 42).



Figure 42: Distribution of wildlife crime cases by species

5.5. Comparison between wildlife crimes and other relative type of crimes over 5 years (from 2013 to 2017)

5.5.1. Comparison between wildlife crimes and crimes of illegal possession, transportation and trading of drugs (Article 194)

There was a considerable gap in the number of defendants facing criminal prosecution for committing drug-related crimes and wildlife crimes from 2013 to 2017, with the ratio of the latter to the former being 0.52 to 100 (496 and 95,313 respectively). Similarly, to the defendants prosecuted by Procuracy departments at all levels, the ratio is 0.47 to 100 (448 and 95,376 respectively).

The difference is also large between the number of wildlife offenders and drug offenders in court of first instance in the 5-year period, with the ratio being 0.46 to 100 (432 and 93,141 respectively).

On the other hand, wildlife offenders were 60 times more likely to serve a suspended and non-custodial sentence than drug offenders, 60.88% (263/432) and 0.52% (484/93,141) respectively.

5.5.2. Comparison between wildlife crimes and crimes of illegal manufacturing, possessing, transporting and trading of prohibited items (Article 155)

There was a considerable gap in the number of defendants facing criminal prosecution for committing prohibited items-related crimes and wildlife crimes from 2013 to 2017, with the ratio of the latter to the former being 15.55 to 100 (496 and 3,190 respectively). Similarly, to the defendants prosecuted by Procuracy departments at all level, the ratio is 14.35 to 100 (448 and 3,122 respectively).

The difference is also large between the number of wildlife offenders and prohibited items-related offenders in court of first instance in the 5-year period, with the ratio being 15.58 to 100 (432 and 2,772 respectively).

In contrast to the percentage of offenders serving a suspended and non-custodial sentence (60.88%, or 263/432) and prohibited-items offenders (25.94%, or 719/2,772) serving a suspended and non-custodial sentence, the ratio is 2 to 1.

On the other hand, wildlife offenders were two times more likely to serve a suspended and non-custodial sentence than prohibited-items offenders, 60.88% (263/432) and 25.94% (719/2,772) respectively.

5.6. Rate of recidivism on the protection of wildlife

5.6.1. Rate of recidivism on wildlife protection in the criminal sector

Based on the collected data, 4.84% (24/496) defendants, who were arrested and criminally prosecuted by law enforcement agencies, reoffended twice (*in other words, offenders have been sentenced and have not yet had their criminal records wiped but again commit crimes intentionally*). None were recorded as ‘dangerous recidivists’ (*in other words, offenders have relapsed into crime, not yet had their criminal records wiped but again commit crimes intentionally*) (Figure 43). In addition, 24 recidivists were found in the provinces of Ha Noi, Ha Nam, Ninh Binh, Nghe An, Quang Binh, Thua Thien Hue, Da Nang, Dong Nai, Ho Chi Minh city, Binh Duong, Quang Tri...

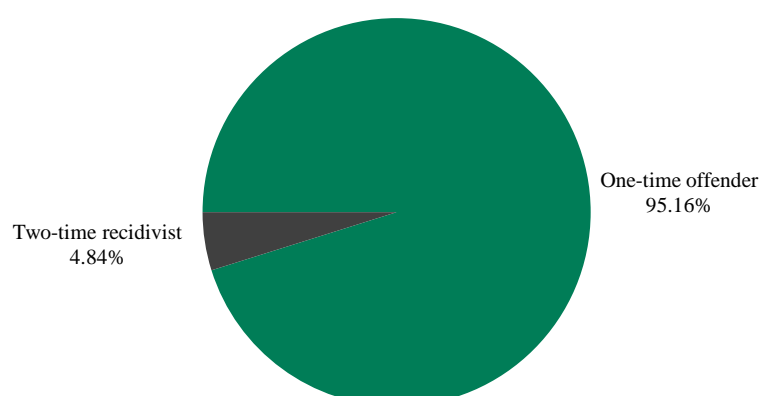


Figure 43. Rate of recidivism in wildlife protection in the criminal sector

5.6.2. Rate of recidivism on wildlife protection in the administrative sector

4.66% (45/965) wildlife offenders, who were arrested and administratively sanctioned, committed crimes for the second time and 0.21% (2/965) committed for the third time, with no fourth-time recidivist (Figure 44). In addition, those 47 recidivists (two and three-time) were arrested in Ha Noi, Lang Son, Tuyen Quang, Son La, Hai Duong, Quang Tri, Thua Thien Hue, Dong Nai, Dong Thap, with two three-time recidivists in Lang Son and Dong Thap.

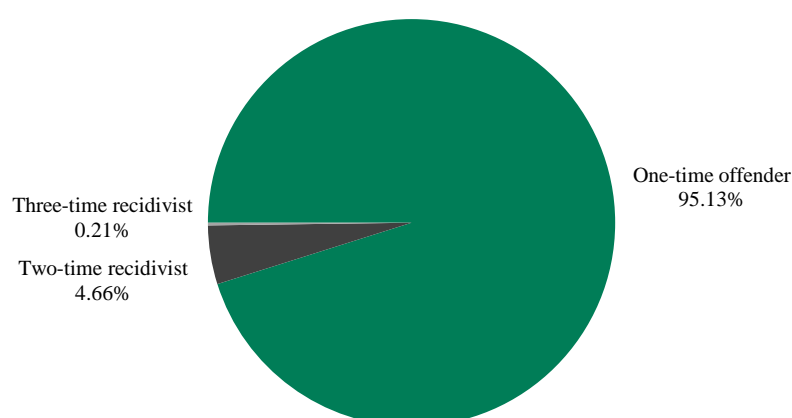


Figure 44. Rate of recidivism on wildlife protection in the administrative sector

VI. CHALLENGES IN ANALYZING AND EVALUATING THE SITUATION OF WILDLIFE CRIMES IN VIET NAM IN 5 YEARS (FROM 2013 TO 2017)

Challenge 1: Nationwide coverage

In 5 years (from 2013 to 2017), seven provinces and cities reported no records of violations and crimes about wildlife: Vinh Phuc, Quang Ngai, Ben Tre, Tra Vinh, Vinh Long, Can Tho, and Soc Trang. However, public media suggests there were wildlife violations in some of these locations.

Those provinces were situated in close proximity with other provinces and cities that were relevant to wildlife crime activities (as either origin, transit or destination). Therefore, the availability of the data of those seven provinces might be beneficial for a more comprehensive nationwide review.

Challenge 2: Involvement of law enforcement agencies in data collection

Customs contributed only limited information to this situational review. However, mass media suggests that Customs has an active role in detecting wildlife violations. Therefore, international trafficking in wildlife is not fully reflected in this document. The same situation might also apply for other law enforcement agencies in different fields and in different provinces.

Challenge 3: Exclusion of pending and suspended cases

This review's data covered closed cases, omitting an undefined number of pending cases. As a result, this situational review does not indicate accurately and comprehensively the effectiveness of law enforcement carried out by all agencies in apprehension, prosecution and conviction, especially in terms of criminal proceedings for wildlife crimes in Viet Nam (investigation, prosecution and judgment).

The template by the Department 2 of the Supreme People's Procuracy of Viet Nam (in Annex) requires information such as the offenders' ID, passport numbers, car plate number, etc. This kind of data had little value from a generalized statistical perspective and providing such information would compromise confidentiality of unfinished investigations.

Challenge 4: Consistency of detail

The dataset presented a number of minor inconsistencies; for example, the coverage of focal species such as tiger, elephant, rhino, pangolin, turtle explicitly mentioned these species yet grouped others in a less-defined 'others' category. In other cases, species were not specifically identified by name, and only were noted by the common name of species group. The specific amount of seized wildlife was also recorded differently by units or weight.

Challenge 5: Bigger picture

The limitation in qualitative data collection made it hard to understand main causes and drivers of the phenomena for an examination of criminal motivations and dynamics.

VII. RECOMMENDATIONS

Although this situational review may not fully and comprehensively reflected the situation of wildlife trafficking and counter wildlife trafficking efforts, and the efficiency of law enforcement in Việt Nam. However, this is the first-ever national-scale review of wildlife crimes and the efficiency of law enforcement in Viet Nam using defined indicators. Therefore, it is hoped is holds value for both law enforcement agencies and management agencies in improving law enforcement against wildlife crimes in Viet Nam.

Some following suggestions are also included for improving efforts against wildlife crime, along with future data collection activities.

7.1. Recommendations for statistics and analysis on wildlife crime

Recommendation 1: Designating a focal point and set up a central database of wildlife crime

Now that each agency has its own database on violations related to wildlife, inconsistency in the data emerged with no overall view of wildlife crimes in Viet Nam to make appropriate assessments and proposals to increase the effectiveness of law enforcement. That is why it is necessary to have a focal point responsible for aggregating and analyzing data on wildlife crimes.

National agencies may promulgate guiding documents on the coordination mechanism among responsible sectors and agencies. Department 2 of the Supreme People's Procuracy is the suitable focal point agency to facilitate process of producing statistics and analysis on crime in general and wildlife crime in particular. Provincial People's Procuracy obtain data using prescribed templates and submit to Department 2 for review, analysis and report.

In addition, aggregated data on crime in general and wildlife crime in particular should be stored in a central database system and shared with relevant authorities.

As a measure of this happening, the data on wildlife crimes will be compiled comprehensively. It is also easier for the relevant authorities and agencies to retrieve information only by working together with a focal point and a central database system.

Recommendation 2: Obtaining statistics and analyzing data on wildlife crimes

- It is advised to refer to the statistical form developed by the Department 2 and WCS to collect data for this situational review. However, in the form, the field of the confiscated wildlife's name should be presented as an open field or a dropdown of more detailed selections of wildlife species for better synthesis (for example, for the "quantity" fields, there must be "number of individuals" and "number of products" of each wildlife species...)

- Some additional information such as education level, level of access to information can be collected to develop more effective communication campaigns
- Collected data should also include ongoing cases for a more comprehensive report. It is advised that only initial information of collected cases is required to ensure confidentiality during investigation process. Other demographic information such as: ID, passports, etc. may be omitted. In addition, for data sanitization, it is possible to collect only district/city name instead of house number, etc.
- The statistical form should be made online for faster communication, standardized data categories, and to avoid errors when paper form is used (for example, various format, different acronyms for names of law enforcement agencies, different ways of naming species, etc.).
- Qualitative data collection methods, such as in-depth interviews and group discussions, can also be employed. Following the quantitative data analysis stage, field trips can collect further comments, assessments, explanation of individuals and agencies so that the situational review will become more comprehensive and add more subjective responses, explanation.
- Data collection, analysis and review should be conducted periodically or annually to ensure information updates on crime in general and wildlife crime in particular and revise any response plans accordingly.

As a measure of this happening, the statistics and analysis on wildlife crimes will thoroughly, objectively, and reliably reflect the situation, helping agencies detect trends and changes in violations and offenders, thus proposing informed and directed solutions and action plans.

7.2. Recommendations for law enforcement activities

Recommendation 3: Developing wildlife identification skills

The data collected show that confiscated wildlife is only listed generally as birds, snakes, and so on, instead of more particular names, leading to data gaps. Therefore, frontline officers should develop wildlife identification.

Nowadays, law enforcement officers can acquire wildlife identification skills via websites or apps on smartphones such as the “*giamdinhloai*” app, a tool developed by WCS with both online and offline versions. This tool enables the officers to quickly identify wildlife species.

As a measure of this happening, the officers can identify quickly and accurately endangered species. At the same time, filing violations will be faster and more effective, thus shortening the case-handling times.

Recommendation 4: Strengthen law enforcement based on statistics and analysis

In addition to the implementation of professional measures to prevent violations related to wildlife, law enforcement agencies should utilize results, statistical indicators, analysis of violations on wildlife protection to determine the methods, operations, hot spots, and routes of offenders and their groups, leading to develop a comprehensive and effective law enforcement plan.

At the central level: Law enforcement agencies at national level like Ministries/General Departments/Departments should encourage local agencies to update data and carry out research and analysis to follow trends and evolution of crimes, and warn local agencies for prevention. In addition, The International Criminal Police Organization (INTERPOL), World Customs Organization (WCO), etc., are also valuable sources of information for agencies when planning actions, response and prevention.

At provincial/municipalities level: Forces and professional departments such as border army, Customs, the police, forest rangers and market managements should develop action plans on the prevention of wildlife violations based on reports, statistics, warnings and intelligence, for greater efficiency. Furthermore, local agencies should regularly report data relating to wildlife crimes to central-level agencies.

As a measure of this happening, law enforcement agencies would disrupt organized criminal networks with more focused and effective enforcement resources.

ANNEX

Data Collection Template

The form was developed by the Department 2 of Supreme People's Procuracy of Viet Nam and WCS and it was used to collect the dataset for this review.

STATISTICAL FORM

on the handling of violation against the laws on protection of precious and rare wildlife

I. Information on the offender

Name:		Sex: <input type="checkbox"/> <i>Male</i> <input type="checkbox"/> <i>Female</i>	Nationality:.....
Date of birth:/...../.....	Place of birth:	ID number/Passport number* ²³	Telephone*:
Residence (permanent/temporary):			

II. Information on the act of violation and material evidences

Rhino	Type ²⁴ :	Amount:	Weight:
	Act: <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>		
Elephant	Type:	Amount:	Weight:
	Act: <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>		
Tiger	Type:	Amount:	Weight:
	Act: <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>		
Pangolin	Type:	Amount:	Weight:
	Act: <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>		
Turtle/ Tortoise	Type:	Amount:	Weight:
	Act: <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>		
Other wildlife	Type:	Amount:	Weight:
	Act: <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>		
Date of confiscation: /...../.....		Means of transport*:	License number*:
Place of confiscation:		Intended destination*:	
Name of the importer*:		Name of the transporter*:	
Leading agency in detecting and arresting:		Cooperating agency/agencies:	

²³ Boxes marked with *: Information to be added if available

²⁴ "Type" includes: alive/frozen, meat, horns, ivory, bone balm, crafted products, etc.

III. Handling of violations

Criminal measures

Decision on institution of criminal proceedings: No.....date:...../...../.....		Issuing agency	
Act of crime charged (Art.190, 153 of the Penal Code): <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>			
Indictment: No.....date:...../...../.....			
First-instance judgement: No.....date:...../...../.....	<input type="checkbox"/> <i>Exemption from criminal liability</i>		
	Punishment		
	Primary sentence: <input type="checkbox"/> <i>Fine</i> <input type="checkbox"/> <i>Non-custodial reform</i> <input type="checkbox"/> <i>To be put on probation</i> <input type="checkbox"/> <i>Imprisonment</i> Level of the sentence:	Additional sentence: <input type="checkbox"/> <i>Fine</i> <input type="checkbox"/> <i>Prohibition from holding certain positions</i> <input type="checkbox"/> <i>Prohibition from doing certain jobs</i> Level of the sentence:	
Appellate judgement: No.....date:...../...../.....	<input type="checkbox"/> <i>Exemption from criminal liability</i>		
	Punishment		
	Primary sentence: <input type="checkbox"/> <i>Fine</i> <input type="checkbox"/> <i>Non-custodial reform</i> <input type="checkbox"/> <i>To be put on probation</i> <input type="checkbox"/> <i>Imprisonment</i> Level of the sentence:	Additional sentence: <input type="checkbox"/> <i>Fine</i> <input type="checkbox"/> <i>Non-custodial reform</i> <input type="checkbox"/> <i>To be put on probation</i> <input type="checkbox"/> <i>Imprisonment</i> Level of the sentence:	
Suspension of charge: No.....date:...../...../.....	Issuing agency:		
Reasons for suspension:			

Administrative measures

Decision on handling of administrative violation No.....date:...../...../.....	Issuing agency:
Act to be punished <input type="checkbox"/> <i>Poaching</i> <input type="checkbox"/> <i>Killing</i> <input type="checkbox"/> <i>Transporting</i> <input type="checkbox"/> <i>Captive breeding</i> <input type="checkbox"/> <i>Trading</i>	Level of punishment:

Prepared by

(Sign and name)

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