



environmental  
investigation  
agency

# CITES Briefing

## Joint Responsibilities

The Nigeria-Vietnam wildlife trafficking corridor and compliance with CITES

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## Introduction

The illegal wildlife trade corridor between Nigeria and Vietnam was recognised in the Elephant Trade Information System (ETIS) report to CoP18<sup>1</sup> and the 2020 United Nations Office on Drugs and Crime (UNODC) World Wildlife Crime Report,<sup>2</sup> which identified Nigeria and Vietnam as the largest export hub and import hub of ivory and pangolin scales respectively.

Despite some progress by both countries to tackle wildlife crime, measures have been disproportionate in comparison to their ongoing pivotal roles in ivory and pangolin scale trafficking. Since 2021, 5.2 tonnes of ivory and 11.5 tonnes of pangolin scales have been seized either leaving Nigeria bound for Vietnam or in Vietnam arriving from Nigeria, clearly demonstrating the ongoing illicit trade corridor.

This corridor is indicative of weak enforcement on either side of the supply chain. Given that parallels can be drawn between the two Parties' failure to comply under CITES, if Nigeria is being recommended for

compliance proceedings under Article XIII and Res Conf.14.3 under the National Ivory Action Plan (NIAP) process, Vietnam's overall rating of "partial progress" under the same process should be seriously questioned, especially in light of several major gaps in the country's progress report.

This briefing highlights the parallel responsibilities and shortcomings of Nigeria and Vietnam which, as exporter and importer countries, share responsibilities to implement their commitments under CITES effectively and cohesively.

**Above:** Elephants and pangolins in Africa are threatened throughout their range from high levels of poaching and trafficking



## Key gaps in NIAP implementation by Nigeria and Vietnam

### 1. Failure to prosecute large-scale ivory and pangolin scale cases

Since 2015, Nigeria has become a primary country implicated in ivory and pangolin scale smuggling incidents destined for Vietnam with seizures of at least 18 tonnes and 68 tonnes respectively.<sup>9</sup> Ivory and pangolin scales have frequently been found in the same shipment, demonstrating a high level of convergence.

The contraband has been commonly exported from Apapa port in Nigeria to seaports across Vietnam, either by direct shipments or through transit locations such as Singapore or Hong Kong. In some cases, ivory and pangolin scales have been transported by air cargo from Nigeria to Noi Bai international airport in Hanoi, Vietnam.

The seized ivory and pangolin scales represent at least 2,686 dead elephants and 68,000 pangolins and provide yet more evidence that organised criminal networks continue to exploit Nigeria and Vietnam as trafficking hubs. In 2020, there was a drop in ivory and other wildlife seizures due to the global impact of the COVID-19 pandemic yet, importantly, these networks have continued to source, stockpile and smuggle large

volumes of ivory and pangolin scales from Nigeria to Vietnam.

The ongoing ivory trafficking activity was exemplified in January 2021 when 4.8 tonnes of ivory were confiscated alongside 5.3 tonnes of pangolin scales in Lagos, Nigeria, en-route to Vietnam. A year later, in January 2022, Vietnam Customs seized approximately seven tonnes of ivory and pangolin scales from a shipping container arriving from Nigeria.

Seizures alone do little to deter wildlife trafficking networks for which they are minor business losses, easily recouped with the next shipment. Both Nigeria and Vietnam have invariably failed to conduct post-incident investigations; to date, both countries have failed to use existing legislation to pursue prosecutions against ivory and pangolin scale traffickers and disrupt the transitional criminal networks responsible for these major crime incidents.

In particular, since the revised Penal Code came into forced in Vietnam in 2018, not a single ivory and pangolin scale seizure at seaports in Vietnam has resulted in prosecutions or convictions.

**Above:** Since 2021, approximately 17 tonnes of ivory and pangolin scales have been seized either leaving Nigeria bound for Vietnam or in Vietnam arriving from Nigeria

**Table 1:** Large-scale seizures (500kg and over) of elephant ivory and pangolin scales exported from Nigeria destined for Vietnam since 2018

No.	Ivory/pangolin scales	Date	Weight	Country of seizure
1	Ivory and pangolin scales	Jan 2022	456kg (I); 6,200kg (PS)	Vietnam
2	Ivory and pangolin scales	Jan 2021	4,752kg (I); 5,329kg (PS)	Nigeria
3	Ivory and pangolin scales	Dec 2019	330kg (I); 1,796.1kg (PS)	Vietnam
4	Pangolin scales	May 2019	5,260kg	Vietnam
5	Pangolin scales	Apr 2019	12,700kg	Singapore
6	Ivory and pangolin scales	Apr 2019	177kg (I); 12,900kg (PS)	Singapore
7	Ivory and pangolin scales	Jan 2019	109kg (I); 1,339kg (PS)	Vietnam
8	Ivory and pangolin scales	Jan 2019	515kg (I); 1,541kg (PS)	Vietnam
9	Ivory and pangolin scales	Jan 2019	2,100kg (I); 8,268kg (PS)	Hong Kong
10	Ivory and pangolin scales	Oct 2018	1,803.7kg (I); 6,334.2kg (PS)	Vietnam
11	Ivory and pangolin scales	Sept 2018	193kg (I); 805kg (PS)	Vietnam
12	Pangolin scales	May 2018	3,300kg	Vietnam
13	Ivory	Mar 2018	3,500kg	Singapore



## 2. Lack of international cooperation to disrupt wildlife crime networks

In recognition of the cross-border nature of illegal wildlife trade, CITES Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and Enforcement* contains a number of recommendations to facilitate and strengthen cooperation “*across range, transit and destination States to address illegal wildlife trade*” and “*inform each other of all circumstances and facts likely to be relevant to illegal traffic and also of control measures, with the aim of eradicating such traffic.*” Furthermore, pillar 3 of the NIAP Guidelines emphasises the need to prioritise international and regional law enforcement cooperation, specifically through the use of Mutual Legal Assistance (MLA) treaties to combat illegal trade in ivory.

As indicated in Table 1, vast quantities of ivory and pangolin products are leaving Nigeria undetected, bound for Vietnam, of which only a fraction are seized. It is concerning that there is such limited bilateral cooperation between the two Parties, either preventative or remedial.

At SC70, the Secretariat highlighted that a key factor undermining Nigeria’s compliance with CITES was the lack of close and effective law enforcement cooperation between countries in West and Central Africa and with relevant source, transit and destination countries linked to the illegal wildlife trade from Nigeria.

Such international cooperation is crucial to investigating wildlife crime cases and preventing organised wildlife

crime networks from trafficking commodities via increased monitoring, detection and enforcement that result from sharing intelligence, skills and resources in international cooperation. Neither Nigeria’s 2018 progress report nor its 2020 revised and updated NIAP describe how the Party plans to implement its existing mutual legal assistance and extradition laws to address its role as the main export point of illegal ivory.

Similarly, international law enforcement collaboration has been identified as a priority action for Vietnam. Decision 18.111<sup>4</sup> adopted at CoP18 specifically requests that Vietnam strengthens law enforcement cooperation with other relevant countries “*including by pursuing the initiation of joint investigations and operations aimed at addressing members of organised crime networks across the entire illegal trade chain, and to report to the Secretariat on any activities conducted in this regard, in time for consideration by the Standing Committee.*”

Vietnam’s National Ivory and Rhinoceros Action Plan (NIRAP) contains several provisions to foster international cooperation and it notes that a number of mutual legal assistance (MLA) requests have been sent by Vietnam to Parties involved, including Nigeria. This is welcome, but Vietnam needs to further strengthen cooperation with these Parties by exploring how existing bilateral agreements could be used more effectively.

**Above:** Nigeria and Vietnam must strengthen bilateral law enforcement cooperation to tackle wildlife trafficking



## 3. Failure to tackle the corruption that facilitates wildlife trafficking

As stated in the preamble to Resolution Conf. 17.6 on *Prohibiting, Preventing, Detecting and Countering Corruption*, bribery and corruption can play a significant role in facilitating activities that violate and undermine the Convention at all points of the trade chain, in source, transit and market countries.<sup>5</sup> As such, NIAP Parties are required to take into account Resolution Conf. 11.3 (Rev. CoP18) on *Compliance and Enforcement* when developing their NIAPs, specifically regarding the need to showcase measures to prosecute offenders under a combination of relevant legislation including anti-money laundering and anti-corruption.

The CoP18 ETIS<sup>6</sup> report noted that the Corruption Perception Index score for Vietnam was the second poorest of all countries in the ETIS analysis. While anti-corruption was listed as a key commitment in Vietnam’s previous national ivory action plan, this action was deleted in its revised NIRAP without justification.

Corruption also plays a critical role in facilitating wildlife trafficking into Vietnam through the clearance of contraband at seaports, airports and along its land borders.<sup>7</sup> Vietnam has failed to implement effective anti-corruption measures to tackle the key role played by corrupt State actors to facilitate high-volume trafficking of CITES specimens. A review of wildlife seizures made at air and seaports in Vietnam since 2018 highlighted that not a single ivory or pangolin scale seizure at

seaports in Vietnam has resulted in arrest, prosecution or conviction, suggesting that investigations have been inadequate, possibly facilitated by corruption within Customs.<sup>8</sup> This includes the world’s largest known ivory smuggling incident, in which more than nine tonnes of ivory were seized in Da Nang in 2019.

Nigeria’s Corruption Perceptions Index has been in decline since 2014, indicating a worsening situation with regard to corruption in the public sector.<sup>9</sup> EIA investigations have also highlighted that Nigeria is regarded as a ‘safe’ country for the trade and shipment of illegal goods by wildlife traffickers; bribes can easily be paid – and accepted – so they can avoid detection, seizure and arrest and may even retrieve their goods on the rare occasion when these have been seized by the authorities.<sup>10</sup> Up to 70 per cent of the fees charged by corrupt clearing agents are for bribes to Government officials and private transport company staff involved in the container scanning process.<sup>11</sup>

Ongoing corruption poses a serious obstacle to tackling wildlife crime and the conservation of endangered species and EIA supports the Secretariat’s call to SC74 that Nigeria should “*continue implementing a strategy to counter corruption linked to illegal wildlife trade at all levels, including anti-bribery policies, and to intensify efforts to ensure full implementation of Resolution Conf. 17.6.*”<sup>12</sup>

**Above:** Corruption plays a key role in facilitating wildlife trafficking in Nigeria and Vietnam



#### 4. Failure to adequately manage stockpiles

Paragraph 7 of Resolution Conf. 10.10 (Rev. CoP18) urges that “those Parties in whose jurisdiction there is an ivory carving industry, a legal domestic trade in ivory, an unregulated market for, or illegal trade in, ivory or where ivory stockpiles exist, and Parties designated as ivory importing countries to maintain an inventory of government-held stockpiles of ivory and, where possible, of significant privately held stockpiles of ivory within their territory, and inform the Secretariat of the level of this stock each year before 28 February”.

Since 2014, both Nigeria and Vietnam have failed to submit regular annual reports to the CITES Secretariat on their ivory stockpiles, as recommended under Resolution Conf. 10.10 (rev. CoP18),<sup>13</sup> due to the lack of adequate systems for the inventory and management of ivory and other contraband wildlife. In Nigeria’s NIAP and Vietnam’s NIRAP, there are no commitments to tackle security concerns related to ivory stockpiles.

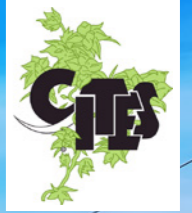
As of February 2022, based on EIA seizure data, it is estimated that Vietnam’s seized stockpile includes at least 72 tonnes of ivory, 60 tonnes of pangolin scales and 1.1 tonnes of rhino horn (excluding 2.2 tonnes of ivory and 70kg of rhino horn destroyed in 2016<sup>14</sup>). Due to inadequate control and security measures, nearly 240kg of ivory and 6.1kg of rhino horn were stolen in 2017.<sup>15</sup> On 23 July 2020, Prime Minister Nguyen Xuan

Phuc issued Directive No. 29/CT-TTg, under which the Ministry of Finance and Ministry of Agriculture and Rural Development have been tasked with developing plans for the destruction of Vietnam’s large stockpiles of confiscated ivory and rhino horn. While this is a positive step, it is important to recognise that seized ivory is evidence of serious organised crime and destroyed on the conclusion of potential prosecutions, following a comprehensive and transparent audit.

Meanwhile, the current status of Nigeria’s ivory stockpiles is opaque; stockpiles are held by multiple agencies, including the Federal Ministry of Environment, National Environmental Standards and Regulations Enforcement Agency (NESREA), Nigeria Customs Service and Nigeria Postal Service. While there is an initiative under way for conducting an inventory of ivory stockpiles, this has been limited thus far to a small portion of the seized ivory maintained by the Federal Ministry of Environment.

Stockpiles held by Customs are expected to be inventoried in 2022 and it is vital this information is made available for transparency and analysis. In addition, there is also a need for a transparent corruption-proof CITES certification process to prevent ivory stockpiles leaking into the market.

**Above:** Since 2014, both Nigeria and Vietnam have failed to submit annual reports on their ivory stockpiles to the CITES Secretariat



## Recommendations

**Given Nigeria and Vietnam’s joint and major roles in ivory and other wildlife trafficking, EIA calls on SC74 to:**

- Encourage Nigeria and Vietnam to seek support under the Compliance Assistance Programme
- Adopt the Secretariat’s recommendation in Doc SC74 28.2.4 to suspend all commercial trade in CITES-listed species with Nigeria
- Query the Secretariat’s overall NIAP “partial progress” rating for Vietnam in Doc SC74 28.4 in light of several major gaps in the Party’s NIAP and progress report
- Call on Vietnam to report on progress to conduct investigations and prosecutions of the seaport incidents by SC77, in the absence of which, SC should adopt compliance proceedings against Vietnam

**Above:** SC74 needs to call on Nigeria and Vietnam to address their significant roles in ivory and pangolin scale trafficking

**EIA further encourages SC74 to request Nigeria and Vietnam to urgently:**

- Increase international cooperation to conduct post-incident and intelligence-led investigations into large-scale ivory and pangolin scale incidents between Nigeria and Vietnam and report progress on investigations and prosecutions to the Secretariat by SC77
- Conduct investigations into financial crimes such as money laundering, bribery and tax evasion to detect and prosecute senior members of wildlife trafficking networks who are responsible for orchestrating for major shipments between Nigeria and Vietnam
- Include anti-corruption measures in their NIAP/ NIRAP and promote transparency and government accountability to better respond to the corruption that facilitates wildlife trafficking, particularly at key ports notorious for wildlife trafficking routes from Nigeria to Vietnam
- Submit their reports on management of ivory stockpiles in accordance with Resolution Conf. 10.10 (rev. CoP18) to the Secretariat by SC75

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