

5 **Corruption Risks and the Illegal Wildlife Trade**

This chapter discusses the corruption risks that facilitate the illegal wildlife and institutional responses. The chapter outlines some of the national approaches to corruption and illegal wildlife trade in the focus countries, and offers several specific examples of corruption risks and vulnerabilities. The chapter concludes that there is a need to strengthen anti-corruption efforts to address the illegal wildlife trade in the focus countries, drawing upon examples of corruption cases for environmental crimes (such as corruption related to forestry crimes).

Introduction

Corruption¹ undermines the rule of law, erodes quality of life, distorts markets and threatens human security. In response to this persistent and high-level risk, a number of practical tools have been developed by the international community. The OECD Public Governance policy community has developed several important OECD Instruments in this area, including the 2017 OECD Council Recommendation on Public Integrity, updating an earlier instrument, and the 2003 OECD Council Recommendation on Managing Conflicts of Interest in the Public Service. These instruments provide a strategic perspective to frame a discussion on public integrity, including how to fight corruption that acts as a facilitator of illicit trade.

The findings detailed in this chapter echo several of the findings from the 2018 OECD report. The dearth of substantive quantitative data or a wide baseline of convictions poses the most significant challenge to study. In all but one of the countries studied², corruption is a critical enabler of the importation of illegal wildlife trade into end-user markets. These findings also highlight once again that there is a clear and pressing need to address corruption as part of intensive international efforts to counter illegal wildlife trade.

International Responses to Corruption

A number of important strides have been made in the anti-corruption discourse. Whereas fifteen years ago, this topic was completely left-off of the policy discussion, it occupies a more and more central role in international approaches to wildlife crime. Today, several high-level policy outcomes have explicitly recognized corruption as an enabler of illegal wildlife trade that must be addressed. For example, United National General Assembly (UNGA) Resolutions of 2015 and 2017 on tackling illicit trafficking in wildlife specifically mention corruption as an underlying enabler of wildlife crime (UN, 2017^[1]) (UN, 2015^[2]). Furthermore, several state-led processes have also sought to tackle corruption. This has included the 2014 and 2018 London Conferences on Illegal Wildlife Trade; the African Union Strategy “Combatting Illegal Exploitation and Illegal Trade in Fauna and Flora in Africa” (AU, 2015^[3]); and the EU’s “Action Plan against Wildlife Trafficking” (EU, 2016^[4]). Multi-lateral fora such as the G20 have also issued specific statements in recognition of the role of corruption as a facilitator of the illegal wildlife trade in the 2017 “G20 High Level Principles on Combatting Corruption Related to Illegal Trade in Wildlife and Wildlife Products” (G20, 2017^[5]). Finally, CITES’ 2017 resolution (Conf. 17.6) is specifically dedicated to “Prohibiting, preventing, detecting and countering corruption, which facilitates activities conducted in violation of the Convention”. The corruption risks included in this CITES report relate to:

- Bribery to obtain permits for export or collection or trade-restricted species;
- Knowingly overlooking or authorisation false information on permits for export of trade-restricted species, (e.g.: animals collected from the wild exported as captive-bred)
- Sentencing anomalies in the courts
- Tampering with evidence
- Leakage from stockpiles

In addition to high-level anti-corruption statements and policy guidance on this topic, a number of tools have also been developed. These include the UNODC Analytic Toolkits on Wildlife and Forest Crime (UNODC, 2015^[6]), the WWF and TRAFFIC primer on wildlife crime and corruption (WWF/TRAFFIC, 2015^[7]) as well as the ongoing development of a UNODC Integrity Guide for Wildlife Management Authorities (forthcoming). USAID is also funding a new consortium entitled “Targeting Natural Resource Corruption”, led by WWF to capture existing anti-corruption knowledge, generate new evidence and best practises against corruption; make learning available to practitioners; and test strategic approaches on the ground to wildlife crime.

In support of providing additional evidence to this policy issue in source and transit countries, the 2018 OECD publication *‘Strengthening Governance and Reducing Corruption Risks to Tackle Illegal Wildlife Trade’* also provided a preliminary insight into the impact of corruption as a facilitator and enabler of illegal wildlife trade in source and transit countries. The report notes that corruption’s forms are diverse and dynamic, evolving in line with their specific institutional and supply chain factors (OECD, 2018^[8]). The report’s findings also detail that no corruption cases had taken place over the five year period studied within the four focus countries, despite widespread acknowledgment that corruption risks were a key facilitator of wildlife crime within the region.

Despite the growing recognition that corruption is a facilitator of wildlife crime, few arrests or prosecutions are known to have taken place to actually target corrupt actors facilitating illegal wildlife trade and other related crimes.

Corruption risks as facilitators of the illegal wildlife trade

The focus on corruption *risks* is important. Indeed, the dearth of large-scale quantitative data and the lack of a wide baseline of convictions has limited the research conducted for this chapter. In this context, through a combination of interviews conducted, data collection and literature reviews, the OECD has employed empirical evidence to develop a framework for identifying corruption risks in Southeast Asia. The chapter also draws on alternative methods: alongside a review of relevant, existing publications and open-source media mapping exercise, it harnesses the first-hand experience of those charged with responding to illegal wildlife trade on the ground. Due to the anecdotal nature of their insights, the purpose of this report is to outline known risks from corruption, as opposed to quantifying confirmed instances of corrupt activity on a large scale. The below table summarizes the various references to corruption risks raised by the numerous respondents throughout OECD interviews, and in the existing literature, alongside the relevant agencies or ministries that are affected.

Table 5.1. Identified References to Corruption along the illegal wildlife trade Value Chain in Southeast Asia and Relevant Agency Mentioned

	Wildlife / Forestry Rangers	CITES authority officers	Police Officers	Customs	Airport Officials / Security	Investigators (police)	Magistrates
Corruption Risks in the Wildlife Trade Chain							
Direct assistance to poachers or poaching ³	X		X				
Passive assistance to poachers ⁴	X	X					
Theft from stockpiles		X	X				
Assisting traffickers to allow entry of illegal wildlife trade into country		X ⁵	X	X	X		
Corruption Risks in Licensing and Permit Schemes							
Granting permits under false or fraudulent pretences		X					
Corruption Risks in the Criminal Justice Pathway							
Not enforcing illegal wildlife trade laws in marketplaces		X	X				
Intentional gaps in investigation						X	
Lenient Sentencing/Fines							X

Source: OECD Interviews and Research

Table 5.2. Confirmed Corruption Cases Identified by OECD over past 10 years

Total known cases identified that have involved corruption investigations by national anti-corruption agencies or charges in connection to acts of corruption

Country	Case	Year	Outcome
Viet Nam	Customs Officer arrested and charged with embezzlement after theft from stock rooms of seized ivory products	2018	Conviction for embezzlement -16 years
Thailand	NACC investigation into state officer who secured the issuance after National Park officers arrested in protected animal carcasses,	n/a	N/a
Thailand	Customs officer investigated for after rhino horn and ivory were stolen from a stockpile;	2011	n/a
Thailand	Prosecution of Thai Science and Technology Minister over abuse of authority, from decision to export over 100 Bengal tiger carcasses. Minister found 'not guilty' because the export was endorsed by the Director General of the Department of National Parks.	2012	Not-guilty
Thailand	Senior official arrested in connection to wildlife poaching in national park	2018	n/a

Source: OECD interviews and research.

Literature Review and Open Media Mapping

The OECD undertook a literature review on the topic of corruption in relation to illegal wildlife trade in the countries studied. In summary, this literature review found that there is considerably less research on this topic in the whole region in comparison to the previous East African project, which found that over 100 articles reported on this issue. The OECD found approximately only 20 reports of direct relevance to this research. Of these reports, four focus on the region as a whole, whereas the others focus on national or sub-regional dynamics of corruption. The literature suggests that this topic has only been explored by a handful of well-respected international organisations and NGOs with specialized portfolios and offices within the region.

Box 5.1. Open Source Media Mapping: Corruption and illegal wildlife trade in the Focus countries

To conduct data collection on open source media incidents relating to corruption risks, the OECD collected over 300 unique reports over a period of time from 2008-2017. Information was recorded on the date and location of the alleged incident; the offence and species said to be involved; the type of corrupt actors said to be involved; the official and unofficial descriptions presented; the level of corruption said to be involved; and the status of the case.

Of the total reported cases, 17 were specific to the four countries of focus. Six occurred in Thailand, seven in Viet Nam, and three in Indonesia. Of the cases noted, four included to elephant ivory, four tiger, four rhino, four as “other” and one pangolin.

In the reported corruption events, over one third of all cases involved corruption among border and customs officials. Other corrupt actors within the reports included police, military, and government officials, notably forestry and environment officials. Of all the cases studied, the corruption related incidents were reported to be of an arrest, and no case involving a corruption related prosecution was found with the exception of a recent case in Viet Nam, the first arrest and prosecution of an officer for corruption offenses.

Source: OECD Research

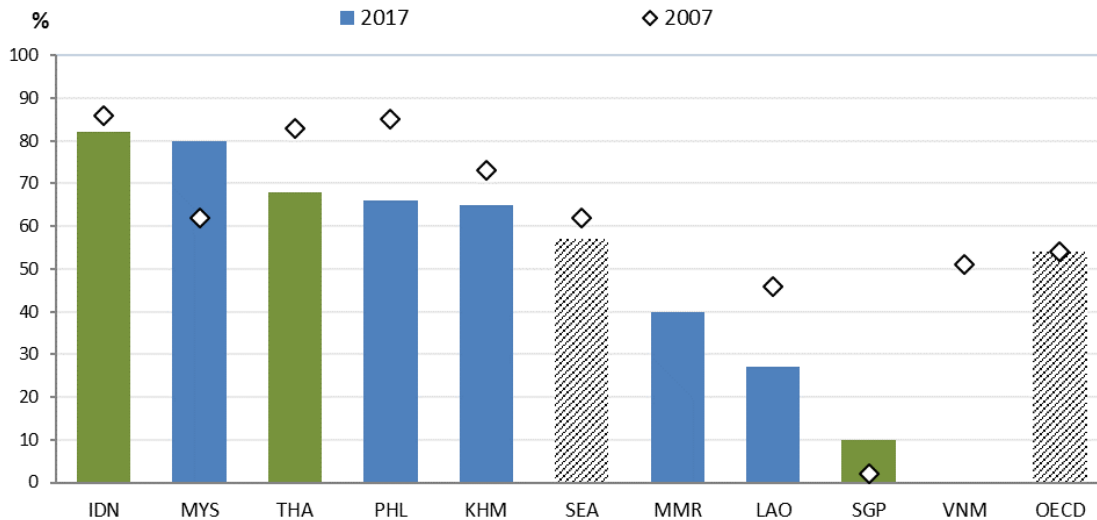
Note: The open source media mapping exercise was undertaken with targeted word-string searches conducted in English, French and Spanish. Searches covered the word ‘ivory’ AND (‘poaching’ OR ‘seizure’ OR ‘trial’ OR ‘fraud’ OR ‘accused’ OR ‘crime’ OR ‘arrested’ OR ‘guilty’ OR ‘jail’ OR ‘suspect’ OR ‘bribery’ OR ‘laundering’ OR ‘corrupt’)⁵. Over 300 cases were reviewed from 2008-2017, on a global scale.

Institutional Responses to Corruption

Public Awareness and engagement of civil society against corruption

Despite important improvements in economic conditions in Thailand, Viet Nam and Indonesia, economic development is still weighed down by from high rates of corruption. In a recent governance review of Southeast Asia, the OECD notes that “most SEA countries sit in the bottom half of 176 countries in Transparency International’s Corruption Perceptions index” (OECD, 2019 (forthcoming)^[9]).

Figure 5.1. Perception of Government Corruption, 2007 and 2017



Note: Data correspond to the percentage of “Yes” answers to the question: “Is corruption widespread throughout the government in this country, or not?” Data for Malaysia are for 2015 rather than 2017. Data for Lao PDR are for 2008 rather than 2007. Data for Myanmar and Viet Nam are not included in the SEA average due to missing time series.

Source: OECD Governance at a Glance Southeast Asia 2018

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To respond to the challenges arising from corruption, Thailand, Indonesia and Viet Nam have recently adopted a number of measures to reinforce core public-integrity frameworks (OECD/ADB, 2018_[10]). Several high-profile corruption cases involving senior government officials in Thailand and Indonesia and Viet Nam have taken place in public, and the public is becoming more aware of the effects of graft and abuse of power due to extensive media coverage of high-profile cases (GA-3, 2018_[11]) (ENV Viet Nam, 2018_[12]). In the case of illegal wildlife trade, a number of publicized cases have been prosecuted, with several respondents noting that the widespread media attention and public condemnation during these cases can be cited as a potential reason for successful convictions under a watchful public eye (TRAFFIC, 2018_[13]) (ENV Viet Nam, 2018_[12]).

However, in comparison to the studies from source countries, there are relatively fewer non-governmental actors in the field of anti-corruption programming. Fewer NGOs and International Organisations have dedicated projects or resources to anti-corruption or corruption prevention programming for illegal wildlife trade, and this topic is still widely viewed as an out-of-bounds issue for NGOs involved in tackling the illegal wildlife trade.

Overview of Anti-Corruption Frameworks in Relation to illegal wildlife trade

Anti-corruption agencies are responsible for overseeing public sector activities, from the delivery of everyday services to public to procurement, to the development of standards and guidelines to ensure the effective prevention of corruption in law enforcement. The below section outlines the structures of several of these core public-integrity agencies and frameworks and what ties these agencies have to wildlife crime.

Table 5.3. National Anti-Corruption Frameworks and illegal wildlife trade

Select relevant indicators and institutions

	Indonesia	Thailand	Viet Nam	Singapore
Principal Anti-Corruption Body	Corruption Eradication Commission (KPK)	National Anti-corruption Commission (NACC)	Auditor General's Office	Corrupt Practices Investigation Bureau (CPIB)
Anti-Corruption Strategy Title	National Strategy on Corruption Prevention and Eradication, 2011-2025	National Anti-Corruption Strategy, 2018-2037	National Strategy for Prevention and Combating Corruption towards 2020	Singapore Anti-Corruption Strategy
Corruption Prevention Polices Lead	KPK	NACC	Government Inspectorate	CPIB
Investigating Authority	High Level: KPK Lower Level: police	High Level: NACC, Lower Level: PACC	Ministry of Public Security	CPIB
Prosecuting Authority	Attorney General's Office	Office of the Attorney General	Supreme Peoples' Procuracy	Attorney General's Chambers
UNCAC Ratification	2006	2011	2009	2005
Environmental Crime Corruption Strategy	YES	YES	NO	NO
IWT Corruption Strategy	NO	NO	NO	NO
Whistle-blower program	YES	NO*	YES	YES
Number of known corruption prosecutions for illegal wildlife trade (past 10 years)	0	4**	1	0

Note: * The NACC has a witness protection programme, but has not yet implemented a whistle-blower program. **Corruption prosecutions may not have included specific corruption related charges, and instead reflect illegal wildlife trade crimes for public officials.

Source: OECD Research and interviews

Indonesia

The Indonesian Government has recently ramped up anti-corruption efforts. The result has been net improvements in the perception of corruption among respondents to the Transparency International Surveys thanks to a number of recent high-level corruption prosecutions led by the Indonesia Corruption Eradication Commission (KPK). However, according to a previous report from the OECD, corruption in Indonesia's forestry industry is a major cause of deforestation and an important revenue strain; related losses are estimated at USD \$1 billion in 2014 from forest fires and USD \$4 billion per year from illegal logging (OECD, 2017^[14]). The National Strategy of Corruption Prevention and Eradication sets multi-agency, multi-year long term planning and objectives for enhancing public sector integrity. The agency in charge of implementing and leading the anti-corruption strategy (both prevention and high-level investigation) is the KPK. Other administrations involved in the Strategy include Indonesia National Police, Indonesia Financial Transaction Reports Analysis Center (PPATK), and the Attorney General's Office Special Crimes Unit.

The KPK operates an environmental crime task force on logging (Indonesia KPK, 2018^[15]) (Indonesia AGO, 2018^[16]) but there are no specific departments within the KPK that are known to address illegal wildlife trade. The KPK has a strict set of rules that at least two out of the following three conditions must be met to qualify for a Commission investigation and prosecutions. The crime in question must:

- Involve graft in excess of \$US 63,000
- Involve a high level official
- Involve a crime of serious public concern

If the case in question does not meet the conditions noted above, the Indonesia National Police becomes the *de facto* charging and investigating authority. Based on the information gathered in this report, the KPK or the INP have to-date not charged any individuals with corruption crimes related to illegal wildlife trade (see box below).

Box 5.2. Illegal wildlife trade and the Indonesia Anti-Corruption Commission

During field interviews and research, the OECD found that no illegal wildlife trade cases have to-date been investigated by Indonesia's anti-corruption bureau, the KPK. According to KPK's requirements, corruption related to illegal wildlife trade crimes to-date have not met at least two out of the three following requirements: that the crimes in question must total over USD \$63,000; that it must involve high level officials; or that it must be of great public concern (Indonesia KPK, 2018^[15]). It is also reported that anti-corruption administrations lack the adequate staffing levels to conduct investigations for the majority of tip-offs and therefore there is a tendency for the administrations to focus only on less complex cases that are well known and have a clear outcome (such as forestry crimes instead of illegal wildlife trade) (TI, 2017^[17]). This finding highlights the broader issue that the perception of illegal wildlife trade remains that of a low-revenue loss and relatively less serious form of corruption.

Thailand

Across Thailand, the overall perception of corruption has improved. Only 14% of respondents to a Global Barometer Survey thought that corruption had increased over the past year, the lowest figure in the region. Of the respondents to the survey, 72% believe that the government is doing well in tackling corruption (OECD, 2018^[18]). Nevertheless, corruption remains an important challenge in sensitive sectors, notably among police and in public-facing service delivery: close to 80% of respondents, believe the police to be highly corrupt. Thailand has developed a National Strategic Plan for corruption. A number of agencies are in charge of the anti-corruption mandate in Thailand, with the Thailand National Anti-Corruption Commission (NACC) and the Public Sector Anti-Corruption Commission (PACC) responsible for prevention and investigation of corruption crimes. The Attorney General's Office (AG) is responsible for prosecuting corruption crimes. To-date the NACC has taken the lead in investigating and prosecuting wildlife crimes (and other environmental crimes).

In December 2019, Thailand's anti-corruption agency consolidated several divisions responsible for natural resources across the Commission into the NACC Bureau of Natural Resources and Environmental Corruption Inquiry (NACC, 2019^[19]). This consolidation and creation of a larger Bureau focusing on environmental crimes has centralized a range of expertise to focus exclusively on environmental crimes. Specialized anti-corruption officers are now actively developing cases with a targeted approach to natural resources corruption. Natural resource cases may relate to wild fauna or flora, minerals and mining, forestry, fisheries, marine and coastline perseveration, and environmental degradation.

Since 2011, The NACC investigated and prosecuted four cases of corruption offenses and arrests related to illegal wildlife trade. These four cases have involved a range of public sector employees, with several cases involving high-level civil servants (Thailand NACC, 2018^[20]). The recent consolidation of the NACC highlights the changing appreciation for corruption related to wildlife crime as a serious offense, and reflects the intention of the NACC to increase its efforts to tackle all forms of environmental crimes. However, the NACC has not yet prepared a national strategy to specifically target corruption with risk indicators for environment or wildlife crime.

Viet Nam

According to a 2017 UN Development Program (UNDP) citizen survey, Viet Nam has seen a net improvement of perception that governments are doing more to improve on this issue, with recent high-level corruption cases that have gained attention from the media. (CECODES, VFF-CRT, RTA & UNDP, 2017^[21]). Viet Nam's anti-corruption administrations are less centralized than others are. Several ministries have internal anti-corruption departments, but the Ministry of Public Security (MPS) and the Government Inspectorate are the two main bodies in charge of investigating corruption crimes and setting preventive policy, respectively.

The Inspectorate General's office does not have a specific set of guidelines to counter illegal wildlife trade; however, the Ministry of Public Security, the enforcement body in charge of crimes that include illegal wildlife trade as well as Corruption, has an environmental police department. A number of cases relating to corruption and logging have taken place, but there is no specific anti-corruption strategy aimed explicitly at illegal wildlife trade. However, in August, Vietnamese authorities prosecuted the first known case of corruption in relation to illegal wildlife trade (TRAFFIC, 2018^[22]).

Singapore

Singapore stands somewhat apart from the rest of the countries in this study, as it is presently ranked as the sixth least corrupt country in the world (TI, 2018^[23]). Throughout the study among the focus countries, the OECD did not find evidence of any cases of corruption in relation to illegal wildlife trade.

Corruption risks at national borders

“Organized crime groups typically employ the tactics of collusion, corruption and protection to subvert the effectiveness of government regulators and law enforcers at important trade crossings” (UNODC, 2013^[24]). Existing laws prohibit the import of CITES products, but often legal loopholes and gaps enable the open trading of several forms of illegal wildlife trade products within the domestic economy. As a result, national borders can become a first and last line of defence against illegal wildlife trade within a given country. Throughout the interviews conducted in this study, the OECD's findings pointed to high corruption risks at national points of entry. The following section offers a detailed description of how and where corruption risks are most pronounced in the countries studied. As previously noted within this chapter, several of the cases relate to findings from Indonesia, Viet Nam and Thailand, however no cases involving corruption and illegal wildlife trade have been reported for Singapore.

Corruption risks for Customs

Customs officials play a central role in the facilitation of global trade and the assurance that goods cross borders in a safe, effective and rapid manner. Customs officials are responsible for the collection of revenue, as well as the enforcement of various laws and regulations that are vital to ensuring the safety and security of citizens. Complex customs procedures, gaps in predictability and accountability, low rates of morale or perceived low remuneration and inadequate recruiting diligence can present certain risks for corruption for customs officials (OECD, 2017^[25]). Such risk factors, combined with significant discretionary powers of customs officials posted at the border can lead to an abuse of power (U4, 2018^[26]). Gaps in integrity among customs can expose societies to global threats engendered by illicit trade. High rates of reported corruption in have been tied to illicit activities, such as bribery for expedited processing; tax evasion; fraud; and smuggling of counterfeits, narcotics, and numerous other forms of illicit trade (OECD, 2017^[25]). The 2018 OECD report on illegal wildlife trade and Corruption in Southern and Eastern Africa finds that the export and transit of illegal wildlife trade benefits from networks of corruption among customs officials (OECD, 2018^[8]). Throughout the below sections, empirical evidence found during OECD interviews points to the risk of corruption facing customs officials at border crossings in Southeast Asia.

Corruption at Airports

Major airports in Southeast Asia are significant hubs for illegal wildlife trade. The Air-mode (which is composed of passenger and commercial air-cargo), is commonly used for high-value products such as rhino horn or relatively small quantities of ivory, and live animal trade (C4ADS, 2018^[27]) (Indonesia Customs, 2018^[28]). According to recent reports, the number of rhino horns seized at airports from 2016 to 2017 has also increased by 300% (C4ADS, 2018^[27]).

Airports involve a range of government and private sector stakeholders, each with their own set of responsibilities and risk factors. Airport security must screen bags and air cargo primarily for safety and security reasons, whereas customs officials conduct screenings for prohibited items and controlled goods⁶. Behind the scenes, baggage and cargo handlers, airport officials and airline staff operate within secured areas, and have privileged access to customs controlled areas or secure perimeters. Each of the stakeholders mentioned is at risk of corruption from illegal wildlife trade traffickers.

In airports, customs administrations face significant pressure from corruption risks, notably bribery due to their position as the last line of defence against foreign illicit commodities. Respondents familiar with investigations into wildlife crime in several countries noted that customs officers have been known to accept bribes to avoid inspections (FD-1, 2018^[29]) (Thailand NACC, 2018^[20]).

Box 5.3. KPK Audit of Corruption Risks from Customs in Indonesia:

In 2014, the KPK undertook an undercover audit and review of the integrity systems in place at major airports. The findings, detailed below, indicate the level of risk and the institutional gaps that are present at major airports in the region. These results highlight the level of vulnerability of customs officials to bribery and corruption schemes.

The 2014 review found that a number of officials at the airport posed an important corruption risk and above all, the customs officials were at the highest risk of corruption. While this study was not focused on any specific form of smuggling, the KPK report raised the alarm to the fact that customs officials remained open to bribery and in some cases extorted money during the undercover audit of their integrity and performance.

Officials from KPK did not pursue any cases due to the threshold pre-requisites for severity of crimes not met. The KPK passed along the audit findings the Indonesia National Police for further investigation; however, no arrests or investigations are known to have taken place for the violations of integrity standards that were documented in this review (Indonesia KPK, 2018^[15]).

From the findings of the KPK report, authors noted, “bribery, gratification and extortion often occur in the import services because of a lack of oversight, and low integrity of officials” (Indonesia KPK, 2018^[15]). The following recommendations are proposed by the anti-corruption administration to enhance resilience to corruption at airports:

- Assess the regulations and procedures on import and export.
- Harmonize import and export licensing systems
- Enhance the integrity of customs with a code of ethics, and strengthen the institutions
- Unannounced inspections in ports can help to enhance security, particularly for high-risk commodities.

These recommendations highlight some of proposed ideas that are touted by anti-corruption administrations as part of part of a broader integrity toolkit against all forms of illicit activity at border

crossings. However, gaps between recommendation and implementation are common. Investigations into customs corruption are also infrequent due to resource constraints and competing political priorities among anti-corruption administrations (Indonesia KPK, 2018^[15]) (Thailand NACC, 2018^[20]).

Aside from Customs, other public authorities can also pose important risks for corrupt practises to facilitate illegal wildlife trade. For example, in one case in Indonesia, a government official working for airport security was arrested over a smuggling operation for the export of live reptiles and snakes out of the country and into Japan. The official in question was sentenced with aiding and abetting a crime (but was not sentenced through corruption courts) (Indonesia National Police, 2018^[30]). Senior government officials have also been caught smuggling or facilitating the entrance of illegal wildlife trade products. In Thailand, government officials were apprehended facilitating the entry of two travellers out of the customs controlled arrivals area:

Box 5.4. Corruption as a key facilitator of Wildlife Crime at Bangkok Suvarnabhumi International Airport

In 2017, several cases involving corruption and illegal wildlife trade took place at Thailand's major international airport. Below are some of the major interdictions of illegal wildlife trade facilitated by wildlife crime:

In March 2017, Royal Thai Customs officials seized over 20 rhino horns in the country's major airport. Two civilian travellers arriving from Viet Nam and Thailand (respectively) arrived at the same time as a flight from Ethiopia, and proceeded to pick up two unclaimed suitcases from this luggage arrivals belt. Two police officers and a senior ministry of justice official then met the travellers, who attempted to escort them and their new suitcases through customs inspections.

When questioned by Customs, the senior Thai official insisted that the bags contained wine and that they should not be inspected. Once stopped the official and subsequently attempted to bribe customs officials.

In 2018, the two travellers and ministry of justice official were sentenced each to four years in jail for smuggling and tax evasion. However, no corruption related laws were used to prosecute the official in question.

Source: OECD research and Interviews

The case above involves the transit of goods across at least three countries (as rhinos are not native in Ethiopia); the arrival of unaccompanied air-traveller baggage from an international airport; co-ordinated flight arrivals from three separate countries; and agents from two distinct government administrations, suggests a high degree of co-ordination from a transnational criminal syndicate involved in illegal wildlife trade and corruption. However, despite the level of complexity and corrupt acts involved, the officials (including the senior ministry of justice official) were not charged with corruption related offenses.

Employees from the private sector in positions of trust can also be a threat to integrity and security of the global trade chain. During interviews with customs officials at one of the major airports in Southeast Asia, the OECD learned that internal conspiracies involving transnational criminal networks and private actors are also a known corruption risk. Recent seizures of rhino horn at one of the region's largest airports illustrates the level of complexity of these operations:

Box 5.5. Internal Conspiracies at Major International Airports: Private Sector Actors and Corruption

In 2017, customs at a major international airport, officials seized a shipment of rhino horns on a domestic arrivals baggage claim. Upon investigation, officials learned that the bag had actually arrived from an international destination in Africa, but the baggage tag had been swapped to allow it to arrive into domestic arrivals (which do not require customs clearance).

Officials determined that the baggage tag on the goods seized was likely to have been swapped after arrival, indicating that an internal conspiracy was in play. The seizures of such bags in several instances suggests that there are well-coordinated efforts from transnational criminals who have used their security access to commit smuggling offenses. The modus operandi involving baggage-tag printing or switching requires communication among transnational networks that are well established. This approach may also be used for other forms of illicit trade, suggesting that criminal syndicates employ these abuses of power for a wider range of crimes.

Source: OECD Research and interviews

Several experts and officials interviewed noted that airport staff represent an important corruption risk at airports, because they have extensive knowledge of the security practises and gaps that can be exploited for all forms of illicit products, including narcotics, and other goods. The above case suggests that private companies that are operating at airports are at risk of being infiltrated by organized crime. However, there was no indication that the corruption reached beyond the level of individuals. Customs officials noted that once uncovered, ground-staff operating companies and airport authorities are co-operative and assist with the investigation.

Corruption at Land Border Crossings:

OECD interviews undertaken with relevant experts and officials revealed that land borders are vulnerable points for corruption risks, with customs officials who are most often cited as being susceptible to corruption such as bribery (Nam, 2016^[31]) (NG-1, 2018^[32]) (IO-1, 2018^[33]) (GA-2, 2018^[34]) (Indonesia KPK, 2018^[15]). The discussions relating to border crossings focused on Thailand and Viet Nam in connection to Myanmar, Laos PDR, Malaysia, Cambodia and China. Particular focus is given to the Thai-Myanmar border and the Viet Nam-Laos and Viet Nam-China borders⁷.

Several respondents noted that there is a significant amount of trafficking along the northern international border crossings between China and Viet Nam and in the southern region between Viet Nam and Laos, as well as Cambodia⁸. Seizures of pangolin are reported to be the most traded form of illegal wildlife trade along the border regions of focus, followed by other goods such as carved ivory, big cats, rhino horn and various live animals (UNODC, 2013^[35]). The role of the northern border regions highlights Viet Nam's position as a major transit and transshipment country for illegal wildlife trade along the route to China. The below case study on Mong Cai Border city in Viet Nam also highlights the role of corruption in facilitating the illegal wildlife trade into its final destination market.

The transit and export of illegal wildlife trade products concerns all forms of illegal wildlife trade, both domestic and foreign-sourced products. Land borders are the most important points in the cross-border illegal big-cat trade, as these CITES species are smuggled across borders without certification. The trade is conducted in most cases with "impunity, despite international laws to prohibit the trade in these species" (TRAFFIC, 2010^[36]). In some neighbouring countries such as Myanmar or Laos, it was reported that there are open markets that benefit from special arrangements through corrupt state officials. In particular, certain free trade zones (FTZs) in neighbouring countries are hotspots for illegal wildlife trade.

Box 5.6. Corruption, Money Laundering and Illegal Wildlife Trade in Free Trade Zones

Previous work undertaken by the OECD and EUIPO has highlighted the heightened risk from illicit trade in Free Trade Zones (FTZs) (OECD/EUIPO, 2018^[37]). According to several interviewees, the gaps in transparency and legal ambiguities in FTZs are similarly exploited in several Southeast Asian countries and facilitate trafficking and processing of a wide variety of products including counterfeits, narcotics, alcohol, tobacco, pharmaceuticals, wildlife and humans. (Martin, 2017^[38]) (NG-2, 2018^[39]), (GA-3, 2018^[11]). Widespread corruption and illicit financial flows are recognized as the sustaining factor within these zones (U.S. DOT, 2018^[40]).

Laotian FTZs along the tristate land border with Thailand and Myanmar are an example of how these zones are used to traffic in illegal wildlife trade. The Golden Triangle Special Economic Zone in Laos offers tourists a wide variety of illegal wildlife trade products, including live specimens and products from domestically sourced big cats and internationally trafficked pieces of ivory, elephant skin, rhino horn and a range of illegal wildlife trade products. According to the wildlife NGO Traffic:

Many of Asia's poached and farmed Tigers pass through the Golden Triangle, where they end up in tiger wine, on dinner tables, in dubious medicines or as luxury items and jewellery. The trade in live elephants, elephant skin, combined with continuing demand for ivory, is threatening elephant populations from Asia to Africa. Bear farms are rampant across the region, where both Sun Bears and Asiatic Black Bears—mostly captured in the wild—are kept in cages while their bile is collected for traditional medicine and folk remedies. (TRAFFIC, 2017^[41])

In one recent case announced by the United States Department of Treasury, a transnational criminal network based out of Hong Kong are said to be operating out of the Golden Triangle FTZ in Laos, and operates a nearby casino adjacent to the FTZ. Large sums of money are laundered through these zones, into and out of adjacent Thailand and onwards towards other countries. illegal wildlife trade is among a wide variety of illegal activities that include child prostitution, arms trafficking and drug smuggling reported in this zone by numerous sources (SCMP, 2018^[42]) (U.S. DOT, 2018^[40]) (Nuwer, 2018^[43]). Given the widespread value of wildlife products in the region, it is likely that illegal wildlife trade products are one of the several conduits for proceeds of crime and money laundering.

Box 5.7. Corruption and Smuggling along the Viet Nam China Border

Mong Cai City is one of the largest known international crossings for illegal wildlife trade from Viet Nam into China. The city plays host to numerous border crossing points and there are a number of known illegal smuggling routes in the nearby region through the narrow Ka Long river crossings (EAL, 2017^[44]) (NG-2, 2018^[39]) (Reuters, 2015^[45]). According to OECD interviews, there are several ways to get goods through border checks relying on corruption. One is to personally bribe or pay-off border officers, where a fee is given based on the value or quantity of the goods. Another system involves the use of a local “Kingpin” that arranges broader protection from regional officials at a higher level. The latter is used more often for larger shipments. According to reports from investigations, Kingpins offer prices based on the products and their quantity. For example, the cost of exporting pangolin scales varies from USD \$10-15 per kg. Other “special goods” such as ivory or rhino horn depend on the current enforcement climate in neighbouring China. The so-called Kingpins are several in number, and are known to smuggle a wide variety of animal products, such as frozen goods, meats, seafood and agricultural products to evade taxes and commit fraud (Reuters, 2015^[45]). In a recent case, Chinese authorities cracked down on a smuggling operation through Mong Cai that had imported sub-standard meat products intended for restaurants, with some pieces of meat dating back to the 1970s (SCMP, 2018^[46]).

Highly professionalized organized criminal groups co-ordinate the smuggling of a wide variety of products in the border crossings, often each specializing in a sub-set of trafficked products (NG-2, 2018^[39]). Traffickers are known to rely heavily on ‘mules’ or ‘feet’ in this border region as well (Reuters, 2015^[45]). According to the head of provincial customs, “Most people involve[ed] in the smuggling cases are border residents or labourers who regularly cross the border” (Viet Nam News, 2018^[47]). Residents in the border region have special identification cards that allow them and are not subject to controls for most verifications, and are exempt from duties and taxes up to approximately USD \$89. A recent case involving seizure of ivory carried by a 13 year-old into China also illustrates how children are being used by organized criminals because of their “relatively lower likelihood of inspection” (NG-2, 2018^[39]) (Khanh Linh, 2018^[48]). Thanks to the same gaps in institutional capacities and lapses in integrity, other risks including human trafficking, weapons smuggling and the drugs trade are also known to be a converging threat through these same border points.

Respondents in Viet Nam noted that many of the border crossings are not adequately staffed, and the relatively remote location of these crossings makes oversight of border officers’ conduct particularly difficult (NG-1, 2018^[32]). As a result, corruption or simple non-enforcement of laws is a commonly cited risk. Along the northern land border between Viet Nam and China, tourists are reportedly able to cross into the country to purchase ivory and rhino horns. To bring the goods home, tourists can themselves buy small pieces of carved ivory and transport them on their person across the border. Larger shipments can be co-ordinated through brokers who are familiar with smuggling methods and bribery of customs officials (NG-1, 2018^[32]) (EAL, 2017^[44]).

Thailand’s land border also plays an important role in the illegal wildlife trade chain. The international crossings between Thailand and Myanmar and between Laos PDR and Thailand are important risk-areas for the illegal trade in native species, such as bear bile and tiger parts and local fauna and flora. According to a recent study, border towns play host to a number of open markets that sell illegal wildlife trade products openly (Min, 2018^[49]). For example, the Sai-Tachilek border crossing in Chiang Rai Province is part of a border market in Myanmar that sells all forms of illegal wildlife trade products to tourists, including Thai and Chinese tourists and middlemen (Oswell, 2010^[50]).

Corruption at Ports and Seaports

In this report, the OECD has not studied the linkages between corruption at seaports and the illegal wildlife trade. However, the risk profile and the evidence of corruption writ-large at ports in Viet Nam, Thailand and Indonesia suggest that officials in positions of power are either opportunistically leveraging corruption or are doing so in a co-ordinated manner to facilitate the entrance of a much wide range of goods into the country. For example, in April 2018, a Vietnamese Customs Officer in a shipping port and Export Processing Zone outside of Ho Chi Minh City was sentenced to 12 years in jail for accepting bribes and abuse of power to facilitate trafficking and trade fraud. Court reporting indicates that the individual in question was also likely acting as part of a broader network (Hai Duyen, 2018^[51]). In 2017, the Viet Nam Ministry of Public Security arrested two customs officers on corruption charges 2017 over the disappearance of over 200 shipping containers as part of a co-ordinated scheme to import goods in-transit (Quoc Thang, 2017^[52]). In 2016, Indonesia National Police arrested a customs official at the Java Province's largest port for taking bribes in exchange for facilitating entry of goods into the country (Jakarta Post, 2016^[53]).

Several seizures of large, multi-tonne shipments of illegal wildlife trade have taken place at marine ports of entry into Indonesia, Thailand, Singapore and Viet Nam. For example, between 2016 and 2017, Viet Nam customs seized over 7 tonnes of ivory from a single co-ordinated organisation using the same smuggling methods (Viet Nam Customs, 2017^[54]). The ability to move several large, multi-tonne high value and high volume products into seaports indicates a high level of sophistication.

Anti-Corruption efforts for other Environmental Crimes

As highlighted throughout this chapter, there are few cases of corruption investigations and prosecutions in relation to illegal wildlife trade among the focus countries. Just five cases have been confirmed in only two of the focus countries (Thailand and Viet Nam). In Indonesia, where corruption represents a known risk to illegal wildlife trade, there have been no instances of successful prosecutions of officials complicit in the facilitation of wildlife crimes. However, anti-corruption officials have successfully prosecuted a range of other environmental crimes. The section below highlights several cases where corruption cases have taken place for other environmental crimes, and suggest that there are avenues for further engagement and inclusion of more environmental crimes (such as illegal wildlife trade) into anti-corruption efforts.

Corruption and logging crimes in Indonesia:

The Indonesia Ministry of Environment and Forestry is responsible for several areas of enforcement for wildlife crime, including forest fires (for clearing and burning); encroachment; illegal logging; wildlife crime and pollution or toxic waste dumping. All of these offenses can be facilitated by corruption. Of the wider range of crimes that fall under the responsibility of wildlife enforcement agencies, illegal logging was raised as a particularly common form of environmental crime for which corruption has been identified as a key facilitator. Indonesia's anti-corruption commission, the KPK estimates the losses from logging to total some USD \$9 billion in state revenues from timber sales between 2003 and 2014 (TI, 2017^[17]). Many of the losses incurred from illicit trade in timber is due to the corruption of government officials who directly benefit from sales or through licensing concessions (Indonesia KPK, 2018^[15]) (Indonesia MEF, 2018^[55]).

Indonesian government has taken a number of steps to tackle illegal logging. A presidential decree was issued for the creation of a National Task Force on Logging and agencies have used a multi-agency approach to illegal logging. This multi-agency task force involves direct and pro-active co-ordination between the Ministry of Environment and Forestry; Customs; National Police; Quarantine; the Anticorruption Commission (KPK); the Indonesia Financial Transaction Reports Analysis Center (PPATK); and the Office of the Attorney General (OAG).

The results from the multi-agency approach in logging crimes has translated into a series of successful high-level prosecutions related to corruption (and money laundering). In 2014, the former governor of Riau Province was sentenced to 14 years in jail and USD \$90,000 in fines for embezzlement which stemmed from illegally issuing logging permits (Mongabay, 2014^[56]).

Conclusion

Complex networks of criminal syndicates employ the services of corrupt officials to ensure that the poaching, import, export, sale and transit of illegal wildlife products. However, the current body of evidence proving definitive proof of the linkages between corruption and illegal wildlife trade remains small: research by the OECD has found just five cases of charges or prosecutions of individuals for corruption related to wildlife crime in just two countries.

In support of advancing this research, the OECD's interviews have highlighted a significant range of corruption risks along supply chains with a focus of this chapter on the use of national points of entry for corruption. At ports, airports and road crossings, actors vulnerable to corruption at border (namely police, customs, and other actors in the private sector) offer their services in exchange for profits or personal gain. The risks of corruption at ports and airports are heightened by the fact that illegal wildlife trade products are often relatively easy to "launder" once in the countries in question. Transnational criminal syndicates are likely to dedicate even greater effort (and resource) to ensuring that illegal wildlife trade products move through these choke points, thus adding further pressure on law enforcement officials at national points of entry. Furthermore, illegal wildlife trade along border crossings relies on a similar modus operandi to illicit trade in other products. Any illegal crossing of illegal wildlife trade using corrupt means is a likely signal of that other forms of illicit trade (such as narcotics, counterfeits and others) are making their way through these same border crossings.

Throughout the research, the researchers took note of a number of other corruption risks mentioned, notably in courts, evidence rooms and stockpiles, and among licensing officials. The anecdotal evidence collected on these topics suggests that additional in-depth and targeted research and data collection on a wide range of corruption risks is necessary to explore the dynamics and modus operandi for corruption in relation to illegal wildlife trade.

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Notes

¹ For clarity and consistency, the OECD uses the Transparency international definition of ‘corruption’ as the ‘abuse of entrusted power for private gain’. This definition was also referenced in the 2018 publication of the OECD on Corruption and IWT in Southern and Eastern Africa.

² Corruption is found to be an enabler of IWT in all focus countries, with the exception of Singapore.

³ Direct assistance may be the provision of arms and equipment for poachers, as well as the direct participation in the killing and taking of protected animals.

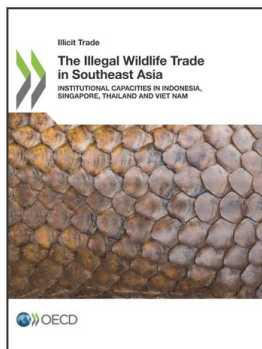
⁴ Passive assistance may include sharing of locations of animals or patrols, provisions of expertise and knowledge or non-enforcement of laws in exchange for bribes in the event of apprehension.

⁵ CITES officials have been reported to be assisting IWT products to gain entry through criminal conspiracies at airports.

⁶ However, if a security official spots a suspicious package for other non-security related reasons; they may also refer these to customs who have authority to intervene at any point to enforce relevant laws on exports and imports.

⁷ It is also widely documented that land borders between Malaysia and Indonesia are also implicated in illicit trade and corruption but for the purposes of this report, this issue was not explored.

⁸ While it is known that significant illicit trade along the land borders between Malaysia and Indonesia takes place, the OECD found no information referencing specific issues related to corruption in this region. Further research is needed to conduct an assessment of the corruption risks in this border region.



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