

CITES SC69 NATIONAL IVORY ACTION PLAN PROGRESS REPORT Parties of 'Primary Concern'

Prepared for the 69th meeting of CITES Standing Committee

Party: MALAYSIA

Reporting period: 11 June 2016 - 31 August 2017

PART A: Synopsis of NIAP implementation

- 1. This document has been prepared by Malaysia.
- 2. Malaysia has been implementing the National Ivory Action Plan since September 2013, when it was first introduced in the 63rd and 64th Standing Committee meetings in Bangkok on 2nd and 14th March 2013.
- 3. In regards with the illegal trade of ivory, Ministry of Natural Resources and Environment (MNRE) as the National Focal Point, together with Department of Wildlife and National Parks as the Management Authority (MA) involved, have been working closely with other Enforcement Agencies (EAs) such as the Royal Malaysian Customs, Malaysian Maritime Enforcement Agency and Interpol in curbing illegal smuggling activities of wildlife or its by-products.
- 4. In the previous Standing Committee meetings, Malaysia had voiced out that it should not be grouped together with other countries in the classification as 'country of primary concern'. Since, the cluster classification was made based on number of seizure and weight of ivory seized, these parameters do not show the issues that need to be tackled. Instead, common parameters should be used to classify each country whether they are source country, transit country or consumer country as these group shall face the same problems/issues and require about the same mitigation/solution measures to tackle the illegal ivory trade. If number of seizures are used, it should be highlighted as positive outcome from good enforcement actions, not as a country that enables illegal trade of ivory to take place. Malaysia also highlighted the weakness of the current ETIS reporting and analysis work, which failed to take into consideration various critical component to present an accurate and precise picture of Malaysia's role in tackling illegal ivory trade.

Progress to date

- 5. Malaysia noted and appreciated the review by the CITES Secretariat on Malaysia's National Ivory Action Plan in the previous 66th Standing Committee Meeting which was held on 11 until 15 January 2016 in Geneva, Switzerland. With this review, which were useful for the updated report as presented in the 67th Standing Committee Meeting, held on 23rd September in Johannesburg, South Africa.
- 6. Malaysia would like to revise its National Ivory Action Plan following guidelines adopted during CoP17 as per Doc.24. This is due to out of 5 criteria used to determine whether a Party is subject to NIAP, ONLY ONE does match with Malaysia ivory stockpile exist. These are government-held stockpile and are well manage and secure. In addition, we are now focusing on making Malaysia as a non-preferred country for illegal traders to transit their illegal ivory.
- 7. There are 8 action measures in Malaysia's NIAP which are tailored specifically with the fact that:
 - a) Malaysia does not have a domestic industry or market for product made of ivory; and
 - b) The confiscation involved shipments that are destined to the consumer countries in the East Asia region.
- 8. From our self-assessment, we rated that 4 actions in the NIAP as 'substantially achieved' and 4 as 'on track'. These measures are not one-off, but sustained efforts that need to be strengthened to ensure that it is part of the standard operating procedures or priorities by the Management Authorities (MAs) and the enforcement agencies (EAs).
- 9. Malaysia will continuously take part in regional collaboration and special joint-enforcement operations, as well as domestic multi-agencies operation by our MAs and EAs which also involved with Airport Authority, Port Authority and boarder controlling agencies.
- 10. Beginning 2015 until August 2017, 23 smuggling attempts or possession of ivory, have been successfully intercepted and seized by Malaysia. Freight operator and arrested suspects were investigated under both of Malaysia's main related legislations; Customs Act 1967 (for false declaration and other related custom offences); Wildlife Conservation Act 2010; or International Trade of Endangered Species Act 2008.
- 11. The outreach and public awareness activities are actually more tailored toward strengthening the capacity and awareness for our various enforcement agencies and department that deal with this issue on daily basis. The government has allocated funds to support capacity building program for species and product identification, interpretation of laws and Training for Trainers for not only the government agencies, but also the industries. We also engage the NGOs such as Traffic South East Asia (Traffic SEA), WWF and others, who had overview and understand of the trade on the international level.
- 12. Malaysia's National Wildlife Forensic Laboratory is in full operation since December 2015. The Department of Wildlife and National Parks National Wildlife continuously collaborated with University of Washington in United States of America and TRACE Wildlife Forensic Network. The lab is now in collaboration process with Hong Kong government to analyse sample of seizures made in Hong Kong.
- 13. The Royal Malaysian Customs will continuously improve their investigation and administrative mechanisms to support the NIAP. Other available information resources from the Commission of Companies, Malaysia and The Royal Malaysian Police are used to assist in investigations. In addition, press conferences were held in the hope of to raise the public awareness and display the determination of the enforcement agencies in the effort to stop the illegal wildlife trade.

14. On 14 April 2016, Malaysia has successfully destroyed 9.55 tonnes of confiscated ivory. A ceremony which received support from the private sectors was held to raise further public awareness about the devastating impacts of illegal ivory and other forms of illicit wildlife trafficking.

Future outlook

- 15. In the CoP17 Meeting, Malaysia continuously highlighted to the Secretariat to consider the request to withdraw Malaysia from the list of 'primary concern' countries. This request should be considered as Malaysia does not allow or have any industry or market for ivory products.
- 16. Malaysia strongly believes that there is an urgent need to review and re-look into the ETIS reporting and analysis process, to ensure that the format and role of relevant parties are properly structured and defined. Cluster classification in the analysis should not be based on number of seizure and weight of ivory seized. Instead, common parameters for classification should be based with the facts that either the country acts as; source, transit or consumer. With these grouping, the same problems/issues and require about the same mitigation/solution measures to tackle the illegal ivory trade. If number of seizures are used, it should be highlighted as positive outcome from good enforcement actions, not as a country that enables illegal trade of ivory to take place.
- 17. In addition, the relevant parties should be consulted in the preparation of the ETIS analysis report before it is submitted as document in the CITES meetings, to reflect the actual and accurate representation of the effort made by the relevant countries.
- 18. Malaysia continuously has imposed multi-layer legislation in the form of Acts and Regulations to ensure that illegal ivory is intercepted before they reach their destination of consumer countries in the Far East. The possibility of existing organized criminal syndicate involved in the trade as highlighted by the ETIS will require more proof or data to be substantiated, to ensure Malaysia is not one of the targeted countries.
- 19. Malaysia viewed that sharing and coordination of intelligence and information among relevant enforcement agencies of the concerned countries and the CITES Secretariat are critical in ensuring the relevant authorities can follow up and expand their investigation, not only focusing on the interception and confiscation of the illegal ivories on their shores, but dismantling the whole chain of the illegal trade.
- 20. Malaysia identified several low hanging fruits, which will require strong commitment and actions not only at the domestic level, but also regionally and internationally. Doubling up the number of enforcement officers and continuous training to assist front-liners in adequately and accurately identify scheduled species and parts are utmost critical. Long-term actions also include placement of X-Ray machines, which can identify organic matter and utilization of information, gathered through 'sting operations' conducted by various enforcement agencies such as Interpol, RILO and WCO.
- 21. Utilization of new and improved investigation techniques, such as forensic sciences and DNA samplings should be facilitated to all countries of concern, to ensure a tangible result and solid investigation outcome. Support on additional funding, expertise, and data sharing are very much needed to further strengthen the National Wildlife Forensics Laboratory to ensure the existing efforts and plans are sustained and various future targets devised under the action plan and various related resolutions of CoP are fulfilled.

- 22. Currently, Malaysia is highly dependent on tip-off and random checks. Therefore, there are urgent needs to improve intelligence sharing and secured information among enforcement agencies for all among the countries involved, such as the utilization of WCO channel and other possible mechanisms.
- 23. Access to resources especially on technical resources such as forensic, data, equipment, new technologies, capacity and intelligence should be available for identified countries, and should be coordinated or managed by the CITES Secretariat or perhaps the ICCWC. This is to ensure that these countries may achieve the target outlined under their respective NIAPs. Therefore, support and assistance are much needed from other parties, who truly believe that the issues of elephant poaching and ivory smuggling are worth fighting.
- 24. Malaysia is listed as one of the 'primary concern' in the poaching of elephants and the illegal trade in ivory. From the evidence and also the efforts that have been made, Malaysia is very serious in curbing the illegal trafficking especially involving ivory to ensure that the wildlife can be protected and conserved. The assistance from the Secretariat is highly appreciated to withdraw Malaysia from one of the 'primary concern' countries.

25.

PART B: Summary evaluation of actions (assigned progress ratings)

CATECORY/DILLAR	PROGRESS RATING			
CATEGORY/PILLAR	Substantially achieved	On track	Challenging	Unclear
Legislation and regulation		1.1 Strengthened law to deter illegal trade of elephant specimens		
National-level enforcement action, investigation and inter-agency coordination		2.1 Enforcement activity at entry and exit points		
	2.2 Local interagency collaboration			
3. International enforcement collaboration	3.1 Regional collaboration3.2 International collaboration			
4. Outreach, public awareness and education	4.1 Public awareness- raising activities			
5. Reporting		5.1 Government-held ivory stockpile5.2 Genetic resources bank		

PART C: Detailed evaluation of actions

ACTION	EVALUATION	SUMMARY OF PROGRESS (and <i>comments</i>)		
CATEGORY 1: Legislation a	nd regulation			
1.1 Strengthened law to deter illegal trade of elephant specimens ON TRACK Target for Substantially achieved: - Regulations for stringent penalty are gazette and in force by 2018	Target for	i. To deter illegal trade of elephant specimens, Department of Wildlife and National Parks Peninsular Malaysia (PERHILITAN) propose amendment of the penalty under Wildlife Conservation Act 2010 (Act 716). Elephants are Totally Protected under this Act. Stringent penalty will be introduced to discourage smuggler from using Malaysia as transit hub for illegal ivory trade.		
	Type of offence Import/export/re-export without special permit:	Current regulation Fine between MYR30,000 and MYR100,000 AND jail term not exceeding 3 years.	Amendment proposed Fine MYR20,000 for every specimen seized OR fine between MYR500,000 and MYR1 million AND jail term not exceeding 4 yeras.	
		Use of elephant specimens without special permit	Fine not more than MYR100,000 AND jail term not exceeding 3 years or both.	Fine between MYR100,000 and MYR500,000 AND jail term not exceeding 3 years or both.
		General offence	Fine not exceeding MYR10,000 OR jail term not exceeding 1 year OR both.	Fine not exceeding MYR50,000 OR jail term not exceeding 3 years OR both.
CATEGORY 2: National-leve	l enforcement: Action,	investigation and national inter-ag	ency coordination	
2.1 Enforcement activity at entry and exit points	ON TRACK Target for Substantially achieved: - 5 major operations/ inspections at entry/exit points annually			nt (RMCD) in investigations of ivory seizure izure cases between June 2016 and August
2.2 Local interagency collaboration	SUBSTANTIALLY ACHIEVED Target for Substantially achieved: - 5 joint— enforcement	Malaysian Customs Departm Malaysia Quarantine and In	nent (RMCD), Malaysia Airport Berhad Avia spection Services (MAQIS). PERHILITAN	enforcement agencies – PERHILITAN, Royal ation Security (MAB AVSEC), MasKargo and I also conducted knowledge sharing activity by 52 PERHILITAN officers on 21-24 August

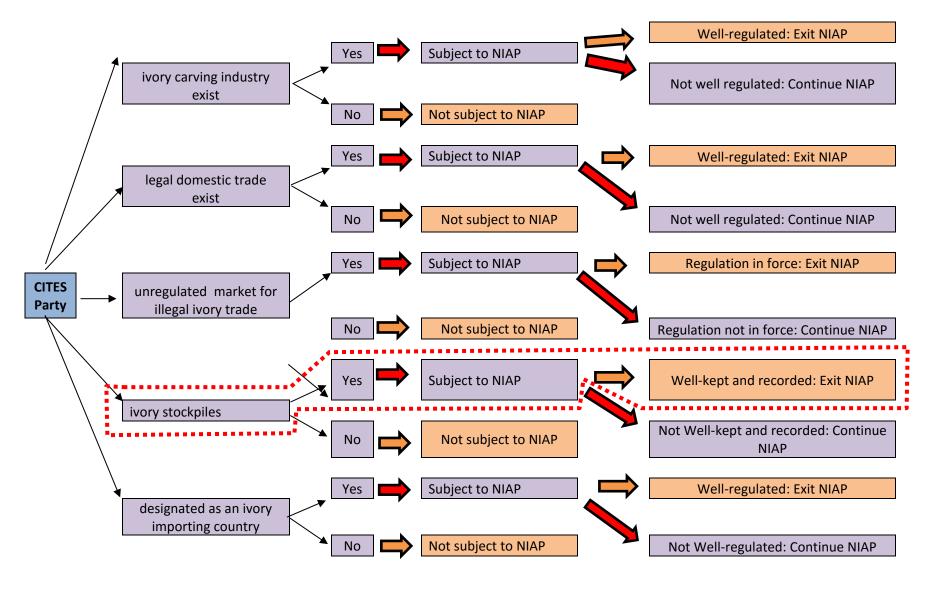
ACTION	EVALUATION	SUMMARY OF PROGRESS (and comments)
CATEGORY 3: International	operation/checks at entry/exit points annually - Annual coordination meeting of MA, EA & SA	 iii. The following series of workshop were organized in collaboration between PERHILITAN and Judicial and Legal Training Institute Malaysia (ILKAP). These workshops attended by enforcement officers and prosecution officers from government agencies, namely: a. Prosecution Process in Court: Giving statement during trials (14-18 August 2017) b. Environmental Crime Law (25-29 April 2017) iii. PERHILITAN is in cooperation with Department of Immigration Malaysia to enforce refuse entry for ivory smuggler of foreign citizens whom were prosecuted under Wildlife Conservation Act 2010 (Act 716). (See Annex 2) iv. Joint routine checking at airports, seaports & Malaysia-Thailand land borders v. 1 Malaysian Biodiversity Enforcement Operation Network (1MBEON) at Royal Belum State Park (Malaysia-Thailborder) on 13-31 March 2017 vi. Anti-Wildlife Trafficking Workshop was held in collaboration with WCS-Malaysia on 14-18 August 2017. vii. NRE conducted coordination meetings for National Task Force on CITES and Malaysian Wildlife Enforcement Network (MY-WEN)
3.1 Regional collaboration (Asian and ASEAN)	SUBSTANTIALLY ACHIEVED	i. Malaysia is supportive to the regional collaboration by attending all ASEAN meetings regarding CITES and Wildlife
(ASIAH ANU ASEAN)	Target for Substantially achieved: Actively participate in regional training/collaboration (minimum 3 times annually)	 ii. National Wildlife Forensic Lab in PERHILITAN had received certification from Malaysia Book of Records as a lab equipped with the highest collection of wildlife biomaterial for references in Malaysia. Had started collaboration in processing ivory samples from other countries (eg. Hong Kong) to assist the investigations. iii. Customs officers had participated in Regional Office for Capacity Building (ROCB) Programmes conducted by WCO.
3.2 International /interregional	SUBSTANTIALLY ACHIEVED Target for Substantially	 i. Ivory samples from 3 seizures in 2016 and 1 seizure in 2017 were collected and sent to University of Washington Laboratory to determine the country of origin. This is hope to help in investigation and understanding the dynamic of transnational organized crime. ii. Collaboration in development of wildlife forensic with TRACE Wildlife Forensics Network, UK
	achieved:	iii. A workshop was conducted in collaboration with US Department of Justice in Taman Negara National Park on 19- 24 March 2017. The workshop "Justice for Silent Victims: Countering Wildlife Crime in Malaysia Trial Advocacy

ACTION	EVALUATION	SUMMARY OF PROGRESS (and comments)
	Actively participate in international training/collaboration (minimum 3 times annually)	Program" participated by enforcement agencies and legal advisors from Attorney General Chambers of Malaysia and local NGOs.
		iv. Criminals Intelligence Analysis Training with Interpol at Nairobi (24-28 April 2017);
		v. Regional Investigative and Analytical Case Meeting with Interpol at Singapore (22-24 May 2017);
		vi. Multilateral Workshop to Combat Wildlife Trafficking with US Embassy in Kuala Lumpur (10-12 April 2017);
		vii. DETECT: Counter Transnational Organized Crime Course with Freeland and USAID Wildlife Asia at Lusaka, Zambia (15-25 June 2017);
		viii. Prosecuting Environmental Crime: Session 4 at ILEA, Bangkok with Department of Justice, US (26-30 June 2017);
		ix. Wildlife Trafficking Investigators Programme: Session 6 at ILEA, Bangkok with Department of Justice, US (14-25 August 2017);
		x. Digital Forensic Awareness Training for Wildlife Investigators at Interpol Global Complex for Innovation, Singapore (28-30 June 2017); and
		xi. Increased cooperation and intelligence channels at all levels i.e. collaboration with. Regional Intelligence Liaison Offices (RILO) of the World Customs Organization and the Interpol (via Ecomessage).
CATEGORY 4: Outreach, po	ublic awareness and ed	ucation
awareness-raising activities Target Substa achiev Particip /Condu release (minimi	SUBSTANTIALLY ACHIEVED Target for	 i. Celebration of World Elephant Day on 12 August 2017 at National Elephant Conservation Centre (NECC). Among awareness campaign and activities conducted are treasure hunt, colouring contest, photography contest, demonstration of camera trap setting and Elephant Talk. This is a collaboration programme with Management of Ecology of Malaysian Elephant (MEME), Nottingham University Malaysia Campus. (See Annex 3)
	Substantially achieved: Participated /Conducted events/ release statement (minimum 3 times annually)	ii. Conservation and enforcement awareness campaigns via mass media – Facebook, newspaper & television interviews.
		iii. Media coverage by RMCD with regards to the confiscated ivory to increase the awareness of public on enforcement for ivory smuggling activity. (See Annex 4)
0475000775	-	
CATEGORY 5: Reporting		

ACTION	EVALUATION	SUMMARY OF PROGRESS (and comments)
	Target for Substantially achieved: - All stockpiles are recorded and secure in safe room/vault	ii. Government-held ivory stockpile reported to CITES Secretariat every 28 th February
5.2 Genetic Resources Bank	ON TRACK Target for Substantially achieved: National Wildlife Forensic Laboratory keep ivory biomaterial of every seizure	i. A total of 10 cases of ivory seizure were made by PERHILITAN and RMCD between June 2016 and Aug 2017. Samples from 7 seizures were collected and deposit in Wildlife Genetic Resources Bank.

Additional recommendation:

- 1. Propose the CITES Secretariat to appoint UNODC as the consultant to analyze ETIS Reports. UNODC has develop a kit to evaluate the seriousness of wildlife crime. In addition, perhaps we can explore a different method of evaluation compared to what presented by TRAFFIC as the consultant.
- 2. Only 1 out of 5 criteria to identify Parties to be subject to NIAPs is relevant to Malaysia ivory stockpiles. Propose Malaysia add this justification as a road map to be excluded from Country of Primary Concern Group:



Relevant to Malaysia

Part E: Annex (supporting information) (OPTIONAL)

Annex 1: Capacity Building Programmes













Annex 2: Offenders for wildlife crime and refused future entry into Malaysia

(i) Vietnamese: 51

(ii) Indonesia: 48

(iii) Thailand: 42

(iv) Cambodia: 19

(v) India: 16

(vi) China: 11

(vii) Bangladesh: 8

(viii) Myanmar: 5

(ix) Nigeria: 2

(x) Singapore: 2

(xi) Pakistan: 2

(xii) United Kingdom: 2

(xiii) Taiwan: 1

(xiv) Japan: 1

(xv) Kenya: 1

Annex 3: Celebration of World Elephant Day in Malaysia











Annex 4: iii. Media coverage by RMCD







Annex 5: Marking system for every government-held ivory stockpile







ID format:

DWNP / 16 / 22 / 7.1 / 34.5 / B2

DWNP / year seized / ID number / Weight (kg) / length (cm) / Box label