

SEPTEMBER 2016

# MALAYSIA'S INVISIBLE IVORY CHANNEL

An assessment of ivory seizures involving Malaysia from January 2003 - May 2014

*Kanitha Krishnasamy*





## TRAFFIC REPORT

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Southeast Asia Regional Office  
Unit 3-2, 1st Floor, Jalan SS23/11  
Taman SEA, 47400 Petaling Jaya  
Selangor, Malaysia  
Telephone : (603) 7880 3940  
Fax : (603) 7882 0171

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Front cover photograph: Seizure of ivory in 2011 in Malaysia  
Credit: Kanitha Krishnasamy/TRAFFIC



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*Kanitha Krishnasamy*



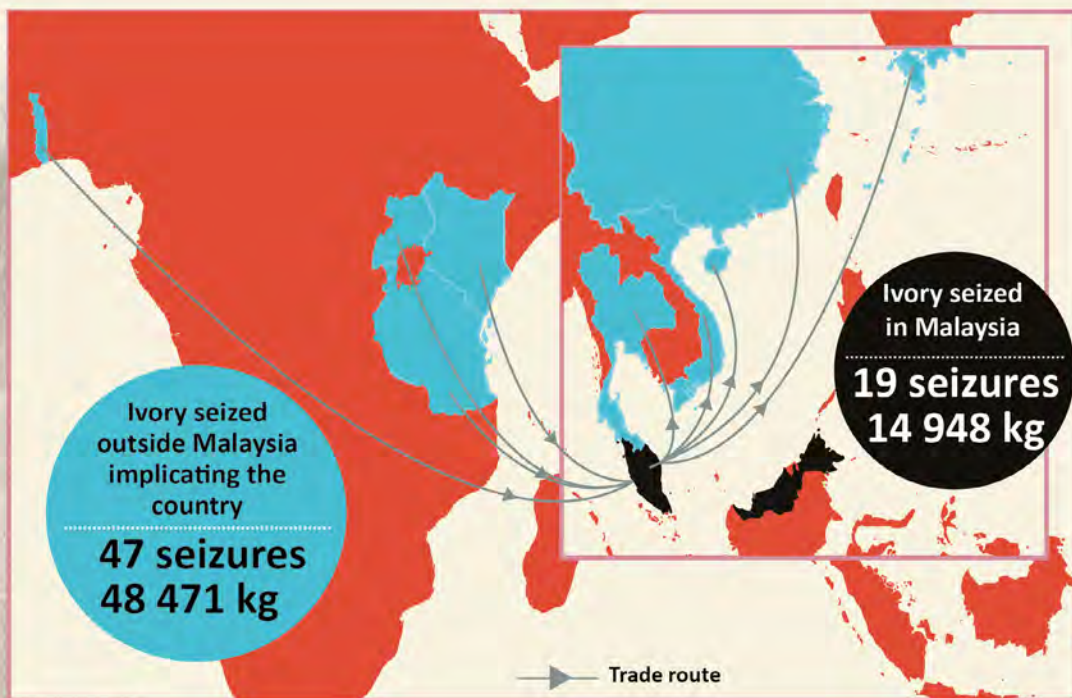
Seizure of ivory in 2011 in Malaysia

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# MALAYSIA

IVORY SEIZURES 2003-2014

Malaysia was linked to 66 ivory seizures totalling 63 419 kg between January 2003 and May 2014. This includes seizures made within and outside Malaysia, but with the country identified as a destination or transit point.



## IVORY SEIZURES 2003-2014 IMPLICATING MALAYSIA



66 seizures  
63 419 kg

LARGE-SCALE SEIZURE > 500 kg

26

BIGGEST YEAR: 2013



> 16 tonnes from  
13 seizures

## SEIZURES OUTSIDE MALAYSIA

LINKED TO 23 COUNTRIES/TERRITORIES INCLUDING



KENYA



TANZANIA



UGANDA



HONG KONG



CHINA



VIET NAM

2003-2005

3

SEIZURES

2009-2014

44

SEIZURES

ARRESTS

10

## SEIZURES IN MALAYSIA

OCCURED IN NATION'S 3 SEAPORTS



Port Klang, Penang Port,  
Port of Pasir Gudang

THIRD LARGEST SEIZURE EVER  
RECORDED GLOBALLY

December

2012 = 6043 kg

## RHINO HORN TRADE THROUGH MALAYSIA

23 rhino horns were trafficked along with the ivory between August 2010 and December 2013. In two of these shipments, Malaysia was listed as the country of destination.





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# EXECUTIVE SUMMARY

Malaysia does not have an open domestic ivory market, unlike at least seven other Southeast Asian countries. However, its position in the global illicit ivory trade has become more prominent since 2009 when its role as a principal transit gateway for ivory *en route* to consumer markets in other Southeast and East Asian countries emerged. This occurrence has made Malaysia the world's paramount illicit ivory transit country, according to data in the Elephant Trade Information System (ETIS), which tracks ivory seizures globally since 1989. The ETIS report to the 62<sup>nd</sup> CITES Standing Committee meeting in July 2012 identified Malaysia as one of eight countries most heavily implicated in the illegal ivory trade chain. Malaysia was the only country that served as purely a transit country among this group of African source and Asian end-use nations.

To better understand this trade dynamic, TRAFFIC assessed information from ivory seizures from a period of over 11 years (nearly 11 and a half years), from January 2003 to May 2014—all seizures were either made by Malaysian authorities, or made outside the country, but with Malaysia identified as part of the trade chain. Findings highlight that a total of 66 ivory seizures have been connected to Malaysia, cumulatively recording 63 419 kg of ivory over this period. Although only 26 of all seizures were large-scale seizures (>500 kg), these alone logged in a total weight of 60 404 kg, accounting for 95% of the total volume seized. This report discusses some insights from the seizures over this period, as well as highlighting needs and opportunities in order for Malaysia to remove itself from its current position as a country of international concern for illicit trade in ivory under CITES.

For its part, Malaysia has made a total of 19 seizures from January 2003–February 2013 totalling close to 15 tonnes of ivory. Five of these, representing 94% of total volume seized in the country, were large-scale seizures, one of which represents the third largest seizure in ETIS. The large-scale seizures in Malaysia occurred in all three of the nation's leading seaports: Ports of Klang, Pasir Gudang and Penang.

However, based on seizures made outside Malaysia during the assessed period, Malaysia has been implicated in at least 47 other seizures, involving more than 48 tonnes of ivory that had already passed through a Malaysian port undetected or was destined for the country. A vast majority of these were raw ivory, with only a small proportion being worked ivory that had already passed through a Malaysian port undetected or was destined for the country. This occurrence is the primary reason Malaysia has been identified as a key transit country in the global ivory trade. These seizures involve the import, export and re-export of ivory (and other prohibited wildlife parts) from at least 23 known countries and territories around the world, at various points of the trade route. Almost 75% (n=35) of these 47 seizures were made by other countries after the shipment passed a Malaysian port unstopped, amounting to 33 889 kg of ivory. Seventeen of the 47 seizures originated from Kenya, Tanzania and Uganda—the three major exit points for the world's illegal elephant ivory trade. These three countries alone exported 66% (31 868 kg) of the total volume of ivory seized during this period involving Malaysia, with Kenya and Tanzania each moving more than 13 tonnes of ivory. Tanzania's role in moving large quantities of ivory through Malaysia has been documented since at least 2003, while the other two became more prominent since 2010.

From all the seizures involving Malaysia as a transit or destination country, 16 437 kg of ivory from 13 seizures occurred in 2013 alone—the highest annual record over the 12-year period. Seven of these 13 seizures took place in the month of October, amounting to more than 8000 kg of ivory. At least 23 rhino horns were also trafficked along with the ivory between August 2010 and December 2013, with 15 horns seized in a single shipment from Uganda. In two of these shipments involving 20 rhino horns from Kenya and Uganda, Malaysia was listed as the country of destination.



Outside this study period, between April 2015 and August 2015, four other seizures by Australia, Kenya, Thailand and Viet Nam have been reported. These involved more than 5 tonnes of ivory that had either passed through Malaysia or listed Malaysia as the country of destination. Such occurrences serve to reinforce that Malaysian ports continue to be used to move large quantities of ivory, and more concerning, appears to becoming more frequent at a time when the poaching of African Elephants is at its most critical level. Not a single arrest or prosecution occurred with respect to any Malaysian ivory seizure during the assessed period. However two prosecutions occurred in 2015, outside the assessed period.

Malaysia's geographical proximity to the world's major ivory consumers—China and Thailand—and its efficient and well-developed port infrastructure, which ranks amongst the world's most elite ports, are important factors behind the country being used to smuggle ivory repeatedly. Although the sheer quantity, volume and speed of cargo moving through Malaysia's major seaports involving tens of millions of containers each year makes the detection of illicit ivory shipments extremely challenging, it is not an insurmountable task. Collaborative action, including risk profiling and targeting, as well as timely communication between source and consumer countries have already resulted in a number of successful seizures globally, and indeed forms part of Malaysia's National Ivory Action Plan that was submitted to CITES pursuant to the recommendations of the CITES Standing Committee. Such measures must continue, conducted in tandem with other essential actions, without which Malaysia will continue to be a prominent player in the illegal ivory trade.

**Intelligence-led investigations, collaborative action and timely communication between source and consumer countries** have already proven positive results in a number of cases globally. This must be enhanced in Malaysia. Malaysia was listed as country of export in at least two large-scale seizures made by Viet Nam, while a further six seizures that took place from 2010 to 2013 reported Malaysia as the country of destination. As Malaysia does not possess a domestic ivory market, this is likely a case of cargo being offloaded in Malaysia and then re-exported to disguise the fact that the cargo originated in Africa. Such cases suggest that criminal operatives believe that they can successfully evade control mechanisms in Malaysia and addressing this issue should be a priority for government authorities at both air and seaports. Given that smuggling across continents involves organized criminality, **risk indicators and profiling** are crucial, and are currently being employed by the Royal Malaysian Customs to detect high-risk shipments at both seaports and airports, the latter of which are increasingly being used, globally, to smuggle ivory. At least four of the known confiscations in Malaysia were made at airports.

In 2015, Malaysian authorities recorded at least two arrests (involving three individuals) and convictions involving ivory seizures made at one of the country's international airports, Kuala Lumpur International Airport (KLIA). Offenders were penalised a cumulative fine of USD100 860. Additionally, the Royal Malaysian Customs made two seizures in February 2016, seizing 159 kg of ivory and arrested two Vietnamese nationals; investigations are ongoing. More recently, in July 2016, Malaysian Customs seized a shipment of ivory from the Democratic Republic of Congo weighing just over 1000 kg. Efforts that led to these arrests must be bolstered, conducted concurrently with other actions identified earlier including the **implementation and maintenance of a stockpile management system and DNA forensic analysis through partnerships with capable laboratories, to determine the provenance of smuggled ivory**. Malaysia does not have a domestic ivory market like others in the region. Therefore, its prospect of removing itself from the current position on the global stage of the illegal ivory trade is possibly easier compared to the other export and consumer countries, but only if concerted effort is made to address wildlife trafficking issues as they relate to a transit country.

## INTRODUCTION

The African Elephant *Loxodonta africana* is currently facing a crisis unlike anything witnessed since the 1980s. A recent assessment of site-specific poaching data generated by the Convention on International Trade in Endangered Wild Fauna and Flora (CITES) MIKE (Monitoring Illegal Killing of Elephants) programme estimated that 100 000 elephants had been killed throughout Africa over the three-year period 2010–2012 (Wittemyer *et al.*, 2014). Such killing follows a significant increase in the global ivory trade, largely fuelled by resurgent demand in Asia, especially China. As of 15 February 2016, over 22 000 ivory seizures have been recorded globally since 1989 in ETIS, with 2013 recording a record of over 65 tonnes of seized ivory (T. Milliken, pers. comm., 2016). Both African and Asian Elephants *Elephas maximus* are listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), with the exception of populations of African Elephants from four countries (Botswana, Namibia, South Africa and Zimbabwe). Regardless of these CITES listings, all commercial international trade in elephant ivory has been banned since 1990 except under exceptional circumstances.

Malaysia became a Party to CITES in 1978. It has since passed strong laws to protect wildlife, predominantly through the Wildlife Protection Act 2010 (WCA) for domestic wildlife protection in Peninsular Malaysia. International wildlife trade is governed by the International Trade in Endangered Species Act 2008 (INTESA), Malaysia's CITES-implementing legislation. Violation of these two laws, if convicted, carries a maximum fine of up to MYR500 000 (USD156 250) and MYR one million (USD312 500), or up to five or seven years in jail, respectively. The Customs Prohibition of Import and Export Orders 2012, which came into force in March 2013, aligns Malaysia's CITES Act with the provisions of the Customs Act. This legal development effectively empowers Customs to control the import and export of wildlife.

Notably, the strongest legal framework to combat organized crime, including ivory trafficking through Malaysia, was established in November 2014, when the government recognized violations under the WCA and the INTESA as serious offences in the Second Schedule of the Anti-Money Laundering and Anti-terrorism Financing Act (Amendment) 2014. This law carries a fine of MYR Five million (almost USD1.6 million) or imprisonment of up to five years, upon conviction. Offenders may also be convicted for attempting to engage in, or abetting the commission of, money laundering, irrespective of whether there is a conviction for a serious offence or foreign serious offence or that a prosecution has been initiated for the commission of a serious offence or foreign serious offence. A "foreign serious offence" is an offence against the law of a foreign State issued by, or on behalf of, the government of that foreign State. Despite strong legislation being in place and an absence of a domestic ivory market, Malaysia became closely associated with global ivory trafficking when the country was implicated in an ongoing suite of international ivory seizures.

### The Elephant Trade Information System (ETIS)

The fifth major assessment of the ETIS data for the 16<sup>th</sup> meeting of the Conference of the Parties to CITES (CITES CoP16) in 2013 underscored the significant role of Malaysia in the global ivory trade. ETIS is a comprehensive CITES-mandated system, managed by TRAFFIC, that tracks illegal trade in elephant specimens globally. The ETIS seizure data comprises the world's largest collection of law enforcement records on illegal trade in elephant products, holding data from some 100 countries or territories since 1989 (CITES, 2013). As of February 2016, there were 24 636 seizures recorded in ETIS, of which 22 287 records represented ivory seizures, whilst the remainder comprised non-ivory elephant products (T. Milliken, pers. comm., 2016). ETIS not only records seizure information that is verified by governments, but the system is also able to analyse law enforcement effort, drivers of illegal trade and assess trends and changes in the levels of illegal trade in ivory over time. Due to the covert nature in which trafficking occurs, the raw seizure data

are not representative of the true magnitude of the illegal trade in ivory as much of the trade goes undetected or is unreported to ETIS. However, ETIS analyses are based on bias-adjusted data that correct for varying rates of seizure and rates of reporting between and within countries over time. This is done to provide relative smoothed trends that are a reliable picture of the scale of ivory trafficking and highlight those countries that are most implicated in the illicit trade chains behind the greatest volumes of ivory involved. Analysis of seizure data therefore provides a credible basis for assessing trade in elephant parts and products for any country in the world, including Malaysia. An excerpt of the 2013 ETIS analysis and the role of primary countries of concern facilitating illegal ivory trade in the region, including Malaysia, is summarized in Table 1.

**Table 1: Summary statistics for the ETIS cluster analysis groups, 2009–2011**

		Frequency	Scale	Law Enforcement (LE) Effort Efficiency	Organized Crime
	Countries or Territories	Mean no. of seizures	Mean weight (kg)	Mean LE ratio (from 0.00: no LE effort, to 1.00: best LE effort)	Percentage of large-scale ivory seizures to mean eight (high values indicate organized criminality)
	TH	53	10,923	0.23	0.77
	MY, PH, VN	26	16,023	0.25	0.94
	CN	2,008	28,804	0.65	0.65

Source: CITES 2013

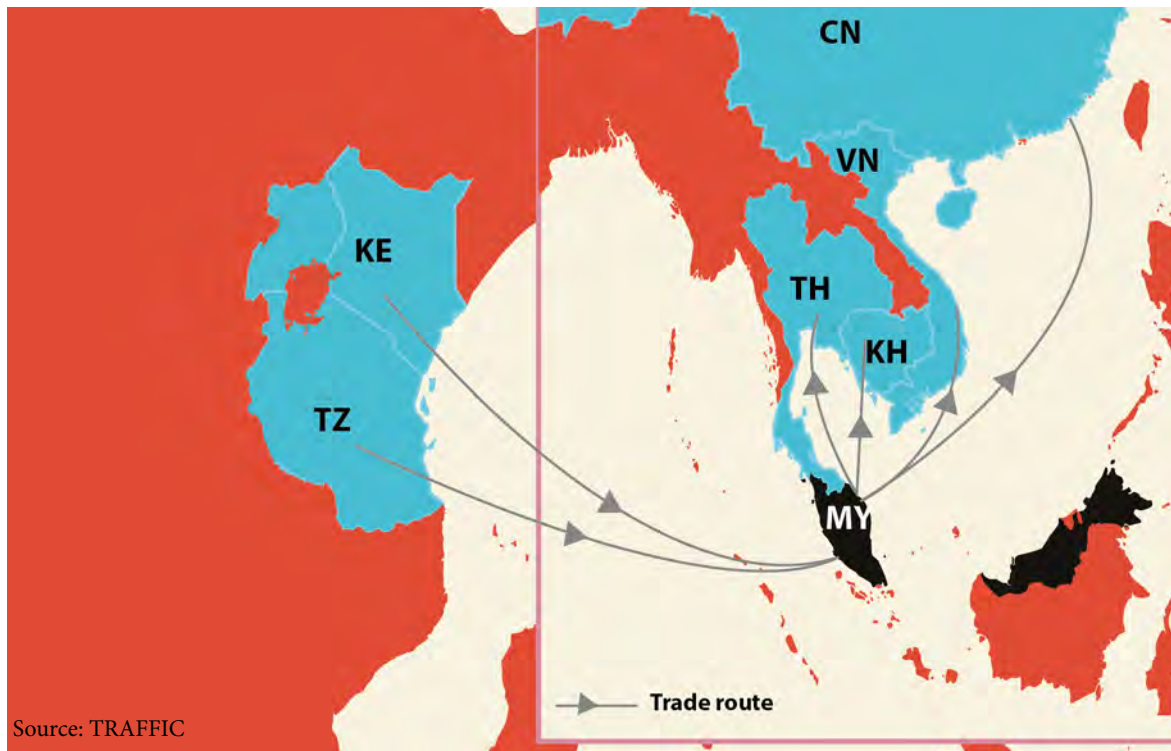
Legend: CN (China); MY (Malaysia); PH (Philippines); TH (Thailand); VN (Viet Nam);

Using an analytical technique called cluster analysis, which groups countries that share similar characteristics in terms of their involvement in illicit ivory trade, three Southeast Asian countries—Malaysia, the Philippines and Viet Nam—together formed a distinctive cluster in the ETIS analysis to CITES CoP 16 (Table 1). These countries formed a group of “primary concern”, in that although the number of seizures was relatively small, they collectively were part of trade chains through which the second largest flow of illicit ivory moved. As large-scale movements of ivory are the hallmark of higher levels of crime, the ivory trade in these countries displayed the highest values for the presence of organized crime. With no domestic ivory market of its own, Malaysia is unique amongst this group as being a country exclusively facilitating the transit of ivory, with the majority of shipments being seized *en route* to, or having already passed through the country.

Organized criminal operatives are known for changing and adapting trade routes and methods to circumvent detection, and beginning in 2009, an increasing number of ivory shipments were observed to be routed through Southeast Asia, particularly Malaysia. It was at this time that Malaysia’s role in this trade was first identified (Milliken *et al.*, 2009; Milliken *et al.*, 2013). Shipments originating from the Tanzanian ports of Dar es Salaam and Zanzibar, for example, were initially directed to Malaysia and two other countries as the principal transit country (Blanc *et al.*, 2013). Trade out of Kenya also developed during this period with multiple shipments transiting Malaysia and then moving on to Viet Nam, Cambodia, Thailand and China (Figure 1).



**Figure 1: Illustration of ivory trade patterns involving Malaysia from 2009–2011**

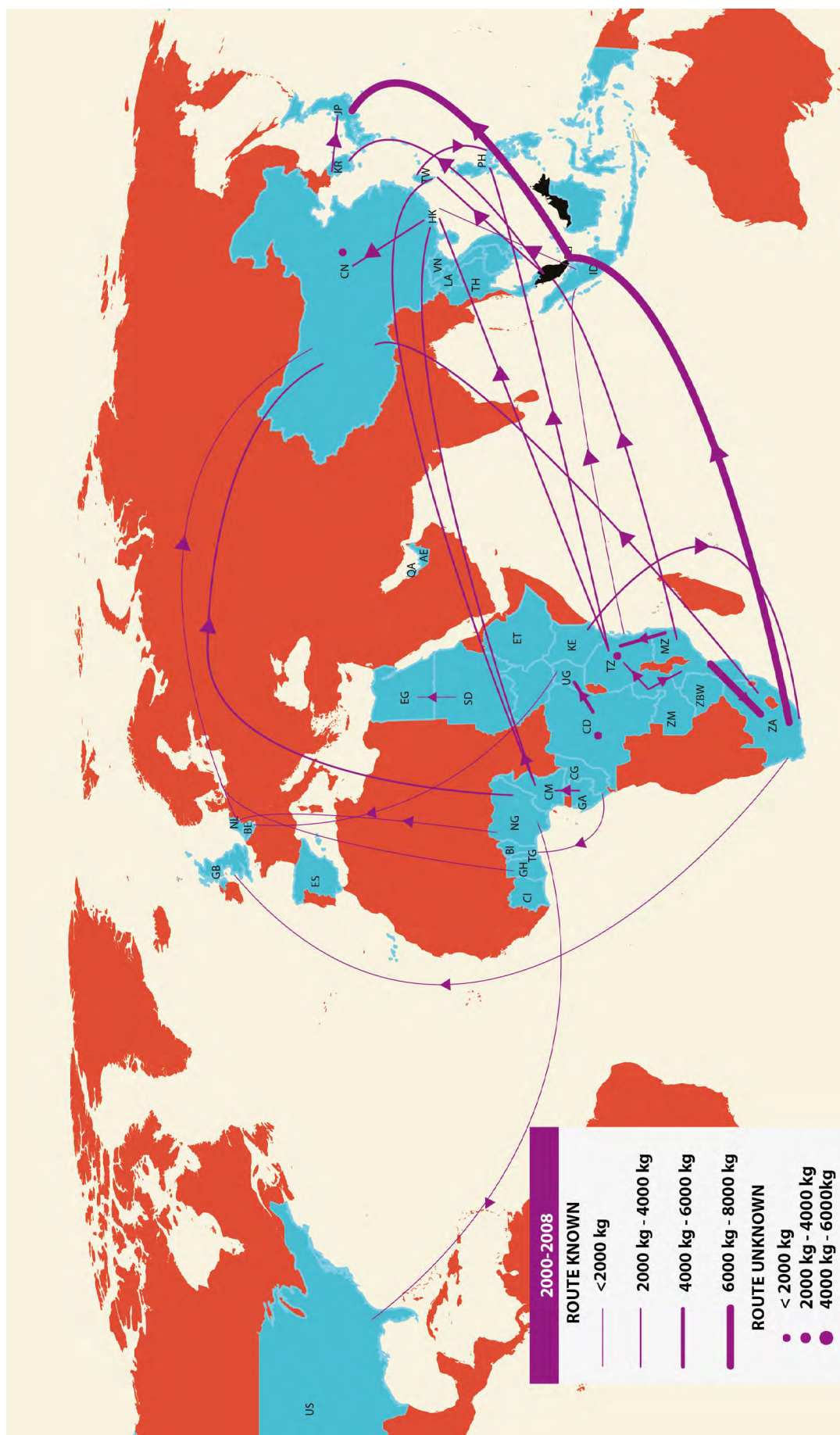


Seizure data show that Malaysia progressively became the principal transit gateway, from where African-sourced ivory was then redirected elsewhere in the region, particularly to Viet Nam, Hong Kong and China. When compared to trade patterns observed in the period 2000–2008, this appears to represent a change in smuggling routes when Malaysia's role in the trade was minimal. Figures 2, 3 and 4 provide an illustration of the trend in ivory trafficking during three notable periods, giving emphasis to the role Malaysia plays.



**Seizure of 492 tusks in Port Klang, Malaysia in January 2012**

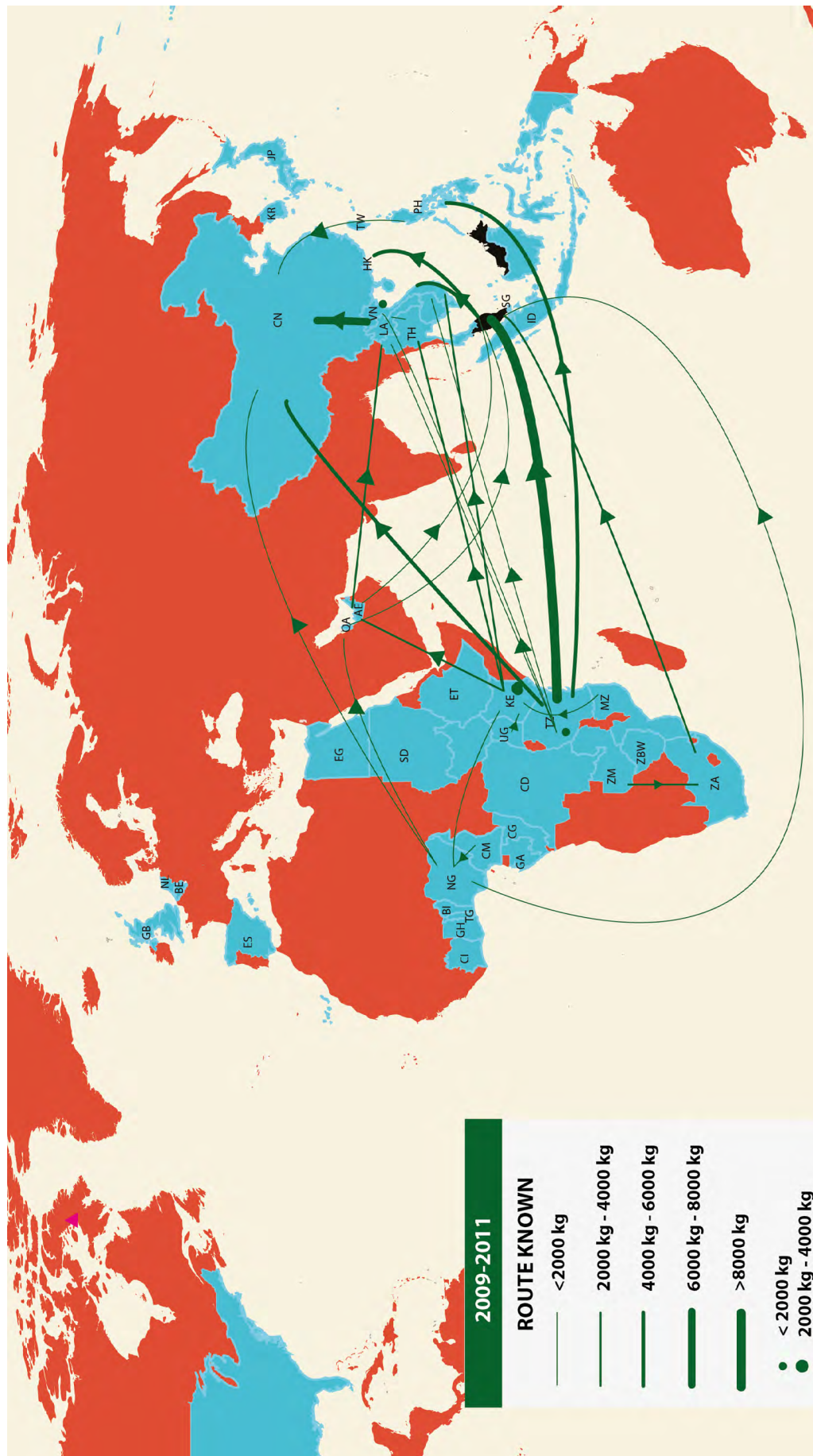
Figure 2: Trade routes for large-scale (>500 kg) seizures of ivory from 2000–2008



Source: Adapted from CITES, IUCN and TRAFFIC, 2013.



Figure 3: Trade routes for large-scale (>500 kg) seizures of ivory from 2009–2011



Source: Adapted from CITES, IUCN and TRAFFIC, 2013.



Figure 4: Trade routes for large-scale (>500 kg) seizures of ivory from 2012–2013



Source: Adapted from CITES, IUCN and TRAFFIC, 2013.

Since 2009, a series of other occurrences has drawn attention to Malaysia's position in the global ivory trade (Table 2). Following the 62<sup>nd</sup> meeting of the CITES Standing Committee in July 2012, nine countries and territories most heavily implicated in illegal ivory trade, were asked to submit written reports to the CITES Secretariat on their implementation of CITES requirements for ivory trade before 1 January 2013 (CITES, 2016; Milliken, 2013). This includes Hong Kong as a Special Administrative Region of China which implements CITES separately from mainland China. These nine countries and territories comprise principal end-use markets (China and Thailand), export countries (Kenya, Tanzania and Uganda) and transit countries/territories (Malaysia, Hong Kong, the Philippines and Viet Nam). Of the four transit countries/territories, Malaysia is the only one without a domestic ivory market or a history of ivory manufacturing. Malaysia, Viet Nam and Tanzania did not submit the required written report in accordance with the deadline, while the Philippines, Uganda and Kenya only produced reports and letters shortly before the commencement of the CITES CoP16 in March 2013. The lack of urgent response from the world's most significant ivory trading countries did not go unnoticed and served to support the introduction of a higher degree of accountability. Subsequent deliberations at CITES CoP16 (particularly at the 63<sup>rd</sup> and 64<sup>th</sup> meetings of the CITES Standing Committee) and the push for stronger measures by those heavily implicated in this trade resulted in an unprecedented decision: the eight countries plus Hong Kong were mandated to submit National Ivory Action Plans that included time-bound commitments to address and resolve serious issues which facilitated illicit trade in ivory.

**Table 2: Timeline of notable incidents**

When	Summary of incidents
2009	Malaysia's transit role in the illegal ivory trade highlighted in the ETIS report to CITES CoP15 (13–25 March 2010).
Jul 2012	62 <sup>nd</sup> Standing Committee meeting (23–27 July 2012); countries and territories identified as involved in substantial illegal ivory trade as a source, transit or destination country were requested to submit written reports before Jan 2013 on their implementation of <i>Resolution Conf. 10.10</i> requirements for ivory trade for consideration by the Standing Committee.
Nov 2012	CITES Secretariat wrote to the countries concerned, reminding them of the recommendations of the Standing Committee and inviting them to submit their written reports.
Nov 2012	CITES Secretariat invited the Permanent Missions of the eight Parties in Geneva to a special briefing on the issue; Malaysia was a participant.
Jan 2013	Malaysia did not submit its ivory trade report by the deadline for the submission of documents for consideration by the Standing Committee at its 63 <sup>rd</sup> meeting (i.e. 1 January 2013) as requested at the 62 <sup>nd</sup> Standing Committee meeting.
Mar 2013	Malaysia and three other countries were asked at the 63 <sup>rd</sup> meeting of the Standing Committee (2 March 2013) to provide a verbal update concerning their ivory trade controls as well as an explanation for not submitting the requested report by the agreed deadline. Malaysia was also identified as a "country of primary concern" in the ETIS analysis that was presented at CoP16.
Mar 2013	The 64 <sup>th</sup> meeting of the Standing Committee (14 March 2013) mandated Malaysia and nine other countries and territories to submit detailed National Ivory Action Plans before July 2013.
May 2013	Malaysia submits a National Ivory Action Plan to the CITES Secretariat.
Jul 2014	All National Ivory Action Plans were presented and assessed at the 65 <sup>th</sup> meeting of the CITES Standing Committee (7–11 July 2014) and all relevant Parties were urged to continue implementation process.

Progress on the actions taken by the nine countries and territories against their National Ivory Action Plans was assessed at the 65<sup>th</sup> meeting of the Standing Committee in July 2014, which outlined a wide range of measures and activities. The CITES Secretariat's evaluation of the nine National Ivory Action Plans indicated that over 65% of the actions (80 of 121) were either "substantially achieved" or were "on track" for achievement (CITES, 2014b). The CITES Secretariat further noted that "particular progress" had been made by Malaysia on a number of actions, with progress on a number of others being unclear (CITES, 2014). A summary evaluation of Malaysia's progress on its Action Plan is provided in Table 3.

**Table 3: Summary evaluation of Malaysia's progress towards actions in its National Ivory Action Plan**

Category				
	Substantially achieved	On track	Challenging	Unclear
1. Legislation and regulations	1.1 Capacity building for ivory identification and other techniques.			
2. National-level enforcement action, investigation and inter-agency co-ordination	2.2 Enforcement activity at entry and exit points 2.1 Local interagency collaboration			
3. International enforcement collaboration		3.1 Regional collaborations 3.2 International collaborations		
4. Outreach, public awareness and education	4.1 International demand reduction campaign			4.2 Public awareness- raising activities
5. Additional priority activities	5.2 Wildlife enforcement capacity building 5.4 Stockpile management	5.4 Ivory Identification		5.1 Forensic technology 5.3 Additional investigation tools

Source: CITES, 2014

This paper provides an overview of ivory seizures involving Malaysia, underlining its role in the global ivory trade. The analysis of seizure data is discussed below, highlighting needs and opportunities in order for Malaysia to remove itself from its current position as a country of international concern for ivory trade under CITES.



## METHODS

Information on ivory seizures made by Malaysian authorities, as well as seizures made outside the country which implicate Malaysia in the trade chain over an 11-year period from 1 January 2003–30 May 2014, have been compiled and considered in this analysis. Seizure data were gathered primarily from open source articles published by the media on government actions, government records, as well as peer-reviewed reports. Efforts were taken to verify media reports (with the relevant law enforcement agencies, including Royal Malaysian Customs). Information on seizures included date of seizure, countries involved, location of seizure, type of ivory item seized (raw tusks or worked ivory), the weight and number of ivory items seized—all of which allowed for data analysis. It is assumed that seizures analysed herein represent only a proportion of the actuality of illegal trade as not all illegal trade is intercepted and/or reported.

Both Hong Kong and Taiwan are treated independently in this analysis, consistent in the manner they are treated in the ETIS analysis to CITES CoPs. Seizures of 500 kg of ivory or more have been recognized by CITES as “large-scale ivory seizures”, which are indicative of organized criminality. Where weight information from seizures was not recorded, a notional 1 kg is used to enable a minimum weight to be accounted for in the analysis. Information, such as locations of seizures, routes used and other such trends are analysed here, and reasons why Malaysia was used as a transit point in this illicit trade are explored.

A conversion rate of USD1 to MYR3.2 is used as at May 2014 (<https://www.oanda.com/currency/converter/>)



**Ivory seized in Port Klang in 2011**

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## ANALYSIS AND DISCUSSION

### Malaysia's role

During the 11-year period assessed by this report, smugglers have increasingly used Malaysian ports to move illicit ivory shipments to consumer markets. This conclusion is based upon either: i) seizures made in Malaysia, ii): shipments that have passed through Malaysian ports undetected, both by air and sea, or iii): shipments destined for the country based on shipment documentation. As a result, Malaysia has found itself firmly on the global map of ivory trade as a major transit hub, with a total of 66 illicit shipments being linked to the country during the assessed period, totalling 64 419 kg of ivory (Table 4). Of these, 27 cases were large-scale seizures of more than 500 kg, with a total weight recorded of 61 085 kg, or 96% of the total volume seized. Figure 5 illustrates Malaysia's role in this trade.

**Figure 5: Malaysia's role in the global ivory trade**

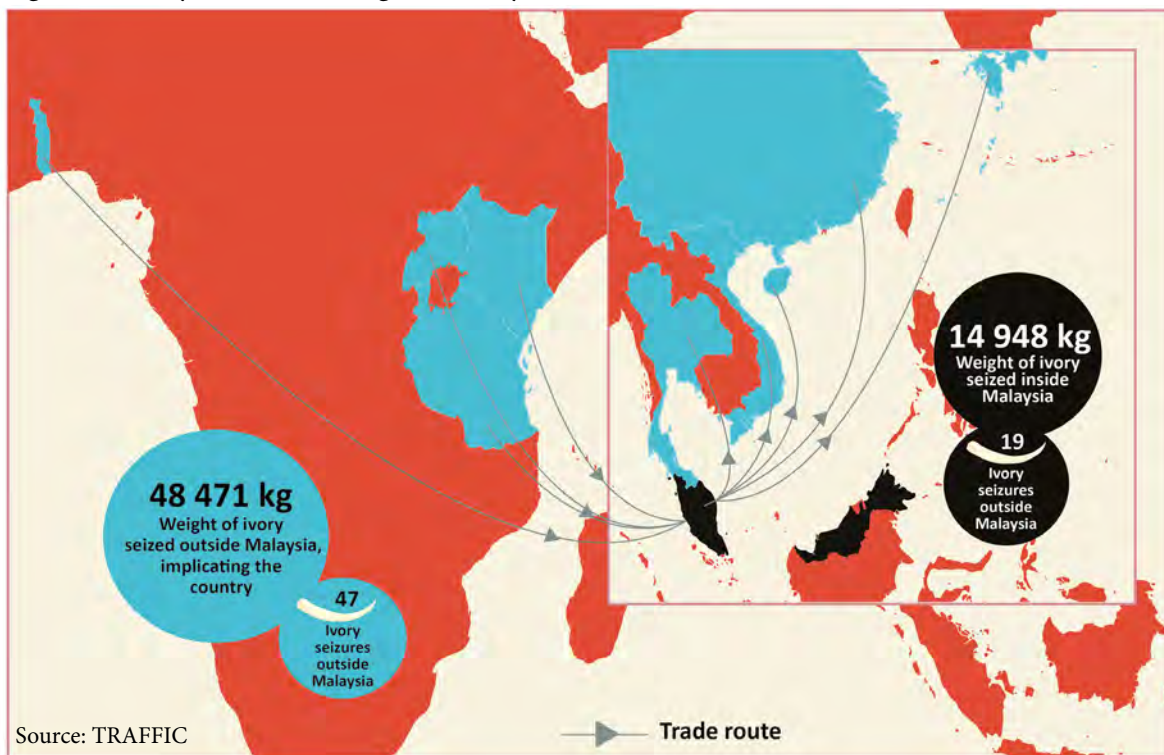
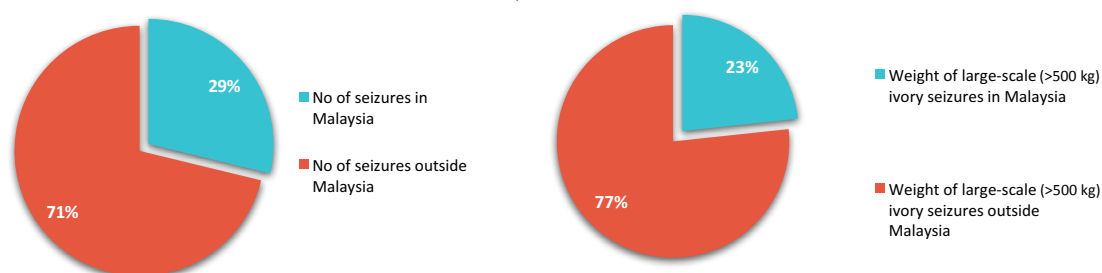


Table 4 provides a summary of the number of seizures and weight of ivory seized from 2003–2014 implicating Malaysia. At least 70% of these seizures, involving a correspondingly high quantity of seized ivory occurred outside Malaysia (Figure 5). This represents more than three times the amount of ivory that was intercepted in Malaysia. This is the primary reason Malaysia was highlighted as the world's foremost transit gateway for illicit ivory. Over the 2003–2014 period, a total of 335 604 kg of ivory has been seized globally (ETIS, 25 January 2016; T. Milliken, pers. Comm., 2016). The weight of ivory seized involving Malaysia alone therefore represents 19% of the total weight of ivory seized globally.

**Table 4: Summary of seizure data implicating Malaysia from 2003–2014**

	Total number of seizures	Total weight (kg)	No of large-scale (>500 kg) ivory seizures	Weight of large-scale (>500 kg) ivory seizures
Within Malaysia	19	14 948	5	14 082
Outside Malaysia	47	48 471	21	46 322*
<b>Total</b>	<b>66</b>	<b>63 419</b>	<b>26</b>	<b>60 404</b>

\* A breakdown of seizures made before reaching Malaysia, and after passing Malaysia is provided in Table 5

**Figure 6: Comparison of number of seizures and volume of seized ivory from within and outside Malaysia**

Apart from the significance of the quantity of ivory seizures, in three of the 46 shipments, at least 23 rhino horns were trafficked along with the ivory. These shipments originated from Uganda in December 2013 (15 rhino horns), Nigeria in February 2011 (three rhino horns) and Kenya in August 2010 (five rhino horns). The shipments from Kenya and Uganda listed Malaysia as the end destination, while the Nigerian shipment was headed to Thailand. In a separate shipment from Uganda, pangolin scales were also found. Large-scale ivory shipments are also being mixed with quantities of rhino horns, alongside other protected wildlife such as pangolins. Only 10 suspects were reportedly arrested in connection with the ivory seizures described in this report, and none of the arrests occurred in Southeast Asia:

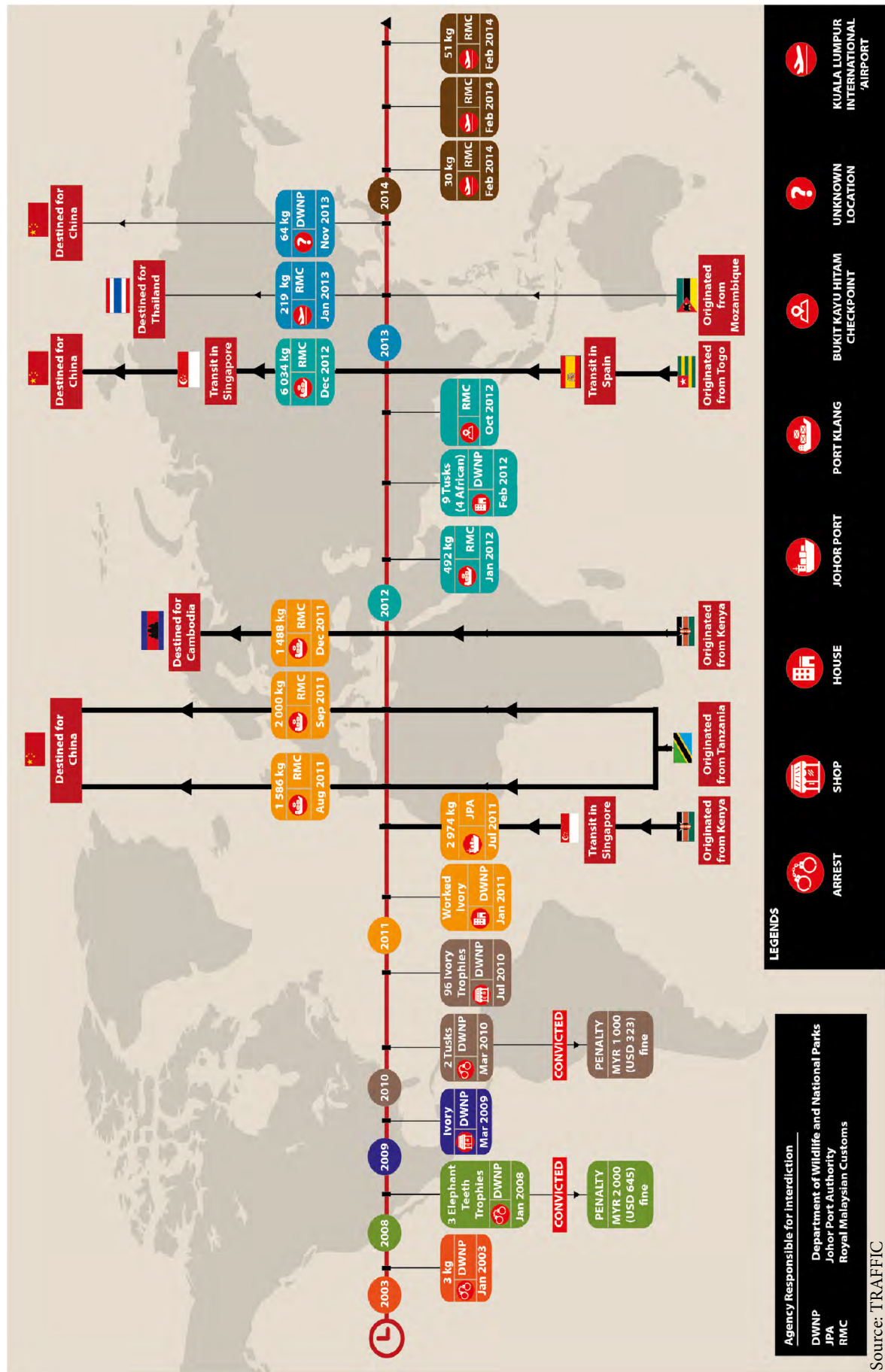
- Two Chinese nationals and two Guinean nationals were arrested in Uganda in 2013.
- A Chinese national was arrested at Harare International Airport in Zimbabwe in 2013.
- Three men were arrested on two occasions in Hong Kong in 2010 and 2011.
- Two suspects were arrested in Kenya in 2010.

### Seizures made in Malaysia

From January 2003–February 2014, Malaysia made 19 ivory seizures, totalling almost 15 tonnes that originated from three countries: Kenya, Tanzania and Togo (Figure 7). Five of these were large-scale consignments of over 500 kg each. The most recent of all large-scale seizures in Malaysia occurred in December 2012, weighing 6043 kg and comprising 2341 pieces of tusks. This shipment originated from Togo and represents the third largest seizure ever recorded in ETIS.



Figure 7: Timeline showing ivory seizures in Malaysia from 2003–2014





Port Klang Customs makes Malaysia's largest ivory seizure in December 2012, arriving from Togo

## Seizures made outside Malaysia

The primary reason Malaysia has emerged as the world's paramount transit gateway for illicit ivory is the number of large-scale ivory seizures that use the country as part of an illicit pathway from Africa to Asian end-use markets. Malaysia's role in this trade chain first emerged in 2006, but grew to be more prominent in 2009. An examination of seizure records since 2009, compared to those of previous years, emphasises the increasing degree of Malaysia's involvement as a transit country in this trade (Figure 8). Over 93% of seizures that implicate Malaysia over this period (44 of 47) have occurred since the beginning of 2009, attesting to Malaysia's prominent position as a transit country in the trade in recent years. Forty percent of these 44 seizures and, more worryingly, 80% of the total weight seized were from large-scale ivory seizures, indicating the involvement of organized criminal networks. No seizures were reported between August 2006 and December 2008.

**Figure 8: Comparison between seizures occurring before and after 2009**

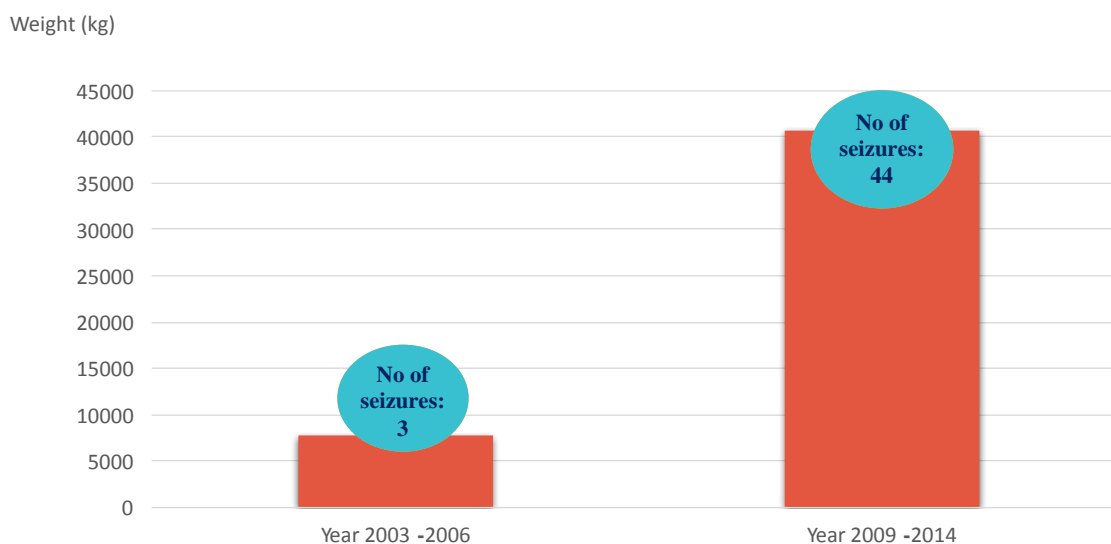
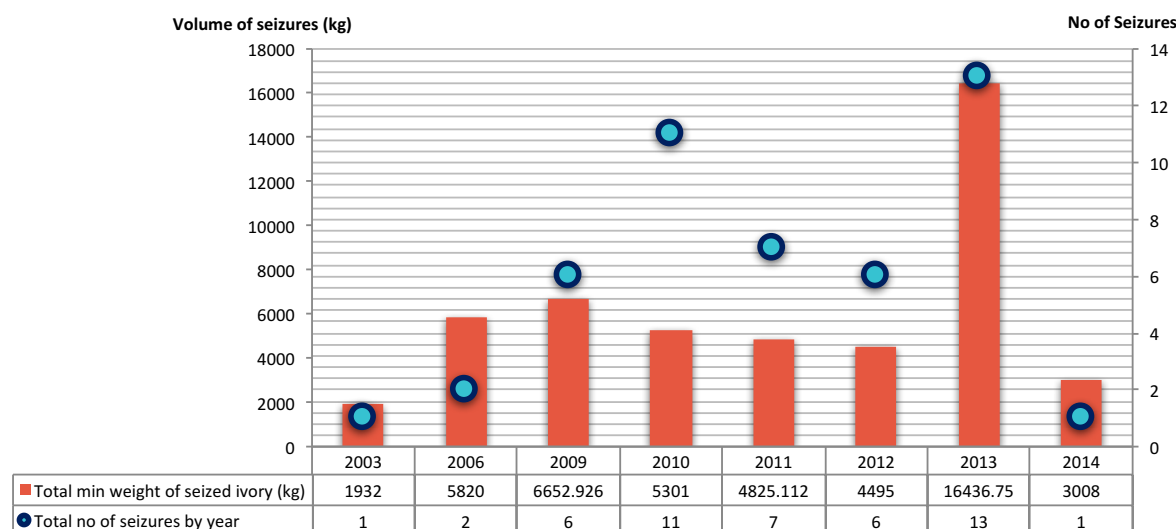


Figure 8 provides a more detailed illustration on the scale of seizures that have occurred annually outside Malaysia from 2003–2014 and clearly shows the increased frequency of Malaysia's involvement in the global ivory trade. Within this period, a total of 47 seizures took place, totalling 48 471 kg, involving at least 23 countries. Half of these were large-scale ivory seizures, each weighing between 769 kg–5647 kg. The highest number of seizures (13) occurred in 2013, with six of these occurring in a single month (October) (Figure 9). This trend reinforces the fact that Malaysia remains a major port of call for smuggled ivory. Six of the 13 seizures in 2013 were large-scale, with four of these occurring in October; Viet Nam made two of these seizures within a span of five days, totalling over 4000 kg of ivory. The high quantities of ivory seized with such frequency is alarming and certainly suggests organized criminal involvement.

**Figure 9: Seizures of ivory made outside Malaysia but where Malaysia was part of the trade chain, by weight and year**



Of the 47 seizures made outside Malaysia, 10 were made at the point of export by four African nations (Kenya, Tanzania, Uganda and Zimbabwe), including six that took place in 2013 alone. Kenya and Uganda made a total of four seizures each. Six of the 10 seizures were large-scale (each seizure weighing between 1470–3200 kg). With the exception of the US seizing one piece of worked ivory that was being shipped to Malaysia, the remaining 35 seizures were made by other transit or end-use destinations, after having passed through Malaysia. Of significance is the fact that 74% of the seizures were made by other countries after the ivory shipments passed a Malaysian port (Table 5). Of these, although only 15 seizures were large-scale, the high volume of over 70% (of the total weight of large-scale seizure) is concerning. Fourteen of the seizures made after passing Malaysia involved small items of worked ivory.

**Table 5: Summary of seizures made prior to reaching Malaysia and after passing Malaysia, 2003-2014**

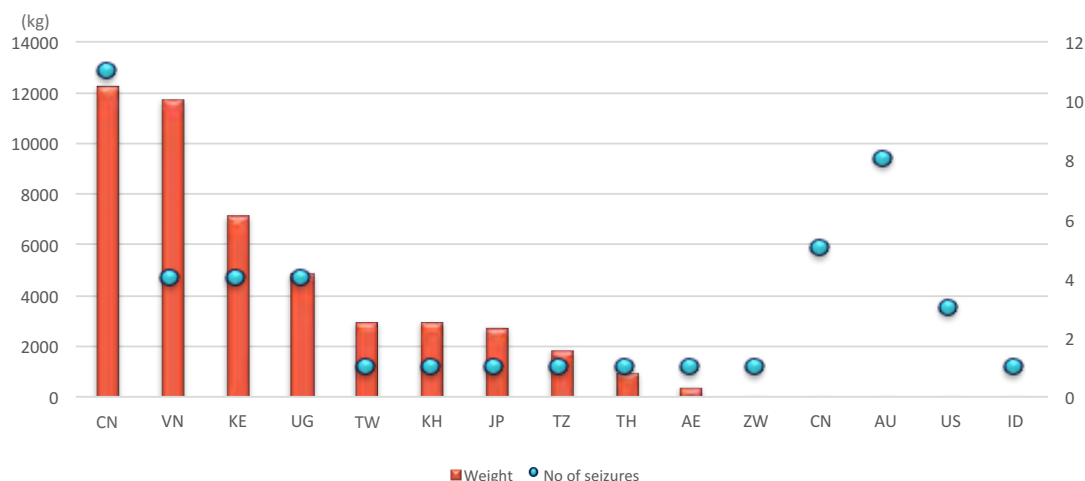
	Total number of seizures	% of total number of seizures	Total weight seized (kg)	% of total weight seized (kg)	No of large-scale (>500 kg) ivory seizures	Weight of large-scale (>500 kg) ivory seizures	% Weight of large-scale (>500 kg) ivory seizures
Before reaching Malaysia	12	26	14 582	30	6	13 223	29
After passing Malaysia	35	74	33 889	70	15	39 099	71
<b>Total</b>	<b>47</b>	<b>100</b>	<b>48 471</b>	<b>100</b>	<b>21</b>	<b>46 322</b>	<b>100</b>

Hong Kong made the most number of seizures of ivory that had already passed through Malaysia, followed by Australia and China, although the seizures by the latter two countries were minor quantities of worked ivory (Figure 10). Therefore, a high number of seizures does not always correspond with high levels of organized criminality, but includes elements of consumer purchases. For example, seizures made by Australia and China were personal effects of very small volumes



(less than 5 kg), and therefore not directly comparable to the roles of countries or territories making seizure of much higher volumes, like Hong Kong and Viet Nam—seizures made by these two were large-scale, signifying a higher degree of organized criminality.

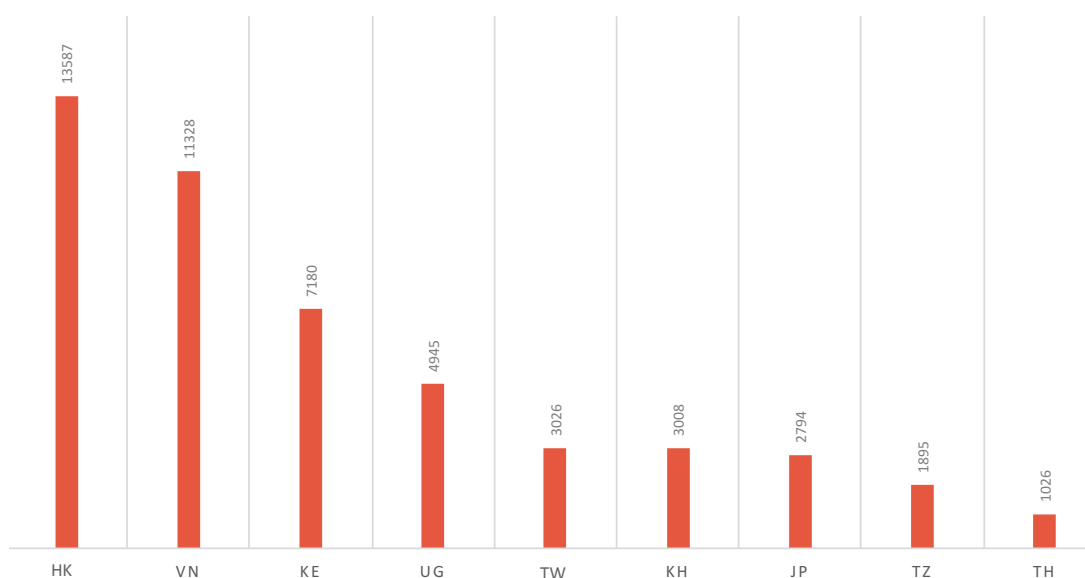
**Figure 10: Volume of ivory seized by other countries/territories where Malaysia is implicated from 2003–2014**



Legend: AE (United Arab Emirates); AU (Australia); CN (China); HK (Hong Kong); ID (Indonesia); JP (Japan); KE (Kenya); KH (Cambodia); TH (Thailand); TW (Taiwan); TZ (Tanzania); UG (Uganda); US (United States); VN (Viet Nam); ZW (Zimbabwe).

The weight of ivory seized by Hong Kong, Viet Nam, Kenya and Uganda unequivocally calls attention to them being most closely associated with large-scale ivory shipments passing through Malaysia. These four countries/territories, alongside five others, collectively made all the large-scale seizures of ivory implicating Malaysia, reaching a total of 47 091 kg (Figure 11). By region, East Asia made the highest number of seizures, recording a correspondingly high volume, followed by Southeast Asia and Africa.

**Figure 11: Countries/territories that made large-scale seizures implicating Malaysia from 2003-2014, and the total weight seized (kg)**



Legend: HK (Hong Kong) (China); JP (Japan); KE (Kenya); KH (Cambodia); TH (Thailand); TW (Taiwan); TZ (Tanzania); UG (Uganda); VN (Viet Nam).

## Origins and destination of seizures made outside Malaysia

A total of 13 countries of origin or export were identified in the data. Surprisingly, Malaysia was listed as the country of export in 15 seizures—although a majority of these were personal effects—only two were large-scale seizures of over 2000 kg each; both made by Viet Nam at the Hai Phong port in 2013 within a five-day period. It is unknown if the ivory in all of these cases actually entered Malaysia and was then re-exported to the country of destination, or if this is based upon information from shipping documents only and Malaysia was simply the last port of call for the vessel carrying the shipment. Seventeen of all seizures originated from Kenya, Tanzania and Uganda. These three source/export countries are also among the nine countries / territories of primary concern identified by CITES. The quantity of ivory originating from these three African countries alone accounted for 66% of the total volume of ivory (31 868 kg of 48 471 kg) involving Malaysia that was seized outside of the country during this period, with Kenya and Tanzania each moving more than 13 tonnes of ivory (Table 6). Six of these seizures, totalling 9523 kg of ivory, took place from 2010 to 2013 and reported Malaysia as the country of destination (import). All but two of these were large-scale seizures, each recording a minimum of 1500 kg.

**Table 6: Total weight of ivory seized in 17 exports originating from Kenya, Tanzania and Uganda**

Country	Total minimum estimated weight (kg)
Kenya	13 498
Tanzania	14 850
Uganda	3520
<b>Total</b>	<b>31 868</b>

Information analysed during this period shows that the top three countries/territories listed as destinations for ivory shipments were Malaysia, China and Hong Kong. These three countries /territories were listed in at least 29 shipments totalling 32 843 kg, with Malaysia contributing 14 532 kg in 10 shipments to this total. Sixteen of these were large-scale seizures (Table 7). There is no further information concerning whether this ivory was to be re-exported elsewhere, but re-exportation is assumed in the case for Malaysia as there is no domestic ivory market or internal ivory processing in the country.

**Table 7: Large-scale seizures involving reported country of destination**

Country/Territory	No of seizures	Weight (kg)	% of weight
Malaysia	6	13 223	43
Hong Kong	6	9585	31
China	4	8013	26
<b>Total</b>	<b>16</b>	<b>30 821</b>	<b>100</b>

## Seaports and Airports

Large-scale seizures in Malaysia have occurred in all three of the nation's leading seaports: Port Klang, Pasir Gudang (in the southern State of Johor) and Penang (Figure 12). Port Klang made four seizures, of over 10 tonnes of ivory, while the ports of Pasir Gudang and Penang seized 2974 kg and 1586 kg of ivory respectively. Over 72% (100 641 kg) of the large-scale ivory seizures recorded globally from 2009–2013 were shipped by sea (Milliken, 2014a).

**Figure 12: Peninsular Malaysia's seaports and the three ports in which ivory seizures took place**



Port Klang, where four of the six large-scale ivory seizures were made, is the main cargo gateway by sea into Malaysia and is just some 40 km from the nation's capital of Kuala Lumpur. First opened on 15 September 1901 (known then as Port Swettenham), Port Klang is today in the top 12 of the world's leading ports ([www.worldshipping.org](http://www.worldshipping.org)). It handles some 11 million twenty-foot equivalent unit (TEU) containers a year, joining the elite rank of ports throughout the world that operate in the above 1 million TEUs league. Port Klang links with more than 500 ports worldwide, with trade connections to over 120 countries and territories. Its geographical location makes it the first port of call for ships on the eastbound leg and the last port of call on the westbound leg of the Far East–Europe trade route (Port Klang Authority, 2012). The ports of Penang and Pasir Gudang (where the other Malaysian seizures were made) are also equipped to welcome larger vessels and handle great volumes of containers at a fast pace. Collectively, these three ports facilitate the movement of large containers from around the globe in a timely and efficient manner.

Malaysia's geographical position with respect to the world's major ivory consumers, China and Thailand, and efficient and well-developed port infrastructure is certainly a key reason why the country is used to smuggle ivory. The sheer quantity and speed of cargo moving through these major seaports involves tens of millions of containers each year, making the detection of illicit ivory



shipments extremely challenging. The large volume of ivory moving through Malaysia is testament to the repeated exploitation of the country's port facilities by criminal syndicates, perhaps because Malaysia is viewed as a path that offers lower risk compared to other alternative ports in the region. As mentioned, large transboundary movements of ivory across continents point to organized criminality involvement, an ivory trade dynamic that has increased especially over the past six years (Milliken *et al.*, 2013).

Although a majority of large-scale seizures described in this report have occurred at seaports, eight significant seizures took place at five different airports, involving shipments that were on their way to or through Malaysia (Table 8). While only three were large-scale seizures originating from Kenya, Tanzania and Uganda (each weighing between 1500 kg to 2160 kg), it is clear that the use of airports to smuggle large quantities of ivory through international borders is on the rise. Moving ivory in hand-carried or checked-in luggage is rising as air travel is becoming more frequent as a *modus operandi* for ivory smuggling. For example, following a routine inspection in June 2014, Hong Kong Customs arrested 16 passengers in transit from Angola with 790 kg of raw and worked ivory spread between them in 32 pieces of check-in baggage (Milliken 2014b). This particular case (which did not transit through Malaysia) was indicative of emerging alternatives to containerized shipping for moving large volumes of ivory. As smugglers are always adapting to circumstances, more vigilance and collaborative law enforcement efforts with airport authorities is critical for preventing transit trade through the country.

**Table 8: Ivory seizures at airports, implicating Malaysia**

When	Country/ Territory	Airport	Min estimated weight of ivory (kg)	Notes
Dec 2013	Uganda	Entebbe International Airport	1500	Ugandan Police seized raw and worked ivory pieces, as well as 15 rhino horn pieces that were on their way to Malaysia. A Nigerian company was listed as consignee of the shipment.
Oct 2013	Uganda	Entebbe International Airport	116	Ugandan Police seized raw ivory and pangolin scales. Four suspects were arrested, two Chinese nationals and two Guinean nationals, who confessed that the contraband was headed to China via Malaysia.
Oct 2013	Zimbabwe	Harare International Airport	114	A Chinese man was arrested at Harare International Airport in Zimbabwe carrying raw and worked ivory while trying to board a flight to Malaysia. (Note: There are no direct flights to Malaysia from Zimbabwe, and therefore the suspect's route involved other countries)
Jan 2013	Dubai	Dubai International Airport	447	Dubai Airports Security seized raw ivory tusks and worked ivory products; Malaysia was listed as the country of destination.
Oct 2012	Hong Kong	Hong Kong International Airport	1928	Hong Kong airport authorities seized raw tusks and worked ivory products that passed through a Malaysian port
Sep 2012	Kenya	Jomo-Kenyatta International Airport	255	Kenyan airport authorities intercepted a shipment of ivory declared as 'avocados'. The cargo was destined for Kuala Lumpur, Malaysia, aboard Qatar Airways via Doha.

Jun 2012	Uganda	Entebbe International Airport	426	Customs officials impounded raw ivory that was destined for Malaysia, concealed inside five metallic suitcases.
Aug 2010	Kenya	Jomo-Kenyatta International Airport	2160	Sniffer dogs detected five rhino horns and raw ivory that was bound for Malaysia. Two suspects were arrested.

The Royal Malaysian Customs, in January 2015, reported increased vigilance at airports as they have seen the emergence of ivory smuggling attempts through Malaysia since 2013 (Lim, 2015). As a result, they arrested a Chinese national for smuggling 16 pieces of ivory who was later successfully convicted and fined MYR250 000 (USD80 645) and given a jail term of two months. In February 2016, two ivory seizures, totalling 159 kg, were made by the Royal Malaysian Customs, from flights that originated from Angola and Ethiopia (Nadirah, 2016). These two cases involved three Vietnamese nationals, two of whom were arrested; these suspects had reportedly entered the country on three other occasions recently and both shipments involved an Ethiopian connection, according to ongoing investigations. More recently, in July 2016, the Royal Malaysian Customs made its first large-scale seizure since 2011 at Kuala Lumpur International Airport, when a shipment of tusks from the Democratic Republic of Congo was seized, weighing just over 1000 kg (Bernama, 2016). This shipment arrived via a Turkish Airline Cargo from Kinshasha International Airport, with a transit in Istanbul, Turkey.

Organized crime groups are known to utilize sophisticated smuggling techniques, often with discreet knowledge of the regulatory systems and procedures employed, coupled with targeted corruption as a conduit, to move high-valued goods in an undetected, or at least unobstructed, manner (UNODC, 2013; EIA, 2014). Criminal operatives seek out pathways that are deemed to be safe enough to minimize risks and losses that would be suffered through seizures. It is believed that such operations fully consider law enforcement effort and performance, making allowances for modifying the shipping channels of particular consignments as necessary; or using less well-monitored routes. Successful shipping channels are believed to be repeatedly used until such time that circumstances change and modification of trade routes becomes a necessity, the foremost reason being when enforcement effort is enhanced and shipments are intercepted, criminal syndicates suffer losses. Good and consistent law enforcement performance is precisely what Malaysia needs in order to cease being one of the countries of primary concern in the illicit movement of ivory.

Large-scale consignments of ivory—anything from 500 kg to over 7000 kg—are the product of intricate webs of organized criminality involving high levels of financial, organizational and networking resources that enable illicit shipments to be transported across continents and seas without obstruction. These webs give rise to the necessary resources that activate local poaching syndicates in elephant range States, set up the consolidation hubs for amassing poached ivory and preparing it for shipment to Asia, and organizing the transportation across continents and seas to end-use destinations, all while evading interdiction. It is believed that currently, a significant portion of these transnational syndicates involved in ivory trade function as Asian-run, Africa-based operations (Milliken, 2014a).

## CONCLUSION

Priorities identified by Malaysia in its National Ivory Action Plan are relevant to and valid for addressing the issues identified by this report. Efforts in terms of the “national-level enforcement action, investigation and inter-agency coordination” and “international enforcement collaboration” categories are perhaps the highest priorities as such actions would contribute towards scaling up law enforcement along the entire trade chain and deterring criminal syndicates from using Malaysia as a transit country. While data on ivory shipments that have been detected moving in and out of Malaysia’s borders is available, the lack of complete information on the parties (such as cargo exporters, consignees, handling agents and logistics companies) involved in these shipments presents a challenge in enabling comprehensive assessments that could lead to the targeting of businesses involved in ivory trafficking. This, however, marks the very piece of the puzzle that requires further investigation.

The need for an intelligence-led approach is paramount for any attempt to eliminate the use of Malaysian ports (both sea and air) as a facilitating link in this illicit trade. Only through **multi-national and multi-agency collaboration** will the illicit ivory flow through Malaysia be disrupted. Such approaches, when used, have been found to be effective. In 2011, authorities at Penang Port received intelligence relating to two containers containing elephant tusks *en route* to Port Klang before the ship arrived at Penang Port. Collaborative action and timely communication resulted in the successful seizure of 675 elephant tusks. The tusks were hidden in 92 plastic bags, placed in the middle of a container, and surrounded by recycled crushed plastic. Similarly, intelligence-led collaborations have spurred successful investigations that stand behind a vast number of other seizures that have occurred globally, including in China, the country with the world’s largest ivory market.

ETIS data also highlight that the principal method of detection resulting in seizures of containerized shipping through African ports has been intelligence-led information accounting for at least one-third of seizures (Milliken, 2014). This clearly points to the invaluable need to **cultivate informant networks** at the national level, while at the same time developing and enhancing co-operation at regional and international levels.

Furthermore, identification of trade route patterns and the understanding of export and end-use markets will allow for better detection through thoughtful **risk profiling and targeting**. Careful and targeted intelligence-led law enforcement efforts are needed to arrest the criminals involved in smuggling operations. Due to Malaysia’s position as a leading transit country, it is believed that the criminals behind the trade are not likely to enter Malaysia on a frequent basis but may work through local handling agents. In this regard, Malaysia was listed as the country of export for two large-scale seizures made by Viet Nam, suggesting that the cargo was offloaded in Malaysia before moving on to Viet Nam; if so, the identity of the local agents who facilitated the trade should be apparent. In another six seizure cases that took place from 2010 to 2013, Malaysia was identified as the country of destination. As Malaysia does not possess a domestic ivory market, in these cases, the likelihood of the illicit cargo being offloaded in Malaysia and then re-exported to disguise the fact that the cargo originated in Africa, cannot be discounted. Therefore, officials in the country must apply risk indicators and profiling to eliminate potential exploitation of the control mechanisms in place at its ports. More targeted identification or organized criminal operations through **collaborative relationships with source and destination/end-use countries** will aid this process.

The strongest legal framework for fighting organized crime in the country (such as the syndicates that are behind the ivory trafficking through Malaysia) came into place in November 2014. The Malaysian government recognized violations under the Wildlife Conservation Act 2010 and the

International Trade in Endangered Species Act 2008, such as the import and export of wildlife, as serious offences under the Second Schedule of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (Amendment 2014). Several cases of Malaysians involved in wildlife smuggling, including ivory, have been recorded. For example, in February 2015, a Malaysian businessman was arrested in Bangkok, Thailand for smuggling 51 pieces of ivory, weighing 135 kg, demonstrating the direct involvement of Malaysians in the illicit trade (Lee, 2015). This law not only enables the government to take action against those violating laws within the country, but also to initiate investigations against those conducting criminal activity outside the country. This case, although the outcomes remain unknown, paved the way for law enforcement collaboration between the Malaysian and Thai authorities to address ivory smuggling. The *utilization of the legal option with the Anti-Money Laundering Act* must be expanded and included among the suite of actions employed by the Malaysian government to fight wildlife crime.

The role of the Malaysian Royal Customs is perhaps the most essential in addressing this issue. The legal mechanisms already in place enable Customs officers to take more of a leadership role and empowers them to take strong action against illegal wildlife traders. Two key areas are being addressed by the Royal Malaysian Customs to improve performance in this regard. The first is the *U-Customs*, a new system aimed at professionalizing how information is gathered, analysed, managed and utilized for the sole purpose of improving law enforcement by Customs. The establishment of this system is ongoing and came into effect at the end of 2015. The second issue concerns *controlled delivery*, which is an investigative tool and technique used (often in drug trafficking cases) when consignments of illicit commodities are detected but then allowed to proceed to the end destination under surveillance by law enforcement officers to understand underlying dynamics of the trade better and to make arrests further up the trade chain. The intention for such a course of action is to secure evidence against offenders and organizers of illicit conduct. The execution of this law enforcement tactic necessarily involves the Attorney General's Chambers and other legal bodies in the country to ensure compliance with Malaysia's national laws. Participation in controlled deliveries was recommended by the CITES Secretariat (CITES, 2011; United Nations, 2014) given that Malaysia is almost exclusively being used as a transit country, and such action is currently being considered by the Malaysian government.

On another front, a *standardized stockpile management* system, that considers the centralization, marking, registration, storage and security aspects for large quantities of seized illicit goods, is a critical need for Malaysia. In April 2016, the Malaysian government destroyed 9550 kg of ivory seized in the country from enforcement actions that took place between 2011 and 2015 (TRAFFIC, 2016). The government reported that the portion of stockpile destroyed was audited by a government committee which drew its membership from the Ministry of Natural Resources and Environment, the National Audit Department, the Anti-Corruption Commission, Royal Malaysian Customs and the DWNP. This lack of participation from bodies independent of the government in the process is a weakness.

Last year, the DWNP participated in an ivory *forensics DNA testing* exercise for seized ivory, in collaboration with the U.S. government and selected African countries (NRE, 2016; Wasser *et al.*, 2015). This collaboration forms a global effort that links countries of export, import and transit of ivory to facilitate partnerships in determining the source of smuggled ivory, assists with criminal investigations in source countries and enables the development of improved protection measures at ivory source countries. Further, the results of such efforts serve to guide and enable informed decision-making for the protection of African Elephants including providing a general description of where African Elephants were killed for their tusks. Findings from the forensic exercise of ivory seized in Malaysia that was undertaken in 2014 for example, point to tusks originating from 11 countries (Central African Republic, Cote d'Ivoire, Democratic Republic of Congo, Gabon, Ghana, Kenya, Mozambique, South Sudan, Tanzania, Uganda and Zambia) (NRE, 2016).



The report highlights some of the key countries involved in the movement of illegal ivory shipments through Malaysia, both from Africa, and end-use destinations in East Asia. Links with enforcement agencies in Africa and elsewhere in Asia, particularly end-use and other transit countries (China, Viet Nam and Thailand) will be critical to disrupting operative trade chains. Utilization of regional and international enforcement co-ordination with respective countries and territories where seizures have been made (involving Malaysia) is critical. Where local businesses and/or individuals are identified, further investigations should follow and arrests and prosecutions pursued if jurisdictionally possible.

This analysis emphasises the prominent position of Malaysia as a transit gateway in the web of ivory smuggling. The need for an intelligence-led approach is crucial for any attempt to eliminate the use of Malaysian ports in facilitating this trade, and to ensure that investigative efforts do not cease at the point of seizure, but instead are initiated along the entire trade chain. Government law enforcement agencies must become proactive and globally collaborative if there is hope of putting an end to the operations of organized crime groups. In fact, as Malaysia does not have a domestic ivory market, its prospect in extracting itself from continuous incrimination in this global trade is perhaps easier compared to the other countries. A combination of targeted and decisive efforts at the national level will be critical in achieving this goal. The challenge presents an overwhelming task due to the volume of goods passing through Malaysian ports, but one that is truly achievable, and indeed necessary to eradicate the use of Malaysian ports by smugglers to transport illicit ivory.

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TRAFFIC, the wildlife trade monitoring network, is the leading non-governmental organization working globally on trade in wild animals and plants in the context of both biodiversity conservation and sustainable development.

For further information contact:

TRAFFIC

Southeast Asia Regional Office

Unit 3-2, 1st Floor

Jalan SS23/11, Taman SEA

47400 Petaling Jaya

Selangor, Malaysia

Telephone: (603) 7880 3940

Fax : (603) 7882 0171

Website: [www.traffic.org](http://www.traffic.org)

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