Raising the issue of tiger trade within the Domestic Advisory Group on EU-Vietnam FTA

Policy Briefing
December 2022
This note invites the EU Domestic Advisory Group (EU DAG) set up under the EU-Vietnam free trade agreement (EVFTA) to examine the tiger trade in Vietnam in light of Article 13.7.3 (d) and (e) of the Trade & Sustainable Development (TSD) chapter, which commits the parties to implement appropriate effective measures to reduce wildlife trafficking. Although the domestic and international trade in wild tigers for commercial purposes is prohibited in Vietnam, the trade remains highly active due to weak law enforcement and the demand for tiger parts in Vietnam and China. The prominence of illegal trafficking in Vietnam means EU-bred tigers exported to Vietnam are at high risk of being trafficked or killed for their parts. The export of these tigers also encourages the trade in captive-bred tigers (introduced in Vietnam to relieve pressure on the wild population) and, by encouraging the consumption of tiger parts, continues to threaten wild tiger populations.

The trade in wild and captive-bred tigers

The increasing demand in South East Asia for tigers and their parts, particularly for traditional medicine, is not only detrimental to captive-bred tigers, but also wild tigers as the trade fosters consumption of tiger parts and fuels poaching. Today, there are less than 4,000 tigers in the wild - or less than 7% of their historical range - and the tiger trade is jeopardising their protection.

Wild tigers are categorised as an Appendix I species within the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This means that the commercial trade of wild tigers is forbidden in order to ensure that the legal trade of live tigers, their parts and derivatives has no implications on the survival of the species. However, captive-born tigers are treated as Appendix II listed species which allows for trade, and thus the tigers continue to be exploited across the EU for tourism and entertainment purposes or kept privately as pets. These tigers are born, raised, and laundered in captivity, or illicitly traded, living their entire lives behind bars in substandard conditions that do not meet their ecological needs.
The demand for tigers to be displayed commercially, and for their body parts to be used as luxury goods and in traditional medicine, has resulted in a lucrative commercial trade and subsequent illegal trade within and out of the EU. The trade of captive tigers is fostered by the lack of transparency and traceability across the EU. Indeed, due to the disparity in legislation across the EU, and the mobility of captive tigers without proper registration or management (e.g. in travelling circuses) it is difficult to monitor the births and deaths of tigers. These difficulties facilitate the trade of tigers because when the animals become too big or unprofitable there is a risk they will be exported to Asian countries where there is an increasing demand for their parts and breeding stock.

Tiger traders operating in Europe can therefore easily sell European captive-bred tigers to Asian countries such as Vietnam and China. Further enquiries reveal how the legal trade facilitates illegal trade, with tigers ending up in the hands of convicted wildlife traffickers. While the scale of the illegal trade is unknown, it is believed to be much higher than the legal trade, between 1999 and 2016, 1,412 live tigers were legally exported from Europe, of which 161 were sent to Asian countries, with Vietnam being the second destination in Asia (31 tigers). European tigers have the reputation in these markets of being bigger, heavier, and easier for breeding. Hence, their trade is lucrative in the black-market:

<table>
<thead>
<tr>
<th>Product</th>
<th>Black market cost (euros)</th>
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<tbody>
<tr>
<td>Live European tiger</td>
<td>22,000</td>
</tr>
<tr>
<td>Tiger bones (1 kilogram)</td>
<td>1,700</td>
</tr>
<tr>
<td>Tiger wine (1 litre)</td>
<td>85</td>
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<tr>
<td>Tiger bouillon cube (1 gram)</td>
<td>60</td>
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</tbody>
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The failure of the captive-bred tiger policy

While the domestic and international trade in wild tigers for commercial purposes is prohibited in Vietnam under Decree 160/2013/ND-CP and Decree 92/2006/ND-CP, it remains highly active, with 68 seizures involving tigers between 2004 and 2016.

Tiger farming has increased across Asia in response to the rising demand in Vietnam and China for tiger-based traditional medicines. While the trade in captive-bred tigers was introduced to relieve pressure on wild populations, this is highly detrimental to animal welfare: the tigers are often pumped with fluid to increase their weight before they are slaughtered, often by electrocution.

1 In the CITES SC70 Inf. 24 report 5, the Czech Republic summarised the situation as follows: “In Europe, there are a large number of captive tigers. These tigers are kept in zoos, private breeding facilities, circuses, etc. In many countries it is not known exactly how many captive tigers there are and what entities own them. Even within the EU, there is a variety of national legislation that leads to significant differences in the approach”
2 See FOUR PAWS report: Europe’s second class tigers
Tiger farming has failed to alleviate pressure on wild tigers; it is believed that wild tigers are now extinct in Vietnam. Furthermore, a recent study found that consumers of tiger bone glue (the primary driver of the illegal trade in Vietnam) prefer illegal wild products to legal alternatives. Thus, tiger farming only encourages the consumption of tiger parts.³

What can the EU and Vietnam do to protect European captive tigers and wild tigers?

The implementation of the EVFTA, and in particular the TSD chapter, should allow for discussions with Vietnam on concerns related to the legal tiger trade and on combating the illegal wildlife trade.

- The EU should cooperate with Vietnam under the TSD chapter, Article 13.7.3 (d) and (e) which commit the parties to implement appropriate effective measures to reduce wildlife trafficking. Vietnam must improve efforts to investigate tiger traders, for instance by following the money associated with those already convicted.⁴ This would involve acknowledging and registering the role corrupt state actors play in the trafficking.

- An immediate audit of all captive tigers is critical. DNA profiling and stripe pattern databases would identify the source of tigers that end up in the trade so that facilities feeding the demand can be detected.

- Phasing out tiger farming will help wild tigers in the long term. The EU should cooperate with Vietnam to transition commercial entities that breed big cats to models that only breed and/or trade for strict conservation purposes. The recovery of wild tiger populations will depend on governments taking action to strengthen conservation and wildlife crime enforcement.⁵

- In application of Article 13.14 (f) and (j), the EU and Vietnam should work together

³ https://reports.eia-international.org/tiger-trade-trail/
⁵ https://news.mongabay.com/2021/12/tiger-farms-doing-little-to-end-wild-poaching-vietnam-consumer-study-shows/
on trade-related aspects of sustainable development, including customs cooperation of Multilateral Environmental Agreements, and trade-related measures to combat illegal international trade in wildlife.

Besides the TSD chapter, the EVFTA contains a provision allowing for EU-Vietnam cooperation and capacity building on animal welfare.

“The Parties agree to cooperate on animal welfare as necessary, including technical assistance and capacity building for the development of animal welfare standards. For the purpose of this Article they shall consult the Committee on Sanitary and Phytosanitary Measures established pursuant to Article 17.2 (Specialised Committees)”. (Art 16.3)

While the language can be described as relatively weak, the provision still opens the door for the EU to use a cooperative approach to encourage improvements in animal welfare standards and their enforcement in Vietnam through technical assistance and capacity building. This could be achieved through cooperative measures, like information sharing and technical assistance. Unfortunately, such cooperation, and thus any resulting outcomes, can only occur if both parties voluntarily chose to pursue such action.