

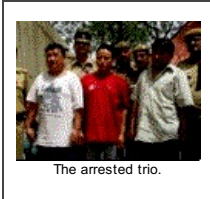
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Wildlife to sandalwood

In a landmark verdict, two Tibetans and a Nepali national were sentenced on 17 November 2007 to five years of 'rigorous imprisonment' for wildlife trafficking. While the wildlife trade from South Asia to China via Tibet is still far from over, this recent success confirms that the heyday of this illicit traffic across the Himalayas may well belong to the past. The decline of the trade, which began with the Dalai Lama's strong words to his fellow Tibetans in January 2006 and the resulting mass burning of big cat pelts all over Tibet, is also confirmed by recent seizures at China's east coast ports. This new development indicates that traders have begun to shift their activities to sea routes, avoiding going via Tibet and reaching out directly to the lucrative markets in Mainland China. There are also signs that the Chinese authorities may have begun to address the issue of wildlife trade with more consistency. Meanwhile however, a new cross-Himalayan illicit trade, the fast-emerging trafficking of sandalwood, continues to drain South Asia of its natural resources, indicating that networks and syndicates are rapidly redirecting their activities along new avenues.



The three sentenced smugglers are known as Tashi (alias Anand), and Lobsang Phuntsok from Delhi, and Jeet Bahadur from Kathmandu. Besides the jail term, they were also handed fines of INR10,000 (UK£125; US\$253; EUR€175) each. In his order, Additional Chief Metropolitan Magistrate Alok Aggarwal observed: *"Keeping in view the incriminating and mitigating circumstances and the mandate of Wildlife Protection Act, 1972, I am of the firm opinion that the accused persons should be jailed for a minimum of five years for committing the said offence"*.

Acting on a tip off from the Wildlife Trust of India (WTI), police raided a house in Delhi's Old Tibetan camp at Majnuvatila and arrested the men on 06 April 2005. 45 leopard skins and 15 other animal skins were recovered and a case under section 49 & 49-B(i) of the India's Wildlife (Protection) Act 1972 was registered against them. The accused admitted the offences while in custody, and revealed that Anand/Tashi obtained the wildlife skins from Sansar Chand from Delhi and unspecified others. Lobsang Phuntsok rented out his home for storing the contraband, charging INR1,000 (UK£12.50; US\$25.30; EUR€17.50) per skin, and Jeet Bahadur acted as courier carrying the skins from Delhi to Nepal in buses, a service for which he was also paid INR1,000 per skin.



The three men were prominent members of a network established by Tashi Tsering (alias Tsewang), a notorious wildlife smuggler. As the seizure was one of the biggest wildlife hauls in recent years, the investigation passed from local police to the wildlife department, and on 18 May 2005 India's premier investigating agency, the Central Bureau of Investigation (CBI) took over the case on the orders of the Supreme Court of India.

Ironically, these arrests occurred on the day the Dalai Lama inaugurated the Tibetan Conservation Awareness Campaign (TCAC), which was launched by Care for the Wild International and the Wildlife Trust of India at New Delhi. In his speech he urged all Tibetans to reject the use of and trade in wildlife. He stated: *"It is a shame that we kill these poor creatures to satisfy our own aggrandisement. We must realise that because of our follies a large number of our animals are getting killed and we must stop this. (...) It is the responsibility of all of us to realize the importance of wildlife conservation"*.

In the course of the same campaign, during the Kalachakra religious ceremony held at Amaravati, India, in January 2006, he addressed a message directly to Tibetans from Tibet, saying: *"When you go back to your respective places, remember what I had said earlier and never use, sell, or buy wild animals, their products or derivatives"*. His appeal resulted in Tibetans cheerfully burning skins of endangered animals worth millions of Yuan and pledging never again to buy, sell or wear them. Although the Chinese authorities opposed the involvement of the Dalai Lama in the campaign, and occasional incidents of them forcing Tibetans to wear furs continue to surface, as a whole, reports from all Tibetans areas indicate Tibetans are steadfast in their resolve to shun wildlife products. The Central Tibetan Administration in Dharamsala commented on the 2005 arrests, while the Dalai Lama was inaugurating the TCAC, saying that the law should take its course.

The sentencing of the three smugglers is remarkable because of the short trial period of little over two years - Indian courts are generally chronically overburdened resulting in a slow pace of proceedings. A further indication of how seriously the case was treated is that the accused were denied bail despite their lawyers filing appeals on three occasions. In most other pending cases relating to wildlife crimes, the accused have been able to get bail from the courts (1). That the accused were caught red handed and the illicit goods seized at the time of the arrest was particularly fortunate, as Indian law does not acknowledge confessions made to the police as evidence at court. At hearings, the accused consequently either deny having made any statement or accuse police of using torture to extract confessions. In this case, each piece of the contraband was actually signed by the network's head, Tashi Tsewang, who was himself later arrested by Nepali Police (2), and the Delhi Police could prove the involvement of the accused with documentary evidence.

Despite the huge demand for skins of tiger, otter and other exotic species in Tibet and China prior to 2006, the involvement of Tibetans in this cross-border illegal but lucrative trade had been small, mostly as couriers. However the few big players of the trade from the Tibetan community were part of a wider network that included poachers in India, couriers in Nepal and the buyers' syndicates in Tibet and China, who have benefited from powerful PRC connections. The law enforcement agencies in India and Nepal are now progressively catching up with those involved.



Among the few other investigations by the Indian agencies centred on Tibetans is the long-pending case of Pema Thinley. Delhi police arrested him in August 1993 in a raid at Majnuvatila, along with Mohammad Yaqub, a well-known wildlife smuggler from Kashmir but based in Delhi. A haul of 283 kg of tiger bones (estimated at representing the remains of 25 tigers), eight tiger skins, 43 leopard skins, and over 100 skins of otters and other protected species were seized in the raid. They had obtained the items from Sansar Chand, the notorious wildlife trader alleged to be responsible for eradicating tigers in Sariska and other wildlife sanctuaries in North and Central India.

Up until the watershed spring of 2006, the open display in the markets in Lhasa and other Tibetan cities of tiger, leopard



Signature & Quality control stamp on the seized leopard skin.

Up until the watershed spring of 2000, the open display in the markets in Lhasa and other Tibetan cities of tiger, leopard, otter and other skins etc, presented Tibet and Tibetans as the main players in the illicit wildlife trade but, in fact, all evidence indicates that it was the massive demand for big cat skins, tiger bones, bear bile and other ingredients of Traditional Chinese Medicine (TCM) in Mainland China that was crucial in driving the market (3). After years of turning a blind eye to the trade and the condemnation it receives from international forums such as the Global Tiger Forum etc, the Chinese authorities began showing more concern from the mid-2000s onwards.

In August 2005, China participated in the first Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) Implementation and Enforcement seminar, indicating some concern about the illegal wildlife trade. A Xinhua report from August 2005 quoted Zhang Li, the chief representative of the International Fund for Animal Welfare in China, as saying: "China is becoming a major consumer of some wild species". But so far, despite China's involvement in international conventions including CITES, environmentalists have expressed increasing concern at the Chinese authorities' lack of enforcement. However, recent actions by the authorities indicate the scene may be changing.

The alternate sea route

The decline of trans-Himalaya wildlife trafficking and enforcement successes in South Asia seem to have moved some of the players in the trade to start exploring sea routes as an alternative to the comparatively troublesome land route via Tibet (4). It is logical for the smugglers to favour these as the coastal regions of the PRC, the epicentre of China's booming economy, has become a major destination for all sorts of luxury products, including potions made of tiger parts, bear bile, exotic meat, tiger and leopard skin rugs and trophies etc. There have been earlier reports of tiger parts, especially bones, being sent by ship from the ports of Kolkata and from Bangladesh by a syndicate based in Hong Kong and Nagchu (Chin. Naqu, in the TAR), and packed as herbs and tea from India. Shatoosh, the wool of the endangered Tibetan antelope is also trafficked in this way.



Pictures from the Qingdao seizure.



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The official Chinese news agency Xinhua reports that on 21 September 2007, customs officials in the northern Chinese port city of Qingdao seized a consignment of two whole tiger pelts, tiger bones, one tiger gall bladder and other tiger products. The value of the items has reportedly been estimated at 1,000,000 Yuan (UK£68,000; US\$135,000; EUR€92,000). The smugglers, an Indonesian national and a Chinese national, were detained. The Indonesian reportedly confessed to smuggling tiger products in July 2007 via Gongbei, and one tiger pelt via Dalian in August 2007. Both pelts were identified as coming from Bengal tigers.

Other countries like Thailand have also begun to crack down on wildlife traders with the China-Tibet and India connections.

On 27 August 2007, a Thai criminal court sentenced an Indian national, Reyaz Ahmad Mir, the owner of a luxury store in Bangkok, to two years in prison and fined him US\$600 for breaching Thailand's wildlife protection laws. He was charged with illegally importing and selling Shatoosh shawls made from the wool of the chiru, the highly endangered Tibetan antelope (*Pantholops hodgsonii*). A few other similar cases are pending.

From Wildlife to sandalwood

The impact of the Dalai Lama's conservation message, and the Tibetan response to it, has led to a dramatic decline in the traditional market for the skins of various wild animals in Tibet. It has not just forced the traffickers to look for new routes but has led them to exploit alternative products from south Asian eco-systems in the lucrative markets of the PRC. One such product is sandalwood, particularly the red variety, which is found in the jungles of the southern Indian states of Karnataka, Andhra Pradesh and Tamil Nadu. Trade in sandalwood is strictly regulated and, there are strict annual quotas. During the insurgency in Nepal, the Maoists guerrillas were alleged to have facilitated the smuggling Nepalese timber to Tibet (5), however the trafficking of sandalwood from India to Tibet, and into Mainland China is a relatively new phenomenon.

Sandalwood has long been valued for its aromatic qualities in Tibet, as well as in India, and its fragrant nature and rich oils have resulted in it being given religious and medical attributes. There is a large demand for it in the production of incense, perfume and traditional medicine from both Tibetan and Chinese communities. For Tibetans, it has traditionally been used in making altars, statues, decorative items and the thrones of high lamas in monasteries. To Tibetan traders it provides an alternative without the moral dilemmas involved in going against Buddhist principles or the Dalai Lama's advice. There have been unconfirmed reports that, with monasteries under renovation all over Tibetan areas in various provinces of the PRC, the local authorities have provided grants encouraging the use of sandalwood for altars and temple fittings.

That this newfound avenue of trade is gaining ground day by day with Nepal as transit point is demonstrated by multiple incidents of trucks, laden with red sandalwood, being seized at various border posts and custom points along the Nepal-Tibet border. According to sources, red sandalwood is purchased for NRs500 (UK£3.87; US\$7.84; EUR€5.43) per kg in India and sells for NRs1,600 per kg (UK£12.40; US\$25; EUR€17.37) in Khasa market (Tibet). On 12 April 2007, the then Minister for Forest and Soil Conservation in Nepal, Matrika Yadav, announced the government's intention to discuss the issue with the Indian and Chinese ambassadors to resolve the problem. He is quoted as saying: "It is really unmanageable for the government to control illegal trade as they are highly supported by different national and international networks". The flourishing illicit sandalwood trade has also been condemned by Nepali MPs, who raised the issue in parliament and demanded an investigation. The Commission for Investigation of Abuse of Authority, an agency mandated to look into misdeeds by ministers and bureaucrats, also called for an inquiry.

In the space of just over six weeks in April and May 2007, at least 40 tonnes of sandalwood, valued at hundreds of thousands of dollars, was seized in Nepal or in India close to the Nepali border. It seems that the sandalwood was en route for Tibet via Kathmandu, with the smugglers using ingenious methods to conceal their contraband. There have been allegations that the authorities in both India and Nepal have allowed seizures to be stolen, either through incompetence or corruption, and instances of custom officials allowing the trucks to pass through check points have been routinely reported by the press in Nepal. When a truck loaded with sandalwood worth a reportedly NRs.20 million (UK£155,875; US\$312,083; EUR€218,399) was seized on its way to Tibet on 19 April 2007, the Nepali press reported that five trucks containing comparable loads was allegedly allowed to pass the same night. If this represents the amount of sandalwood that is seized - one truckload in six - it is a sobering statistic. For that seized truckload to then be returned to the illicit market sends a depressing message not only to conservationists and law enforcement agencies but to those communities in India whose livelihood depends on vibrant and diverse eco-systems that the sandalwood trees form part of.

The following table provides a list of seizures of sandalwood destined for the PRC/Tibet over a six-week period in spring 2007:

According to India's export-import policy drawn up for 2002-2007, red sandalwood can only be exported to other countries in product form and not as a raw material. The principal chief conservator of forests in Andhra Pradesh, in South India, S.K. Das, admitted that there has been an increase

in sandalwood smuggling over the past few months and that instructions have been issued by India's Union Ministry of Environment and Forests to increase vigilance. A further seizure of 25 tonnes of sandalwood recently made in Sikkim indicates that the smugglers were awaiting an opportunity to transport their haul into the PRC through the Nathu La. The pass, one of the traditional gates into Tibet, was reopened in July 2006.

The thoroughness and speed with which the use of wildlife pelts could be eradicated in Tibet is a unique success in the recent history of wildlife protection, born out of the specific political, cultural and religious context of contemporary Tibet. The mining of sandalwood however, does not attract the outrage that the illicit trade in wildlife does nor, at this stage, does sandalwood have a charismatic figure to champion its protection. It is likely therefore, that south Asian ecosystems will continue to be exploited for short-term gain and products from them transported into the PRC, across the Himalayas, for some time to come.

Notes:

- 1: Some of the most high profile cases involved Indian celebrities such as actor Salman Khan, ex Cricketer Nawab M.A.Pataudi etc. Even India's two most notorious poachers, the late Veerappan and Sansar Chand who respectively contributed significantly to the near extinction of wild elephants in South India and the tiger in the north, were both granted bail many times.
- 2: Tashi Tsering alias Tsewang, once one of South Asia's most wanted persons, was chased for years by Interpol and police in India and Nepal. Interpol had issued a red corner notice on 03 April 2002 against him on charges of conspiracy and violation of the provisions of the Wildlife (Protection) Act of India. His was linked to some of the biggest wildlife seizures in recent history including those in 1999, 2000 and 2005. After the Interpol warrant, he went underground and later resurfaced with a new name - Tsewang. Following investigations led by the Wildlife Trust of India (WTI) and Wildlife Conservation Nepal (WCN), the Nepali Police in Baudha, Kathmandu arrested him on 11 December 2005. Tashi Tsering first came into prominence in 1999 after one of the biggest seizures by the police in Ghaziabad, India, at a tax checkpoint, recovering a large quantity of leopard, otter and tiger skins being transported to Siliguri, a border town on the Indo-Nepal border, in the West Bengal state of India. The skins were systematically numbered and carried his signature. The seizure yielded 70 leopard skins, four tiger skins, 221 black buck skins, 18,000 leopard claws, 132 tiger claws and two firearms. Later in April 2000 another seizure in Siliguri recovered 22 leopard and 72 otter skins bearing his signature. The state police arrested a co-accused Nepali citizen named Tashi, however, he could avoid arrest by the CBI. (For more details and background on the wildlife trading networks, see TibetInfoNet's Update of 31 January 2006, www.tibetinfonet.net/content/update/2)
- 3: On this topic see also TibetInfoNet's Update of 30 December 2006, www.tibetinfonet.net/content/update/54.
- 4: This does not in any way mean that the smuggling of wildlife products on land routes across the Himalaya has stopped altogether. A seizure of skins and other products was reportedly made in December 2007 in the Dhading district of Nepal, ie. on the way towards the Tibetan border. Details about the case are still pending.
- 5: In more recent times, however, some youth group activists close to Nepal's Maoist party have been supporting the Nepalese authorities in the enforcement of environmental and anti-smuggling laws.

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