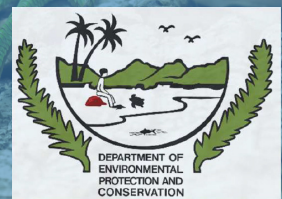




**UNODC**  
United Nations Office on Drugs and Crime

# Rapid Assessment: Criminal justice response to wildlife and forest crime in Vanuatu

August 2022



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GOVERNMENT OF THE  
*REPUBLIC OF VANUATU*

MINISTRY OF CLIMATE CHANGE  
ADAPTATION, METEOROLOGY, GEO-  
HAZARDS, ENVIRONMENT & ENERGY  
& NDMO

PMB 9074, PORT VILA  
VANUATU



GOUVERNEMENT DE LA  
*RÉPUBLIQUE DE VANUATU*

MINISTÈRE DE L'ADAPTATION AU  
CHANGEMENT CLIMATIQUE, LA  
MÉTÉOROLOGIE, LES RISQUES  
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## Acronyms

BV	Biosecurity Vanuatu
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
DEPC	Department of Environment Protection and Conservation
DOF	Department of Forests
EMS	Electronic Monitoring System
FFA	Pacific Islands Forum Fisheries Agency
OPP	Office of the Public Prosecutor
UNODC	United Nations Office on Drugs and Crime
VCIRD	Vanuatu Customs and Inland Revenue Department
VFD	Vanuatu Fisheries Department
VPF	Vanuatu Police Force
VMS	Vessel Monitoring System
WCO	World Customs Organisation

## Foreword



**Message from Ms. Esline Garaebiti, Director-General  
Ministry of Climate Change Adaptation, Meteorology, Geo-Hazards,  
Energy, Environment and Disaster Management**

The Constitution of the Republic of Vanuatu mandates every person with the fundamental duty to protect the Republic of Vanuatu and to safeguard the national wealth, resources and environment in the interests of present and future generations. This fundamental duty is incorporated into the vision of the Government of Vanuatu, for a country in which all persons are committed to ensuring the conservation and sustainable management of our biodiversity and ecosystems and to utilising and sustainably managing our land, water, and natural resources.

It is with this purpose, that the Government, through the Ministry of Climate Change Adaptation, Meteorology, Geo-Hazards, Energy, Environment and Disaster Management, and the Department of Environmental Protection and Conservation (DEPC), has undertaken an assessment of the criminal justice response to wildlife and forest crimes, in collaboration with the United Nations Office on Drugs and Crime.

Illegal wildlife and timber trade is increasingly being recognized as both a specialized area of organized crime and a significant threat to many plant and animal species, adversely affecting environmental sustainability, and social and economic development. The *Rapid Assessment of the Criminal Justice Response to Wildlife and Forest Crime in Vanuatu* contributes to the Government's efforts under the National Sustainable Development Plan and the National Environment Policy and Implementation Plan 2016–2030 (NEPIP) for the conservation of biological, ecosystem, genetic, human, and cultural diversity, specifically to protect endangered, threatened or endemic species and ecosystems. It also contributes to the Government's regional aspirations for environmental and resource security, and international commitments under CITES and the Sustainable Development Agenda 2030.

The Ministry of Climate Change Adaptation, Meteorology, Geo-Hazards, Energy, Environment and Disaster Management, and DEPC is pleased to share the report on the *Rapid Assessment of the Criminal Justice Response to Wildlife and Forest Crime in Vanuatu*. The report brings to the forefront issues related to detecting, investigating and prosecuting wildlife and forest crime in Vanuatu, and is a valuable resource for authorities in Vanuatu and the Pacific region to identify and address gaps in the law enforcement and criminal justice systems which may be exploited by organized criminals looking to profit from the illegal wildlife and timber trade.

The Vanuatu Government acknowledges the technical support of the United Nations Office on Drugs and Crime and of all partners involved in the rapid assessment: the DEPC and the Ministry of Climate Change; the Department of Fisheries, Department of Forestry, the Biosecurity Department; the Customs and Inland Revenue Department; the Vanuatu Police Force; the Office of the Director of Public Prosecutions; the Financial Intelligence Unit; and the Vanuatu Airports Limited.

It is my hope that together we can work to address wildlife and forest crime to safeguard our precious natural resources from the predations of organized crime, and ensure that these resources benefit our people, our planet, and our prosperity.

## Introduction

The objective of the rapid assessment is to understand the current context of wildlife and forest crimes in Vanuatu and to determine the effectiveness of the criminal justice response in addressing these crimes. The research was based on a desk review of the available primary and secondary data and interviews with key stakeholders from the government agencies. Interviews were conducted with the main agencies of the criminal justice system such as prosecutors, police, customs, and environment/forestry officials involved in law enforcement. Wherever possible, interviews were conducted at the level of departmental head or deputy.

For the purposes of this report, “wildlife crime” refers to the taking, trading (supplying, selling, or trafficking), importing, exporting, processing, possession, obtaining or consumption of wild fauna or flora in contravention of national or international law. Given the importance of oceans and coral reefs in the Pacific context, this study also looked at the way these crimes affect certain marine species such as dolphins, marine turtles, giant clams, sea cucumber, sharks, and other species that may be targeted for illegal trade in a similar way to terrestrial wildlife species. However, illegal, unreported, and unregulated (IUU) fishing and other related fisheries crimes were outside the scope of this study and were not considered during the meetings or analysis.

The political commitment to use criminal justice resources to target the illegal exploitation and trade in wildlife and timber is one of the starting points for this country analysis. Criminal justice systems deal with multiple crime types and face considerable public and political pressure on a range of issues. In practice, criminal justice actors prioritise their interventions to meet the extensive demands on their services in the best way possible, given the limited resources at their disposal.

While criminal justice systems are designed in theory to respond to all crimes, the aim of this report is to map out the roles, responsibilities, and processes undertaken by the various agencies in investigating and prosecuting wildlife and forest crimes in Vanuatu, how these agencies interact, strengths and challenges, and their capabilities to undertake complex investigations. The report concludes with a set of recommendations which are aimed at national policy makers, but also at generating a wider discussion as to how criminal justice interventions could play a more effective role in tackling transnational wildlife and forest crime.

## Vanuatu background and context

Vanuatu consists of a chain of 83 relatively small islands, of which 65 are inhabited. The combined area of all the islands is over 12,000 km<sup>2</sup> with a combined coastline of 3,132 km. The islands are mostly of volcanic origin and are mountainous compared to other Pacific countries, with several active volcanoes including underwater volcanoes and an ever-present danger of eruption. Vanuatu’s nearest neighbouring countries are Solomon Islands to the northwest, Fiji to the east, and New Caledonia to the southwest.

The population of Vanuatu was estimated at approximately 300,000 and the GDP at USD 934.5 million, according to World Bank Data in 2019. The population is also relatively young, with 38% of people under 15 years old. It is one of the most culturally and linguistically diverse countries on earth, with more than 110 indigenous languages. The economy is based on small-scale agriculture such as copra (dried coconut kernels), kava, beef, cocoa, and coffee, which provides a living for about two-thirds of the population, with offshore financial services, tourism, fishing, and timber making up other key sectors.

Approximately three quarters of land in Vanuatu is covered with natural vegetation, including tropical lowland rainforests, cloud forests, broad-leaved deciduous forest, conifer forest, and mangrove forests. Although it is well-vegetated, most islands have already been logged of much of the high-value timber, and lowland forests converted to coconut plantations and cattle farms.

Vanuatu has less diversity of plant and animal species compared to some other Pacific countries such as Papua New Guinea (PNG) and Solomon Islands. While the larger and older islands generally support a greater diversity of ecosystems, plants, and animals; frequent disturbance and natural disasters such as tropical cyclones, earthquakes and volcanic activity affects species abundance and distribution, particularly on the smaller islands. Vanuatu has 121 bird species, 28 species of reptiles, and 12 species of flying foxes and bats, which are the only terrestrial mammals. Endemic species include the Banks flying fox (*Pteropus fundutas*) and Vanuatu flying fox (*Pteropus anetianus*), various birds such as the green palm lorikeet (*Charmosyna palmarum*), royal parrotfinch (*Erythrura regia*), and Vanuatu megapode (*Megapodius layardi*), as well as reptiles and freshwater fish. There is also a high diversity of orchids, palms, and tree ferns.

In its oceans, Vanuatu has coral reefs, seagrass beds, deepwater seamounts and canyons supporting a variety of marine mammals, fish, crustaceans, and mollusc species. Key marine species include dugongs, marine turtles, sperm whales, dolphins, sharks, sea cucumber, coconut crabs, and more.

As a region rich in natural resources and rare and endangered endemic species that are highly valuable in the trade, the Pacific is an attractive source location for wildlife criminals and specialist collectors. However, this assessment showed that there is very little focus on wildlife and forest crime risks and threats in Vanuatu, and almost no data or cases available to indicate the extent to which these crimes may be occurring. Vanuatu law permits the cultural use of wildlife and there are few restrictions on the hunting or taking of most native species for domestic purposes, which may partially account for the lack of focus on this issue. But as was highlighted by Vanuatu police, this area is a significant information gap, and a lack of data does not necessarily mean these crimes are not occurring.

There were several anecdotes of unusual incidents, such as Biosecurity officers who mentioned a recent enquiry from a trader wanting to export a container load of hermit crabs in a hurry, and Fisheries officers who mentioned that shark finning is an increasing problem in the country, but there are few official records of such incidents. CITES trade data for Vanuatu shows several significant exports of shark fins in 2019 and 2020 amounting to more than 230 tonnes, which indicates a sizeable legal trade in shark fins is occurring. The most commonly exported CITES-listed species from Vanuatu included tree ferns (carvings and dried plants), corals, orchids, giant clams and other species of seashells, indicating where there is the highest (legal) trade demand.

The Vanuatu forestry industry is significantly smaller than PNG, Solomon Islands or Fiji, with few foreign companies undertaking logging operations and relatively low quantities of timber exported out of the country. The majority of companies in the forestry sector are locally owned and small to medium scale operations. There is also a national focus on developing plantations to supply the domestic timber needs and transition away from logging in native forests, and on local processing of timber, with an export ban on unprocessed flitches, logs and slabs that has been in force for many years already. As such, the forestry crime risks in Vanuatu are significantly lower than elsewhere in the region.

Nonetheless, enforcement issues are still present, as demonstrated by the case of 'bluwota' slabs that were illegally exported from Luganville to China in 2017.<sup>1</sup> This case sparked a parliamentary

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<sup>1</sup> Bluwota is the local name for the rosewood species *Pterocarpus indicus*. The case involved a sharp increase in the felling and rough squaring of bluwota slabs on Santo Island for export to China, with the squaring of the



Commission of Inquiry into illegal logging in Vanuatu in January 2021, which identified a range of issues in the forestry sector that need to be addressed through further investigations and prosecution, including continuing bluwota exports despite the ban, instances of logging companies operating without paying full licence fees, unregistered foreign companies exporting timber, and illegal logging occurring in protected areas.<sup>2</sup>

In terms of responding to transnational crimes, Vanuatu faces the same challenges as other Pacific countries in having an extensive geographic area, porous maritime borders, relatively small populations scattered across multiple islands, and limited law enforcement resources to patrol its vast territory. For criminal enterprises, the relatively low risk of detection and the profitability of transnational and organised crime contribute to the Pacific's appeal as both a location and transit route for transnational crime.

Vanuatu closed its borders during the COVID-19 pandemic, and it was reported that there were far fewer cases of smuggling in 2020-2021 than in previous years. However, national borders are scheduled for a phased reopening in 2022 and it is anticipated that smuggling may pick up again then.

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slabs believed to be a measure to side-step the export ban on round logs. The case is described in more detail in the report's section on the Department of Forests.

<sup>2</sup> [https://www.dailypost.vu/news/coi-reveals-illegal-logging-in-batbang-aore-matevulu-vathe/article\\_d09d992b-6c32-5e8d-a64d-5a6688f7ba1f.html](https://www.dailypost.vu/news/coi-reveals-illegal-logging-in-batbang-aore-matevulu-vathe/article_d09d992b-6c32-5e8d-a64d-5a6688f7ba1f.html)

## Legal framework

Vanuatu has a range of pieces of legislation relating to the investigation and prosecution of wildlife and forest crimes, as well as ancillary crimes such as corruption, money laundering and smuggling, including:

- International Trade (Fauna and Flora) Act 1989 and the International Trade (Fauna and Flora) Regulations 1991
- Environmental Protection and Conservation (EPC) Act 2002
- Wild Bird (Protection) Act 1962
- Forestry Act 2019
- Fisheries Act 2014 and Fisheries Regulations 2009
- Penal Code 1981
- Police Powers Act 2017
- Customs Act 2013
- Anti-Money Laundering and Counter-Terrorism Financing Act 2014
- Proceeds of Crime Act 2002
- Animal Importation and Quarantine Act 1988
- Plant Protection Act 1998

This section provides an overview of the main laws, provisions, offences, and penalties available to address wildlife and forest crimes in Vanuatu. The full text of some of the key provisions is included in Annex I and II of this report.

### Wildlife crime

The main legislation used to regulate wildlife trade in Vanuatu is the International Trade (Fauna and Flora) Act 1989 (referred to throughout this report as the CITES Act) and its Regulations, which is administered by the Department of Environment Protection and Conservation (DEPC). It applies to all species listed in CITES Appendices I, II, and III, but does not apply to native species that are not CITES-listed and therefore there is no restriction on international trade in those species.

The CITES Act includes provisions for the export, import, re-export, and introduction from the sea of any CITES specimens and requires that a relevant permit or certificate must be obtained from the CITES Management Authority. The Act allows exemptions for specimens that are personal effects, or for non-commercial scientific purposes, or were acquired before the Act came into effect. The general penalty for offences under the Act is a fine of up to VT 1 million (approximately USD 8,800) and/or imprisonment for up to two years. There is also a specific penalty for providing false or misleading information to obtain a permit, which is subject to a fine of up to VT 500,000 (approximately USD 4,400) and/or imprisonment for up to one year.

Examples of Appendix I species found in Vanuatu include the Pacific flying fox, saltwater crocodile, peregrine falcon, dugongs, and all marine turtle species; Appendix II species include the Vanuatu flying fox, Banks flying fox, green palm lorikeet, sperm whale, oceanic whitetip shark, humphead wrasse, giant clams, and a variety of coral species; and Appendix III species include *Charonia tritonis* (conch shell or bubu shell), *Nautilus pompilius* (Nautilus shell) and *Cypraea* species (cowrie shells).<sup>3</sup>

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<sup>3</sup> <https://environment.gov.vu/index.php/environment-conventions-and-agreements/laws/laws-depc/international-trade-flora-and-fauna-act-and-regulations>

Additional offences relating to wildlife can be found under the Environmental Protection and Conservation (EPC) Act, such as for bioprospecting,<sup>4</sup> export of any specimens obtained, or import of any foreign specimens without a bioprospecting permit, or violations of any law relating to protecting Vanuatu's native fauna and flora. Under this Act, these offences are also punishable with a fine of up to VT 1 million and/or imprisonment for up to two years.

Vanuatu law permits the cultural use of wildlife, and as such there are few specific protections for threatened or endangered native wildlife species from activities such as hunting or taking species from the wild, possession, captive breeding, or local trade. The Fisheries Act 2014 (amended in 2019) provides protections to all marine mammals; the Fisheries Regulations 2009 provides some protection measures for certain marine species including marine turtles, sea cucumber, coconut crabs, corals, green snails, and trochus shells; while there is also an old Wild Bird (Protection) Act 1962 administered by the Ministry of Agriculture that identifies protected bird species and seasons, and illegal acts of killing, wounding, capturing, or taking the eggs of any protected bird species without a permit from the Director of Agriculture. Additionally, there are provisions in several laws that provide opportunities to protect threatened species through the protection of their habitats.<sup>5</sup>

Nonetheless, the lack of specific protections for threatened and endangered terrestrial wildlife species appears to be a gap in the legal framework, and the different sets of laws and regulations for different species types that are separately administered by the DEPC, Fisheries Department and Ministry of Agriculture creates an uneven and complicated enforcement environment. During the interview with the DEPC, it was reported that the CITES Act is currently under review and there is a regulation on wildlife species that is in the drafting process, so these issues may be resolved with future amendments.

### Forest Crime

The main legislation to investigate forest crime in Vanuatu is the Forestry Act 2019 and its subsidiary regulations, which are administered by the Department of Forests.

All land in Vanuatu is customarily owned by individuals or communities, and there is no government-owned forest land. Any commercial forestry operations are required to have a timber rights agreement negotiated with the custom owners (or a timber permit in cases where the volume or value of the timber is insufficient to justify the effort and expense of negotiating an agreement) and a licence authorising the particular forestry operations. The four licence types are timber licence, mobile sawmill licence, sandalwood licence, or a special licence for operations such as removing hazards prior to or following natural disasters or clearing land for agriculture or other development.

The Code of Logging Practice is a separate regulation under the Forestry Act, applying to all commercial forestry operations in Vanuatu and setting out specific requirements for harvesting processes and removal of timber, log measurement and branding, and other logging and forest management practices. Penalties for breaches of the Code of Logging Practice may be up to VT 1 million.

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<sup>4</sup> Under the EPC Act, bioprospecting is defined as any activity that seeks to harvest or exploit any genetic resources, their derivatives, or associated traditional knowledge or customary practices for research, conservation, or commercial purposes.

<sup>5</sup> For example, the EPC Act provides for the establishment of Community Conservation Areas, the National Parks Act 1993 provides for the declaration of sites that are the habitat of threatened species as national parks or nature reserves, and the Fisheries Act 2014 provides for the establishment of Vanuatu Marine Mammals Sanctuary and marine reserves.

The Forestry Act stipulates mandatory restrictions on commercial forestry operations, including for protected species, protected rainfall catchment areas, buffer zones around water courses, and on land with a slope steeper than 30 degrees. It also prohibits the export of unprocessed flitches, logs, and slabs from Vanuatu<sup>6</sup>, unless approved by the Minister for Forestry and the Council of Ministers under special circumstances. There are a range of offences available under the Act including operating without a licence, felling or removing a protected species, illegally exporting flitches, logs or slabs, and others. Penalties (under section 44) vary depending on the offence, with the lowest being a fine of up to VT 500,000 and/or up to six months imprisonment, and the highest being a fine of up to VT 1 million and/or up to 12 months imprisonment. For certain offences there are additional provisions to impose a penalty for damages caused during the course of the offence and the forfeiture of all equipment and forest produce involved in the commission of the offence.

Although this is a new piece of legislation, a key concern is the low penalties for offences, which are not commensurate with the high value of timber and would simply be absorbed as a business cost by offending timber companies. To date, no forestry cases have been prosecuted in the court system in Vanuatu.

### Special Investigation Techniques

The Police Powers Act 2017 provides authorisation for far reaching advanced investigative techniques including undercover operations, electronic surveillance, accessing computer systems and controlled deliveries. Under the legislation, police officers can seek authority to utilise these powers for specified offences for which the maximum penalty is imprisonment for at least 12 months. This enables police to utilise these special investigations techniques for several wildlife, forestry, and fisheries offences.

Under the legislation, the Commissioner of Police may authorise undercover operations and controlled deliveries if the offences are specified offences. Police may also apply to a Supreme Court Justice for a warrant to intercept telecommunications or computers or computer networks. The legislation also empowers Customs officers to undertake a controlled delivery of 'property', which is defined as assets of every kind.

This is a strong piece of legislation that offers a real opportunity for police to utilise those skill sets that are regularly used against traditional organised crime and apply it to a wildlife or forestry context.

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<sup>6</sup> In section 46 of the Forestry Act 2019, "flitches", logs and slabs" mean any timber which has not been processed into plywood or veneer; or sawnwood of any length when height or width are more than 153 mm; or sawnwood of any length or width, provided that the height is below 26 mm; or any finished products made therefrom; with the exception of timber from *Cocos nucifera* and *Santalum austro-caledonicum*.

## Competent law enforcement authorities

### Department of Environment Protection and Conservation

The Department of Environment Protection and Conservation (DEPC) is part of the Ministry of Climate Change Adaptation, Meteorology, & Geo-Hazards, Environment, Energy and Disaster Management, and is responsible for conducting environmental impact assessments, establishing Community Conservation Areas, protecting internationally endangered species, and managing waste and pollution.

The DEPC is the CITES Management Authority for Vanuatu and issues CITES permits, maintains a database of permit records, and carries out CITES enforcement activities. As illustrated in Figure 1 below, the CITES-listed species most commonly exported from Vanuatu include tree ferns (carvings and dried plants), corals, orchids, giant clams and other species of seashells. In 2019 and 2020, there were several significant shipments of more than 230 tonnes of shortfin mako shark fins and 50 tonnes of shark meat to Taiwan and South Korea, and in 2018 an export of 51 elephant ivory carvings to France.

Figure 1: Reported CITES exports from Vanuatu, 2017-2021

Year	Reported no. of exports	Species type
2017	48	Orchids (24 exports), tree ferns (7 exports), giant clams (6 exports), nautilus and conch shells (6 exports), corals (5 exports)
2018	28	Tree ferns (11 exports), corals (5 exports), nautilus shells (5 exports), giant clams (4 exports), elephant ivory (1 export), others (2)
2019	46	Corals (20 exports), giant clams (10 exports), nautilus and conch shells (9 exports), tree ferns (5 exports), shark meat (1 export – 34.8 tonnes), orchids (1 export)
2020	58	Orchids (37 exports), tree ferns (7 exports), shark fins and meat (4 exports – including more than 233 tonnes fins and 15.7 tonnes meat), sea turtles (3 exports), sea cucumbers (2 exports), others (5 exports)
2021	0	

Source: CITES Trade Database

In terms of wildlife, the DEPC's focus is on international trade rather than domestic issues, as cultural use of wildlife is permitted in Vanuatu and there is no restriction on taking any species from island to island. The DEPC shares protection responsibilities for some marine species such as sea turtles and dolphins with the Fisheries Department, as these species are also covered under the Fisheries Regulations.

There are 10 officers in DEPC authorised to undertake compliance work, and the department is considering expanding the team with a further 3-4 officers in the future. These officers are tasked with monitoring and handling offences against all environmental laws under the purview of DEPC; however only one officer is dedicated to enforcement of the CITES Act. The department does not have any intelligence analysts or an intelligence database.

DEPC officers have access to basic equipment such as laptops, phones, and cameras. Some training has been provided by the Attorney General on the investigation and prosecution process, but officers have received very limited training relating to specific investigation skills such as surveillance, crime scene management, etc. DEPC can request investigation assistance from Vanuatu Police Force when necessary for serious offences or when further investigation is needed. Evidence collection and

building cases to a sufficient standard for prosecution is a major challenge, and DEPC representatives reported that sometimes decisions on cases are made without much evidence basis. There have been no prosecutions or convictions for wildlife offences under the CITES Act.

DEPC does not have the authority to prosecute its own cases, so after a case is developed, it is handed to the Office of the Public Prosecutor (OPP) for prosecution. Upon receiving a case, the OPP may also refer the case to Police if it deems further investigation is necessary. DEPC representatives reported there is limited legal expertise in Vanuatu for prosecuting wildlife crime cases, and that environmental crime generally is considered low priority in the country.

There are no DEPC staff located in the border areas, so they are reliant on cooperation with the border authorities (Customs, Biosecurity, and Immigration) to detect cases of illegal wildlife trade or smuggling in these areas. The department has conducted some national workshops with border authorities on CITES regulations, species and permits; however, DEPC stated the most common response to CITES offences was to simply confiscate items from travellers, and cases do not proceed further than that. Border control was highlighted as a particular challenge in Vanuatu due to the many islands and limited resources to manage a large area.

DEPC has conducted some awareness raising of the CITES Act and wildlife protection, including producing posters and brochures for distribution to border and tourism areas, and discussing wildlife issues in the media from time to time. According to DEPC, it was difficult to reach people who live in the outer islands and rural areas, but there is better awareness about the protection of some wildlife species than others, such as sea turtles which have been banned from harvesting for many years, and tree ferns and orchids.

### Department of Forests

The Department of Forests (DOF) has regulatory and administrative responsibility for managing the forest sector throughout Vanuatu, implementing the National Forest Policy, and enforcing the Forestry Act. Key responsibilities include issuing timber and sawmill licences, monitoring and compliance of logging operations, replanting and reforestation, and forest protection activities. The DOF is also one of the designated CITES Scientific Authorities for Vanuatu, along with the Department of Fisheries.

Following a review of the Forestry Act in 2019, most conservation and protection activities are now regulated by DEPC, along with the management of community conservation areas, while the DOF's main priorities are focused on the sustainable management and utilisation of forest resources.

There are five priority species for commercial forestry in Vanuatu: whitewood (*Endospermum medullosum*) and mahogany (*Swietenia macrophylla*) for timber, natapoa (*Terminalia catappa*) and nangai (*Canarium indicum*) for their edible nuts and timber, and sandalwood (*Santalum austrocaledonicum*) for essential oil production.

The department has more than 40 staff, approximately half of which are based in Port Vila and the remainder are spread across the six provinces. Three of the staff in Port Vila and other staff in the provinces have an enforcement role and can conduct both proactive and reactive enforcement. DOF can also prosecute its own cases.

All logging operations in Vanuatu are small-medium scale in size and there are no longer any large-scale logging operations, as much of the accessible commercially valuable timber was heavily logged

for domestic and export timber production during the 1980s and 1990s.<sup>7</sup> For this reason, establishing forest plantations for sustainable management was made a key goal under the National Forest Policy 2013-2023, which is currently under review to develop the next 10-year policy.

Logging operations in Vanuatu are regulated through the licensing system, which includes timber licences and sawmill licences. DOF has annual timber quotas identified for each island in Vanuatu as part of its forestry plans and allocates licences to operate on specific islands based on this. There are approximately 50 licences issued for mobile sawmills, which are mostly operated on a seasonal basis. Recent annual timber harvests were estimated to be approximately 10,000 m<sup>3</sup>, well below the established sustainable yield levels of 68,000 m<sup>3</sup>.<sup>8</sup> Forestry officers noted that more than half of the mobile sawmill operators are harvesting timber in natural forests using selective practices, while very few are currently in plantations, but they expect this will change as the production of plantations increases in the future.

Forestry officers also reported that sawmill operators do not always follow their licence conditions but monitoring and compliance is a major challenge. DOF has limited human resources, with staff based on only some of the larger islands, but not all. Financial resources are also lacking to fully conduct compliance activities. Operational budget is allocated for each province, but it is limited and does not allow for regular travel between the islands. For these reasons, inspections are more regular on islands where officers are based than outer islands with no DOF presence. Officers also noted that more training is needed to better detect and handle violations and offences.

Most timber harvested in Vanuatu is for the domestic market and little is exported. There is a small export market for New Caledonia, and there were reported to be one or two foreign companies based in Santo which are harvesting their own whitewood plantations for export. A ban on round log exports has been in place for many years, requiring all timber to be processed locally in Vanuatu prior to export. The conditions of all licences make it clear that round log exports are prohibited. In addition to local timber production, Vanuatu also imports timber from New Zealand, Fiji, and some other countries to fulfill its needs.

The Director of Forests is authorised to issue timber export permits, while Customs and Biosecurity are the primary agencies for inspecting timber shipments and checking permits prior to export. Sometimes DOF may be involved in inspections if either Customs or Biosecurity have any queries relating to permits, quantities, species, or other technical issues.

#### **Timber crime issues**

DOF officers provided information on one case that occurred about three years ago, where an importer brought in six containers of sandalwood from New Caledonia to Vanuatu in April 2016. The shipment was intended for re-export, but when unloading in Vanuatu the timber was found to be undervalued to avoid paying appropriate duties and taxes. Customs seized the shipment in May 2017 and informed DOF, while forestry officers were engaged in reassessing the true value of the shipment. However, the importer challenged the seizure notice and in February 2019 the Supreme Court overturned it due to technicalities concerning reasons for the seizure. The Court ordered the goods to be returned to the importer and the importer to complete the usual Customs clearance procedures to formally import or re-export the shipment from Vanuatu.

Biosecurity officers also provided information on issues with the export of 'bluwota' slabs from Luganville to China. Bluwota is the local name for the rosewood species *Pterocarpus indicus*. Concerns were first raised in 2017 when a sharp increase in volumes of bluwota trees were reportedly being

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<sup>7</sup> Vanuatu National Forest Policy, 2013-2023, p.10

<sup>8</sup> Vanuatu National Forest Policy, 2013-2023, p.10

felled by landowners on Santo Island, roughly squared, and transported to Luganville for packing in containers and export to China. Squaring the timber was believed to be a measure to side-step the existing round log export ban. Local news reported that approximately 120 containers of bluwota slabs were exported to China in a two-month period, and local landowners may also have been underpaid for the value of the timber. In response, the Ministry of Agriculture promptly issued a ban in February 2018 on the processing and trade of bluwota slabs.<sup>9</sup> However, subsequent reports claimed that illegal bluwota exports continued and the ban was not being effectively enforced.<sup>10</sup>

In January 2021, a Commission of Inquiry into illegal logging in Vanuatu was launched to identify the scale of illegal activities taking place during the 2017-2019 period.<sup>11</sup> The findings of the Commission of Inquiry were presented to Parliament in September 2021 and reported that illegal logging activities had occurred in multiple locations in Vanuatu. It confirmed that bluwota exports had continued despite the ban, that two of the logging companies had not paid their full licence fees, and three foreign companies exporting the bluwota timber were not registered with either the Vanuatu Financial Service Commission or the Vanuatu Foreign Investment Agency. It also revealed a range of other issues, such as illegal logging occurring in the Vatthe Conservation Area with no action from the DOF or DEPC, and provided recommendations for further investigation and prosecution.<sup>12</sup>

### Vanuatu Fisheries Department

Vanuatu Fisheries Department (VFD) is responsible for the management, development, and conservation of fisheries resources in Vanuatu. It is also one of the designated CITES Scientific Authorities for Vanuatu, along with the Department of Forests. The VFD was considered as part of this rapid assessment in terms of its role and responsibilities relating to the management of certain marine species that may be involved in illegal trade, such as sea cucumbers, giant clams, sharks, sea turtles, etc. Illegal, unreported, and unregulated (IUU) fishing was outside the scope of this assessment.

The key legislation administered by the VFD is the Fisheries Act 2014 (amended in 2019) and the Fisheries Regulations 2009. The Fisheries Act regulates all activities in the fisheries sector, including the licensing of fishing vessels, obligations of foreign fishing vessels, monitoring, control and surveillance requirements, and prohibited activities. All fishing licences are subject to the conditions of the Fisheries Act including environmental conditions, international standards, and requirements related to endangered species, and additional conditions may also be attached to the licence by the Director of Fisheries. The Fisheries Act also establishes all Vanuatu waters as a marine mammal sanctuary to give higher protection to all marine mammals, including dugongs, whales, and dolphins. Offences include killing, harming, harassing, taking, moving, possessing, holding in captivity, restricting the movement, exporting and importing marine mammals or their parts or products, subject to penalties of up to VT 500 million and/or up to two years imprisonment.

The Fisheries Regulations identify other protected marine species in Vanuatu, conservation measures, any harvesting size or catch limits, and prohibited activities. The general penalty for any offence against a protected marine species is a fine up to VT 200,000 for an individual, or up to VT 1 million for a company. Protected marine species include green snails, trochus shells, corals, marine turtles, sea cucumber, coconut crabs, and several other species.

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<sup>9</sup> [https://www.dailypost.vu/news/rosewood-sales-banned/article\\_f87a9fcc-7415-5ad1-81ba-1cbf806d15b0.html](https://www.dailypost.vu/news/rosewood-sales-banned/article_f87a9fcc-7415-5ad1-81ba-1cbf806d15b0.html)

<sup>10</sup> <https://www.c4j.org.vu/post/rosewood-ban-real-deal-or-smokescreen>

<sup>11</sup> <https://www.vbtc.vu/en/inquiry-to-investigate-illegal-logging/>

<sup>12</sup> [https://www.dailypost.vu/news/coi-reveals-illegal-logging-in-batbang-aore-matevulu-vathe/article\\_d09d992b-6c32-5e8d-a64d-5a6688f7ba1f.html](https://www.dailypost.vu/news/coi-reveals-illegal-logging-in-batbang-aore-matevulu-vathe/article_d09d992b-6c32-5e8d-a64d-5a6688f7ba1f.html)



The Compliance, Licensing and Enforcement Division includes the data collection team, vessel monitoring and surveillance (VMS), and the observer programme. All officers within the division can support compliance activities when required. Under the VMS programme, cameras and mobile transceiver units are installed and operated on all Vanuatu-flagged vessels and fisheries officers monitor their activities remotely. Two officers are managing this system. Data collected through the VMS programme and from vessel masters is stored on a central database. Compliance issues such as illegal transshipment can be identified through this system. The database is also connected to the Pacific Islands Forum Fisheries Agency (FFA) and VFD can share data and request data from others in the region if necessary. There are no dedicated intelligence analysts in the VFD.

According to the VFD, fisheries cases are not prioritised in the court system. As an alternative to the court process, the Fisheries Act allows for the issuing of penalty notices up to but not exceeding the maximum amount of the penalty under the Act. VFD officers stated that most violations are issued with penalty notices as it was a much easier and quicker way to resolve cases.

Fisheries compliance officers receive investigations training from the New Zealand Ministry for Primary Industries and training from FFA. Training on CITES requirements was previously provided to fisheries officers about 10 years ago, but VFD noted that with many new officers now on board, more training is needed.

Fisheries officers work in partnership with the Police Maritime Wing for patrols at sea, as the VFD does not have its own patrol vessel. VFD also works closely with Biosecurity Vanuatu and Customs for fisheries exports and imports, and with the DEPC for marine conservation and endangered species protection. VFD stated that more training is needed for agencies to know what to look for at the borders and when monitoring private yachts and vessels. There have been previous cases of private yachts smuggling drugs through Vanuatu, and they could potentially be used to smuggle other high-value commodities as well.

Vanuatu is recognised as a “flag of convenience” country and many international ship management companies choose to register their ships under the Vanuatu flag because of the tax benefits. There are approximately 90 foreign fishing vessels registered in Vanuatu’s shipping registry. Prior to registration, the VFD is required to check the vessel’s fishing history to ensure there have been no previous violations or offences, and all vessels must have a functioning VMS. If the vessel meets the standards, then the registration may be approved. The VFD can monitor Vanuatu-flagged vessels operating anywhere in the world and uses a “traffic light” system to notify vessels if they are conducting illegal activities or violations in other exclusive economic zones (EEZs).

### **Marine species issues**

Shark finning was highlighted as a big issue that is on the rise in Vanuatu. VFD officers reported that finning has been known to occur at sea on board Vanuatu-flagged vessels, despite conservation measures being in place. It is notable that in 2019 and 2020, there were several significant shipments of shortfin mako shark fins and meat exported to Taiwan and South Korea, totalling 233 tonnes of fins and 50.5 tonnes of meat, although these shipments were legally traded with CITES permits.<sup>13</sup>

VFD also reported issues with the smuggling of giant clams and green snails (*Turbo marmoratus*), primarily to Asia. It was not believed to be occurring on a large scale, but the main challenge was in detecting smuggling cases. The shells were previously exported to Korea, Japan, and China for shell crafting, such as inlays on furniture, lamps, jewellery, and other products. A 15-year export ban on green snails was introduced from 2005 to 2020 due to the collapse of the fishery, which was incorporated into the 2009 Fisheries Regulations. However, despite the ban, illegal harvesting and

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<sup>13</sup> According to Vanuatu export data reported in the CITES Trade Database.

trade was reported as an ongoing concern.<sup>14</sup> In parallel with the ban, a programme for hatchery production and restocking trials of giant clams and green snails is being implemented in Vanuatu.<sup>15</sup> There is a company based in Port Vila currently buying trochus shells (*Tectus niloticus*) for export to Hong Kong SAR which remains active. VFD reported that the company no longer processes green snail shells and has been facing a shortage of trochus shells.

Sea cucumber remains a high-demand and high-value marine species for export mostly to Asian countries. The harvesting and trade of sea cucumbers was previously banned from Vanuatu from 2008 to 2014 due to over-exploitation and difficulties in managing the fishery. However, a new management plan was introduced in 2019, which allows limited harvesting and no more than two companies are allowed to purchase, process and export sea cucumber products in one licensing period.<sup>16</sup> VFD reported that this has improved management and enforcement of the fishery.

Police also reported that there were previously several companies suspected to be illegally exporting reef fish and other marine species, but the businesses have since closed and the persons of interest have left Vanuatu.

### Vanuatu Customs and Inland Revenue Department

Vanuatu Customs and Inland Revenue Department (VCIRD) is responsible for managing border security, facilitating legitimate trade, and collecting revenue. VCIRD has approximately 150 staff with another 50 contracted officers servicing four ports of entry at Port Vila, Luganville, Lenakel, and Sola. Vanuatu has declared a State of Emergency due to the COVID-19 pandemic and closed its borders since March 2020, with Port Vila the only port able to accept some limited entries.

The main legislation administered by the VCIRD is the Customs Act 2013, but the department also has responsibilities for implementing a range of other taxation and licensing laws and regulations. Previously the customs processes were very manual in Vanuatu, but the introduction of the updated Customs Act and automated systems have modernised the department.

VCIRD uses ASYCUDA ++ software (the UNCTAD Automated System for Customs Data), an integrated customs management system for international trade and transport operations, and it is implementing the Vanuatu Electronic Single Window system. This system is linked to other agencies in Vanuatu including Biosecurity, Immigration, Environment, Fisheries and Forestry to facilitate international trade and passenger processing. It has a risk assessment mechanism where risk selectivity criteria is developed and reviewed by a Customs committee on a regular basis. Based on the criteria, the system automatically selects the appropriate Single Window lane for the shipment according to the risks (green for direct release, yellow for documentary checks, red for physical examination, or blue for post clearance audit). VCIRD also uses the National Customs Enforcement Network (nCEN) to collect and store data on interceptions, offences, and offenders. VCIRD believes the systems currently in operation are working effectively.

The Investigation, Intelligence, and Interpretation Unit was established following a restructure in 2020. It comprises six officers including a manager, three investigators and two intelligence officers, who are responsible for using intelligence and risk assessments to target physical inspections of containers, vessels, or travellers, conducting investigations, and providing legal advice to the VCIRD.

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<sup>14</sup> [https://www.dailypost.vu/news/illegal-harvesting-of-green-snail-a-major-problem/article\\_7d1e789f-00bc-5620-9b6a-9c22b5f3d138.html](https://www.dailypost.vu/news/illegal-harvesting-of-green-snail-a-major-problem/article_7d1e789f-00bc-5620-9b6a-9c22b5f3d138.html)

<sup>15</sup> [https://www.jica.go.jp/english/publications/j-world/1804\\_01.html](https://www.jica.go.jp/english/publications/j-world/1804_01.html)

<sup>16</sup> Vanuatu National Sea Cucumber Fishery Management Plan, 2019-2024.

The Unit does not have a dedicated intelligence database but uses the nCEN database for recording all information relating to offences.

VCIRD conducts its own investigations and does not refer cases to police. Customs investigators have the power to investigate outside of the customs-controlled areas and can conduct surveillance. Officers have access to basic equipment including laptops, mobile phones, and radios. VCIRD also has powers to prosecute its own cases and has two prosecutors on its staff. However, administrative penalties are the usual course of action taken for most violations while prosecution is reserved for serious offences. VCIRD also has the authority to utilise controlled deliveries of 'property' under the Police Powers Act 2017.

VCIRD said there have been very few smuggling cases involving wildlife, timber, or marine species in Vanuatu. There has been one previous wildlife case detected by Customs officers involving the illegal import of elephant bones and animal skins, and penalties were applied. Customs officers also previously seized a shipment of six containers of sandalwood timber imported from New Caledonia in April 2016 that was found to be undervalued. No criminal investigation or prosecution was conducted in this case, but the seizure notice was challenged, and the Supreme Court ordered the shipment to be returned to the importer. *(Further details of this case are in the Department of Forestry section).*

There are x-ray scanners stationed at the seaports and airports for screening of export airfreight cargo (conducted by Vanuatu Terminal Services), outbound air passengers (conducted by Aviation Security), and postal packages (conducted by VCIRD and Vanuatu Biosecurity). The container x-ray scanner is currently out of service and waiting for repairs, with VCIRD noting the challenge of maintaining equipment services and maintenance (repair) contracts. Vanuatu does not have detector dogs for any commodities.

VCIRD works in collaboration with other agencies, particularly Police, the Vanuatu Financial Intelligence Unit, and with Biosecurity and Immigration to conduct surveillance at the borders. The geography of Vanuatu makes it difficult to manage border security, with limited human resources to cover more than 80 islands across a large area of sea. VCIRD does not have its own vessel for border surveillance but cooperates with the Vanuatu Maritime Police Wing in this regard. As such, the risk of smuggling is viewed as high, particularly for smugglers coming into or transiting through the country travelling by yacht. To improve compliance and border controls, VCIRD conducts awareness raising activities and programmes for international travellers and traders. The VCIRD Director has also delegated some of the Customs powers to the Area Administrators in remote areas to carry out basic Customs functions on visiting yachts on behalf of VCIRD.

Customs officers do all the frontline processing for entries to Vanuatu, including checks of all vessels and yachts, and processing and monitoring cruise ships from time of entry to departure. VCIRD reported that their inspections are mainly focused on ensuring legitimate trade and detecting prohibited, restricted, and dutiable goods, while Biosecurity is more likely to detect illegal animals or plants during their checks.

Some CITES training was provided to Customs officers about 10 years ago, but further training would be useful to understand current risks for wildlife and timber issues. VCIRD has also previously received training on profiling and investigation skills from Australia, New Zealand, and the Oceania Customs Organisation (OCO).

VCIRD has a Memorandum of Understanding with Fiji Customs and Revenue Service and has a good regional network and cooperation with other Pacific customs administrations through the OCO.

## Vanuatu Police Force

The Vanuatu Police Force (VPF) has two main police commands in Port Vila and Luganville, four secondary police stations, and eight police posts. However, there are many islands with no police presence, and many remote parts of islands where getting to a police post can take several days.

The VPF also comprises two specialised arms: the Vanuatu Mobile Force, which is a paramilitary wing responsible for internal security, counter terrorism, and search and rescue; and the Vanuatu Maritime Police Wing, with responsibilities including detecting and responding to illegal fishing, maritime search and rescue, and salvage.

In general, wildlife and forest crimes are rarely seen as a police issue in Vanuatu, and VPF was not aware of any previous criminal investigations or convictions of these types of cases. However, they emphasised that this area is a significant information gap for them, and a lack of data does not necessarily mean these crimes are not occurring. Police can assist the environment, forestry, and fisheries agencies to conduct investigations, but they require the technical agencies to refer cases to them. VPF does not conduct its own proactive investigations into these matters although should they chose to do so they could utilise advanced investigative techniques should the offence meet the necessary threshold of 12 months imprisonment.

Money laundering and corruption offences are under the police investigation mandate. The main offences under the CITES Act, Forestry Act and Fisheries Act all meet the threshold for the definition of a serious offence under the Proceeds of Crime Act 2002,<sup>17</sup> and therefore could potentially trigger a money laundering or proceeds of crime investigation. However, VPF reported there have been no such investigations relating to wildlife, forestry, or fisheries offences. Neither has there been any corruption or fraud investigations related to these offences.

The VPF has two criminal intelligence analysts whose main focus is national security issues; however, they could be utilised to conduct threat assessments and risk profiles of wildlife and forest crimes if needed. In terms of investigation powers, police can conduct analysis of phone records without a warrant for intelligence purposes but need a warrant for it to be admissible in court. The Police Commissioner can also authorise the use of special investigation techniques in certain situations if necessary, such as electronic surveillance or intercepting communications.

The Transnational Crime Unit (TCU) sits within the VPF and is part of the Pacific Transnational Crime Network. The TCU is staffed by two police officers and has points of contact in Vanuatu Customs and Immigration departments. The focus is on proactive criminal intelligence collection, analysis, and dissemination targeting transnational crime in the region. VPF reported that since the TCU was established, they have started seeing better intelligence flow between countries in the region, although there has been no intelligence relating to wildlife or forest crimes shared through the network.

The Police Maritime Wing is currently staffed with 40-50 officers and equipped with one patrol vessel to cover the whole EEZ and one smaller vessel for patrolling coastal waters. The wing has encountered some issues with illegal harvest of marine species within local communities, but no instances of illegal harvest, trade, or smuggling conducted at an international or criminal scale.

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<sup>17</sup> Under the Proceeds of Crime Act, a serious offence is defined as an offence against a law of Vanuatu for which the maximum penalty is imprisonment for at least 12 months.

VPF noted that specific training to know what to look for would be useful, to better direct their profiling, targeting and surveillance activities, and to share with communities to collect further intelligence.

### Biosecurity Vanuatu

Biosecurity Vanuatu is a border security agency responsible for screening all incoming passengers, craft, goods, and documentation to protect Vanuatu borders from the introduction of exotic pests and diseases. The agency works closely with Customs, Immigration, and other agencies to maintain border surveillance, conduct import risk assessments, and facilitate trade.

It administers various pieces of legislation, including the Animal Importation and Quarantine Act, which covers domesticated, wild, terrestrial, and aquatic animals, and the Plant Protection Act. A new Biosecurity Act is currently being drafted that will consolidate and align the various pieces of legislation and is expected to be tabled in parliament in 2022.

Biosecurity Vanuatu has five officers with a compliance role who can investigate offences. The agency can also prosecute its own cases. The severe Tropical Cyclone Pam in 2015 caused tremendous damage across the country, including destroying electrical equipment at the airports. It was reported that x-ray and imaging equipment had only recently been replaced about 18 months ago.

Biosecurity officers reported that wildlife and forest crime issues were rarely encountered in Vanuatu. The fact that the country is not a transportation hub and has few direct connections to other countries may account for this. Vanuatu has flight connections with Australia, New Zealand, Fiji, and New Caledonia. It was noted that New Caledonia has direct connections to Europe, so this could be a potential smuggling route.

Biosecurity officers said they occasionally come across unusual cases, such as an enquiry that was received in December 2021 from a Chinese trader wanting to export a container load of hermit crabs from Vanuatu to China before the end of the year. He was advised of the process and that he would need to obtain an export permit from the Fisheries Department. However, he did not follow through with the shipment due to a lack of time to engage in the process of applying for the permit. However, this case highlights a potential concern in that if the shipment of crabs was already harvested and the legal export route is seen as being too complicated, it could potentially lead a trader to use an illegal route to move their shipment.

### Office of the Public Prosecutor

The Office of the Public Prosecutor (OPP) prosecutes criminal cases that have been investigated by the police or other investigative agencies. It has no power to direct investigations and needs to wait until files are handed over for prosecution.

The OPP has an Integrity and Compliance Unit formed in 2017 where prosecutors concentrate on specialised areas of law and offences and assist government agencies with understanding and enforcing their legislation. It also has a new Commercial Crime and Anti-Corruption Unit which includes a Digital Forensics Officer whose role is to analyse data and prepare and present digital evidence during court proceedings. This unit may also hire a forensic accountant in the future to assist with financial investigations. There is also the Serious Crimes Unit which prosecutes other serious crimes under the Penal Code.

The Integrity and Compliance Unit works with DEPC and has prosecuted several sand mining cases but has not seen any cases under the CITES Act. It has also worked with the Vanuatu Fisheries Department but mostly regarding IUU fishing cases. In one such case involving a Chinese fishing vessel, the vessel was seized, crew deported, and the vessel master was imprisoned. The unit has recently started working with the Department of Forestry and had to return two cases that needed further investigation, but at the time of writing they were still waiting to receive the updated case files.

The OPP has an evidence matrix to check if a case file has sufficient evidence for prosecution. If it doesn't meet requirements, the case won't be registered and will be sent back to the investigating agency for further investigation. The OPP said most of its cases are from police investigations and there is a significant backlog of cases that were not high enough quality and were sent back to the police; however, it would expect to see the same challenges with other agencies too. The OPP does provide training for police in preparing cases for prosecution.

The OPP acknowledged that the court system is not always efficient but believes that a stronger approach is needed to better protect Vanuatu's natural resources. These types of cases are most often issued with penalty notices, which don't serve the full purpose of the law for major cases and fines are disproportionately low compared to the value of the resources, particularly for forestry and fisheries cases. The OPP suggested that more training for border authorities could trigger a better response, as lack of awareness or recognition of the crime could be part of the problem. It also believes there could be benefits in having a greater role for prosecutor-led investigations, particularly for natural resource issues, to help resolve some of these concerns.

### Other relevant agencies

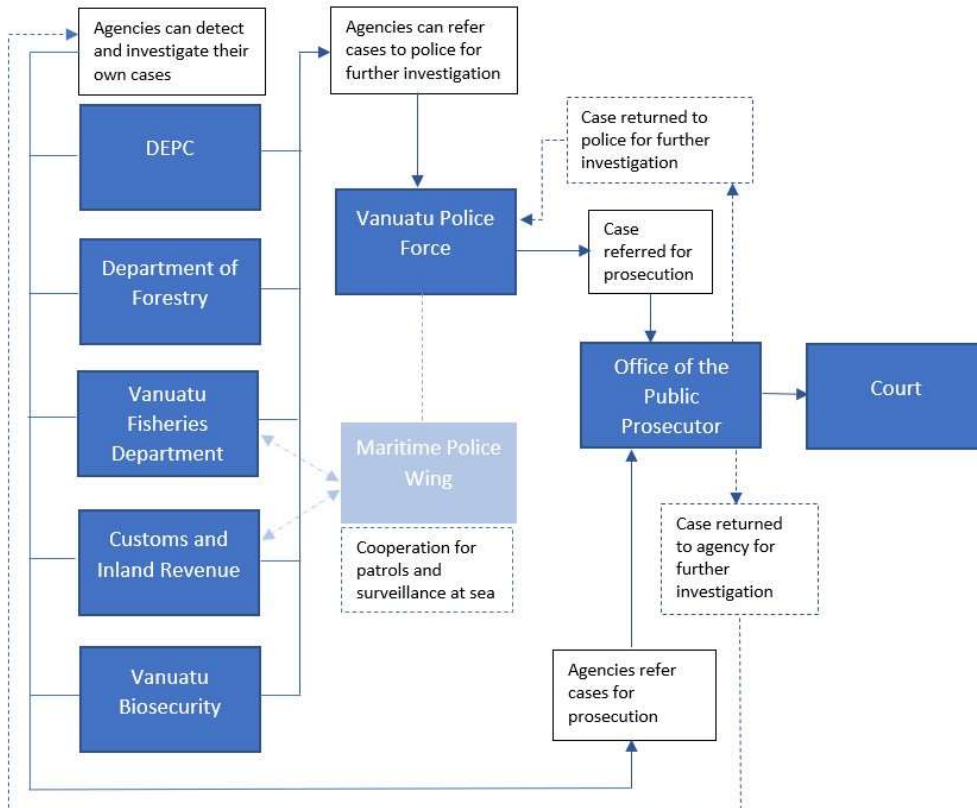
Although the focus of this assessment is the criminal justice response, there are also several other agencies in Vanuatu with mandates that relate peripherally to broader wildlife, forestry, and fisheries issues, including:

- The Ministry of Lands and Natural Resources, which is responsible for land issues, water resources, geology, and mines. It works in collaboration with other Ministries on land issues, ensuring that the rights of Custom Owners to their lands and its developments are recognised and protected.
- The Ministry of Internal Affairs is responsible for providing essential services across the population and implementing major policies relating to the internal administration of the entire country, including for border control management and national security.
- The Ministry of Infrastructure and Public Utilities provides sea, land, and air transportation infrastructure and services in Vanuatu, and includes the Civil Aviation Authority of Vanuatu which manages the country's airports, and the Department of Ports and Marine, which manages the seaports and maritime operations.
- The Department of Tourism's mission includes the integration of environmental and cultural objectives and concerns as part of Vanuatu's development.

## Interagency cooperation

Each of the technical agencies in Vanuatu has the mandate to detect and investigate their own cases, and all except for DEPC have the power to prosecute their own cases. Alternatively, agencies can opt to refer cases to Vanuatu Police Force for investigation and to the OPP for prosecution. If the OPP determines there is insufficient evidence for prosecution, it can return the case to either the Police or the investigating agency for further investigation. This process is illustrated below in Figure 2.

Figure 2: Vanuatu interagency cooperation for wildlife and forest crime cases



In this framework, each agency has the ability to work independently and manage cases almost entirely within their own agency. While this may be an efficient process for handling cases, it also means there is little incentive for cooperation between agencies at the operational level, particularly in terms of intelligence sharing. Vanuatu Police Force is very rarely requested to assist with investigations, and the OPP has not prosecuted any wildlife or forest crime cases through the courts.

There is no national mechanism for sharing wildlife and forest crime intelligence between agencies in Vanuatu. Police reported that they have previously shared some information from INTERPOL directly with some agencies but did not receive any feedback. A dedicated taskforce or working group focused on wildlife and forest crimes could be useful to strengthen intelligence sharing between agencies and develop a better picture of where the risks and threats for these types of crimes may be for Vanuatu. In turn, such a mechanism could also raise awareness for better targeting of law enforcement resources and interagency cooperation to address any issues identified.

## International cooperation

Law enforcement challenges across the Pacific are exacerbated by the vast expanses of ocean and the limited resources available to patrol it, so by the nature of this geography, cooperation in the region is crucial.

In this regard, there is a good level of cooperation between Pacific countries facilitated by several well-established and well-respected regional organisations. For instance, the Oceania Customs Organisation (OCO) assists Pacific customs administrations to enhance coordinated border management to combat transnational organised crime;<sup>18</sup> the Pacific Islands Forum Fisheries Agency (FFA) supports countries to prevent and control IUU fishing and conduct regional surveillance operations;<sup>19</sup> and the Pacific Transnational Crime Network (a mandated programme under the Pacific Islands Chiefs of Police) consists of 28 transnational crime units in 20 countries across the region, coordinated by a central hub based in Samoa.<sup>20</sup> The Pacific Islands Forum also fosters collaboration and cooperation between countries at the political and policy level, and Forum leaders signed the Boe Declaration on Regional Security in 2018 which declares an increasing emphasis on environmental and resource security and transnational crime, among other commitments.<sup>21</sup>

Although wildlife and forest crime issues are not a significant focus of any of the major regional bodies, good infrastructure exists for sharing intelligence and information between countries and conducting joint operations should the need arise.

Based on interviews with the different agencies, Vanuatu authorities have their closest working relationships with counterparts in Australia, Fiji, and New Zealand, as well as other Pacific countries, but little direct contact with counterparts in other regions. If cooperation was needed with a jurisdiction outside the Pacific region, it is likely that assistance would be sought via the relevant regional organisation or one of the larger bilateral partners in Australia or New Zealand.

Vanuatu has a modern law on Mutual Legal Assistance in Criminal Matters that recognises the principle of reciprocity and enables international cooperation in investigations and prosecutions. The law has previously been used as a basis for cooperation in transnational cases, such as with Australia and New Zealand.

The OPP discussed a recent human trafficking case where it experienced challenges in seeking legal assistance from a foreign jurisdiction it does not usually have many dealings with, despite trying various channels including through INTERPOL and UNTOC. Although it was not successful, it demonstrates Vanuatu's willingness to engage in international cooperation through the various mechanisms available to it.

Vanuatu is a member party of many relevant international bodies and conventions, including CITES (acceded in 1989), the United Nations Convention Against Corruption (acceded in 2011), United Nations Convention against Transnational Organised Crime (acceded in 2006), INTERPOL member since November 2018, and World Customs Organisation member since November 2009.

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<sup>18</sup> <https://www.ocosec.org/about/strategic-plan/>

<sup>19</sup> <https://www.ffa.int/>

<sup>20</sup> <https://picp.co.nz/our-work/pacific-transnational-crime-network/>

<sup>21</sup> <https://www.forumsec.org/2018/09/05/boe-declaration-on-regional-security/>



## Advanced investigation capabilities

Advanced investigation methods enable law enforcement agencies to covertly collect intelligence and evidence used to investigate and prosecute organised crime. They generally require specific legal authority and the use of specialist equipment or training. Figure 3 indicates those agencies in Vanuatu that are mandated and have the capacity to undertake advanced investigation techniques.

Figure 3: Advanced Investigation Capabilities in Vanuatu by organisation

Agency	Undercover investigations	Surveillance	Telecom interception	Controlled deliveries	Listening devices
VPF	X	X	X	X	X
VCIRD	-	X	-	X	-
DEPC	-	-	-	-	-
DOF	-	-	-	-	-
VFD	-	-	-	-	-
Biosecurity Vanuatu	-	-	-	-	-

## Strengths and challenges of environmental law enforcement agencies

Vanuatu is part of the Pacific ‘Drug Highway’ linking South American drug cartels to the Australian and New Zealand consumer market. This has seen the rise of local actors in transnational organised crime networks in Vanuatu.<sup>22</sup> To respond to this change in the criminal landscape, local law enforcement agencies in Vanuatu, with the support of regional actors, have increased their capacity and capabilities in respect to investigating transnational organised crime.

In respect to narcotics offences, VPF and VCIRD possess the necessary tools and expertise to investigate serious organised crime, and these are skill sets that are transferrable to the investigation of other crime types. This represents an important strength of Vanuatu law enforcement that, if necessary, they have the expertise and legislation to address organised wildlife and forest crimes.

Unfortunately, these advanced investigative methodologies are never used to address wildlife and forest crime. This stems from an almost complete absence of intelligence on the size and scale of the problem of wildlife and forest crime in Vanuatu. Other agencies with a conservation mandate and compliance role within Vanuatu, including DEPC, DOF, and VFD, lack the necessary resources, skill set or mandate to investigate transnational crime and are struggling to identify and address domestic crime issues.

Until sufficient resources are dedicated to collecting sufficient data to determine the threat level from wildlife and forest crimes in Vanuatu, law enforcement will never truly be able to determine the level of response needed.

<sup>22</sup> Sousa-Santos (2022), ‘Drug Trafficking In The Pacific Islands: The Impact of Transnational Crime’, accessed at: <https://www.lowyinstitute.org/publications/drug-trafficking-pacific-islands-impact-transnational-crime>

## Corruption

Vanuatu has a National Anti-Corruption Committee comprising representatives from various ministries and organisations, which was set up in 2016 to oversee the implementation of recommendations and follow-up from the country's UNCAC review report. It was also tasked with developing a national anti-corruption strategy,<sup>23</sup> which is still under development.

Currently, the VPF is responsible for conducting criminal investigations into corruption and bribery offences, while the Office of the Ombudsman is responsible for the investigation of maladministration by public officials and alleged or suspected breaches of the Leadership Code. The VPF reported that there have not been any corruption or fraud investigations in the country related to forestry, fisheries, or wildlife issues.

Although there have been various high profile court cases against members of parliament and former prime ministers for giving and receiving corrupt payments, corruption is still seen as a significant issue for Vanuatu.<sup>24,25</sup>

In 2021 there were discussions in the Vanuatu parliament on setting up an Independent Commission Against Corruption.<sup>26</sup>

## Conclusions and recommendations

The incidence and scale of wildlife and forest crime in Vanuatu is yet to be fully understood, with the lack of data being the major impediment to determining the prevalence of these crimes. This is also the same issue identified in other Pacific countries. As a result, the capacity for Vanuatu authorities to identify and act against wildlife crimes is completely reactive and restricted to potential seizures at air and seaports. There is confusion around some of the legislation and there are also some deficiencies in the legislation about domestic possession and trade and sentencing provisions.

Forestry and timber crimes have been identified but very little action has been taken to address these crime types, with no cases progressing to prosecution and court, and most being dealt with by way of fines. This approach is ineffective at addressing this crime type, particularly when the value of the timber is considered.

The participants interviewed during the preparation of this report were frank and open with the assessment team in respect to the lack of data and have concluded that there is a lack of awareness of these issues within the government and communities of Vanuatu.

There is also an absence of specialised systems to enable and enhance the collection, analysis, and dissemination of intelligence on wildlife and forest crimes.

Accordingly, the recommendations of this report are focused on raising awareness, enhancing inter-agency cooperation, and developing the systems to promote a greater understanding of the wildlife and forestry crime issues in Vanuatu through the development of an improved intelligence capacity.

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<sup>23</sup> [https://www.dailypost.vu/news/anti-corruption-committee-established/article\\_3ea6639d-9c7a-5537-8439-481688912a91.html](https://www.dailypost.vu/news/anti-corruption-committee-established/article_3ea6639d-9c7a-5537-8439-481688912a91.html)

<sup>24</sup> <https://www.transparency.org/en/blog/cpi-2020-vanuatu-corruption-worsening-the-impacts-of-covid-19-natural-disasters>

<sup>25</sup> <https://www.transparency.org/en/news/gcb-pacific-2021-survey-people-voices-corruption-bribery>

<sup>26</sup> [https://www.dailypost.vu/opinion/letters\\_to\\_editor/government-to-set-up-independent-commission-against-corruption/article\\_dd423bf8-025c-512d-a74f-7df9b53366c6.html](https://www.dailypost.vu/opinion/letters_to_editor/government-to-set-up-independent-commission-against-corruption/article_dd423bf8-025c-512d-a74f-7df9b53366c6.html)

## Recommendations

### **Building national capacities**

- Strengthen data collection to enable an understanding of the size and scale of wildlife and forestry crimes within Vanuatu.
- Develop a formalised intelligence sharing mechanism between the Vanuatu Police Force, Vanuatu Customs and Inland Revenue Department, Department of Forests, Vanuatu Fisheries Department, Biosecurity Vanuatu and the Department of Environment Protection and Conservation, and a national strategy on intelligence sharing, prioritisation, and cooperation.
- Recruit two intelligence analysts and two data entry operators each within the Department of Forests and the Department of Environment Protection and Conservation, whose role it will be to collect, analyse and disseminate intelligence within their own organisations and to share with other relevant stakeholders.
- Acquire an intelligence database for the Department of Forests and the Department of Environment Protection and Conservation. This database could be shared, with different security layers or even partitioned databases on the same system.
- Provide basic and advanced intelligence analysis training to the new analysts and data entry operators within the Department of Forests and the Department of Environment Protection and Conservation.
- Provide training for officers from Police, Customs, Forestry, Fisheries and other border agencies on relevant domestic legislation, advanced intelligence analysis, online investigations, crime scene to court, and species identification
- Provide awareness training to senior managers in the Department of Forests and the Department of Environment Protection and Conservation on the value of intelligence analysis.
- Provide training to the Department of Forests and the Department of Environment Protection and Conservation in managing and conducting online investigations.
- Provide mentorship from experienced detectives and analysts in the Vanuatu Police Force to the Department of Forests and the Department of Environment Protection and Conservation.
- Provide awareness training to prosecutors from the Office of the Public Prosecutor, Department of Forests and the Department of Environment Protection and Conservation.
- Train prosecutors on collecting and presenting evidence on wildlife and forest crime, including the drafting of charges and roles of agencies.

### **Strengthening interagency cooperation**

- Consider the establishment of a Vanuatu Wildlife Enforcement Network made up of representatives of the VPF, VCIRD, VFD, DOF, BV and DEPC with regular quarterly meetings for information and intelligence exchange. This network would have an operational law enforcement focus, as opposed to the existing policy-focused committees.

### **Focusing on international cooperation**

- Consider establishing a regional forum of operational practitioners that meets annually or bi-annually to discuss emerging wildlife and forest crime issues within the Pacific region and promote the sharing of intelligence amongst agencies.
- Increase the use of international information sharing mechanisms with foreign law enforcement agencies especially at regional level, through the use of INTERPOL and World Customs Organisation channels and the various specialised fora provided by the international aid and technical assistance providers (UNODC, USFWS, INL, CITES, etc.).

### **Addressing corruption**

- Consider the creation of an Independent Commission Against Corruption that is mandated to investigate and expose corrupt conduct within the Vanuatu public and private sector. This agency should also have a role to actively prevent corruption through advice, assistance, and education.

### **Addressing the Legal Framework**

- The current penalties in Vanuatu under the Forestry Act 2019 are manifestly insufficient to pose a deterrent to offenders and should be reviewed.
- Consideration should be given to separating individuals from legal entities within the Environmental Protection and Conservation (EPC) Act and significantly increasing the monetary penalty for legal entities.
- Review the powers of agencies mandated to protect scarce resources to ensure they are fit for purpose and can maintain pace with the increasing sophistication of crime.
- Review the protection under the law for native wildlife other than CITES listed species.

## Annex I: Selected provisions from the International Trade (Fauna and Flora) Act

International Trade (Fauna and Flora) Act 1989	
Section	Provision
4	<p>(1) Subject to section 15, a person shall not export an Appendix I specimen unless he has an export permit to do so issued by the Management Authority.</p> <p>(2) The Management Authority shall not issue an export permit in respect of an Appendix I specimen unless it is satisfied that –</p> <p>(a) the specimen was not obtained in contravention to a law in force in Vanuatu for the protection of fauna and flora; and</p> <p>(b) if the specimen is living – it will be prepared and shipped in a manner that will minimise the risk of injury, damage to its health or cruel treatment; and</p> <p>(c) the country to which the specimen is to be exported has issued an import permit for the importation of the specimen; and</p> <p>(d) the exportation of the specimen will not be detrimental to the survival of the species involved.</p>
5	<p>(1) Subject to section 15, a person shall not import an Appendix I specimen unless he has, in respect of that specimen –</p> <p>(a) an export permit or a re-export permit issued by the country from which the specimen has been exported or re-exported; and</p> <p>(b) an import permit issued by the Management Authority.</p> <p>(2) The Management Authority shall not issue an import permit in respect of an Appendix I specimen unless it is satisfied that –</p> <p>(a) the specimen is not to be used for primarily commercial purposes; and</p> <p>(b) the importation will be for purposes that are not detrimental to the survival of the species involved; and</p> <p>(c) if the specimen is living – the proposed recipient of the specimen is suitably equipped to house and care for it.</p>
6	<p>(1) A person shall not re-export an Appendix I specimen unless he has a re-export permit to do so issued by the Management Authority.</p> <p>(2) The Management Authority shall not issue a re-export permit in respect of an Appendix I specimen unless it is satisfied that –</p> <p>(a) the specimen was not brought into Vanuatu in contravention of this Act; and</p> <p>(b) if the specimen is living – it shall be prepared and shipped in a manner that shall minimise the risk of injury, damage to its health or cruel treatment; and</p> <p>(c) the country to which the specimen is to be exported has issued an import permit for the importation of the specimen.</p>
7	<p>(1) A person shall not introduce into Vanuatu from the sea an Appendix I specimen unless he has a certificate to do so issued by the Management Authority.</p> <p>(2) The Management Authority shall not issue a certificate for the introduction into Vanuatu from the sea of an Appendix I specimen unless it is satisfied that –</p> <p>(a) if the specimen is living – the proposed recipient of the specimen is suitably equipped to house and care for it; and</p> <p>(b) the specimen is not to be used for primarily commercial purposes; and the introduction shall not be detrimental to the survival of the species involved.</p>
15	<p>The provisions of Parts 2, 3 and 4 of this Act shall not apply to –</p> <p>(a) the transit or transhipment of specimens through or in Vanuatu while the specimens remain in customs control;</p> <p>(b) a specimen that was acquired before this Act came into operation, provided that the Management Authority is satisfied that the specimen was acquired before the provisions of this Act applied to them and issues a certificate to that effect;</p> <p>(c) specimens that are personal or household effects;</p> <p>(d) non-commercial exchange between scientists or scientific institutions, provided that such scientists or scientific institutions in Vanuatu have been approved by the</p>

	Management Authority, and in another state have been registered by the relevant Management Authority.
16	<p>A person who, for the purpose of this Act, knowingly or with intention to deceive, provides to the Management Authority information –</p> <ul style="list-style-type: none"> <li>(a) that is false or misleading in a material particular; or</li> <li>(b) that he does not have reasonable cause to believe is correct,</li> </ul> <p>is guilty of an offence.</p> <p>Penalty: A fine not exceeding VT 500,000 or imprisonment for a term no exceeding 12 months or to both such fine and imprisonment.</p>
17	<p>(1) Any person who acts in contravention or fails to comply with the provisions of this Act for which no penalty is provided is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 1 million or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.</p> <p>(2) Any person who acts in contravention or fails to comply with the provisions of any regulation made under this Act or the conditions of a permit for which no penalty is provided is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.</p>

## Annex II: Selected provisions from other laws

Forestry Act 2019	
Section	Provision
37	<p>(1) The Minister may prescribe species of plants as protected species for the purposes of this Act.</p> <p>(2) A protected species must not be felled or removed in the course of conducting commercial forestry operations, unless such felling or removal is expressly authorised by a licence granted under this Act.</p>
38	<p>Commercial forestry operations must not be conducted:</p> <ul style="list-style-type: none"> <li>(a) within the excluded buffer zone areas around watercourses as set out in the Code of Logging Practice; and</li> <li>(b) within 100 metres distance from sea level (being the mean high water mark); and</li> <li>(c) on land having a slope in excess of 30 degrees, or less if so prescribed by the Code of Logging Practice for particular circumstances; and</li> <li>(d) in a protected rainfall catchment area declared under any Act, except to the extent that it is expressly authorised by a licence granted under this Act.</li> </ul>
44	<p>(1) Any person who:</p> <ul style="list-style-type: none"> <li>(a) negotiates for an agreement without being a certified owner with respect to those timber rights; or</li> <li>(b) conducts a commercial forestry operation without a timber licence granted under Part 5; or</li> <li>(c) knowingly or negligently makes a false or misleading statement in respect of any matter he or she is required to declare or report under this Act, or any licence granted under this Act; or</li> <li>(d) imports a mobile sawmill without a valid mobile sawmill licence; or</li> <li>(e) exports forest products in contravention of section 46; or</li> <li>(f) exports or causes to be exported from Vanuatu any forest products or plant material, other than timber, without the written approval of the Director,</li> </ul> <p>is guilty of an offence punishable on conviction by a fine not exceeding VT 1,000,000 or imprisonment for not more than 12 months, or both.</p> <p>(2) Any person who:</p> <ul style="list-style-type: none"> <li>(a) fells or removes a tree of a protected species in contravention of section 37; or</li> <li>(b) improperly influences, hinders or obstructs a member of the Committee in the performance of his or her duties or the exercise of his or her powers; or</li> <li>(c) contravenes the provisions of any Regulation made under section 54,</li> </ul> <p>is guilty of an offence punishable on conviction by a fine not exceeding VT 500,000 or imprisonment for not more than 6 months, or both.</p> <p>(3) Any person who:</p> <ul style="list-style-type: none"> <li>(a) conducts logging in contravention of the restrictions on logging in section 38; or</li> <li>(b) in any way, directly or indirectly, hinders or obstructs a person in the performance of a function or the exercise of a power vested on him or her by this Act; or</li> <li>(c) collects plant or animal specimens (whether dead or alive) from an area without the prior written approval required under section 52,</li> </ul> <p>is guilty of an offence punishable on conviction by a fine not exceeding VT 1,000,000 or imprisonment for not more than 6 months, or both.</p> <p>(4) In addition to any penalty imposed for an offence under paragraph (1)(b), (2)(a) or (3)(a), the person convicted:</p> <ul style="list-style-type: none"> <li>(a) must pay to the Director the value as determined by the Court by which the person was convicted, of any tree in respect of which the offence was committed, and of any damage done in the course of the offence to any land; and</li> <li>(b) is liable to confiscation of any forest products which are the subject of the offence, and of any vehicle, machinery, tools or other equipment used in connection with committing the offence.</li> </ul> <p>(5) The Director may:</p>

	<p>(a) pay the amount to the custom owners of the timber rights, provided that the custom owners have not been involved in committing the offence in question; or</p> <p>(b) pay the amount into the Forestry Project Fund.</p>
46	<p>(1) Subject to subsections (2) and (4), the export of flitches, logs and slabs from Vanuatu is prohibited.</p> <p>(2) The Minister may by order in writing approve the export of flitches, logs and slabs if:</p> <p>(a) the Minister is, on the advice of the Committee, satisfied that a special case exists for such export; and</p> <p>(b) the Council of Ministers has given its prior approval to the order for export.</p> <p>(3) In deciding whether special circumstances exist under paragraph (2)(a) the Minister must consider the following:</p> <p>(a) whether a higher benefit will be gained for the owners of the timber rights by authorising export of the timber; and</p> <p>(b) whether the timber has been harvested from a crop of trees established under any type of lease for forestry purposes.</p> <p>(4) An order made under subsection (2), authorising the export of logs, must not be made if suitable facilities exist in Vanuatu to process the logs.</p> <p>(5) The Minister may, by Order, prohibit or restrict the export of:</p> <p>(a) any class or type of timber or other forest products; or</p> <p>(b) timber or other forest products in any condition.</p> <p>(6) The Minister, in making an Order under subsection (5), may prescribe requirements for an export permit.</p> <p>(7) In this section, flitches, logs and slabs means:</p> <p>(a) any timber not processed into plywood or veneer; or</p> <p>(b) sawnwood of any length, when height or width are more than 153 mm; or</p> <p>(c) sawnwood of any length and width, provided that the height is below 26 mm; or</p> <p>(d) any finished product made therefrom, with the exception of:</p> <p>(i) timber from the species <i>Cocos nucifera</i>; and</p> <p>(ii) timber from the species <i>Santalum austro-caledonicum</i>.</p>
48	<p>(1) The Director, a Forest Officer or an authorised officer may, in the interests of the prevention and investigation of a breach of any provisions of this Act:</p> <p>(a) enter and inspect any land; and</p> <p>(b) enter any vessel, property or building (other than a private dwelling), and inspect any plant, machinery or equipment, and any records of any description on that vessel or property or in that building; and</p> <p>(c) inspect any timber or other forest products, wherever it may be located; and</p> <p>(d) require any person to execute a statutory declaration relating to matters within that person's knowledge and control; and</p> <p>(e) enter and inspect any area where commercial forestry operations take place.</p> <p>(2) For the purpose of this section, Forest Officer means an officer of the Department of Forests.</p>

Fisheries Act 2014	
Section	Provision
1	In this Act, unless a contrary intention appears – <b>fish</b> means any living or non-living aquatic plant or animal whether piscine or not, and includes any mollusc, crustacean, coral, sponge, holothurian (beche-de-mer) or other echinoderm, reptile or coconut crab, including their eggs and all juvenile stages.
98	<p>(1) Unless otherwise prescribed, a person must not use for fishing, have on board a vessel, or possess in any coastal fisheries area or customary fishing area:</p> <p>(a) any net, the mesh size of which does not conform to the minimum mesh size for that type of net as required or prescribed under by the regulations;</p> <p>(b) any fishing gear which does not conform to prescribed standards for that type of fishing gear;</p> <p>(c) any prohibited fishing gear which is prescribed by the regulations.</p>



	(2) Any person who contravenes subsection (1), commits an offence punishable on conviction by a fine not exceeding VT 20,000,000, or by a term of imprisonment of not more than 2 years, or both.
99	(1) A person must not kill, take, land, sell or offer or expose for sale, deal in, transport, receive or possess any fish or part of any fish prescribed by the Minister as a prohibited species. (2) A person must not kill, take, land, sell or offer or expose for sale, deal in, transport, receive or buy any fish species not within the prescribed lengths prescribed by the Minister. (3) Any person who contravenes subsection (1) or (2), commits an offence punishable on conviction by a fine not exceeding VT 500,000,000, or by a term of imprisonment of not more than 2 years, or both.
100	(1) A person must not: (a) permit to be used, use, or attempt to use any explosive, poison, or other noxious substance for the purpose of killing, stunning, disabling or catching fish, or in any way rendering fish more easily caught; or (b) carry or have in his or her possession or control any explosive, poison or other noxious substance in circumstances indicating an intention to use such substance for any purpose referred to in paragraph (a). (2) A person who contravenes subsection (1), commits an offence punishable on conviction by a fine not exceeding VT500,000,000 or by a term of imprisonment of not more than 2 years, or both. (3) Any explosive, poison or other noxious substance found on board any vessel is presumed, unless the contrary is proved, to be intended for the purposes referred to in paragraph (1)(a). (4) A person must not land, sell, receive or possess any fish taken by any means which contravenes paragraph (1)(a), if the person knows or ought reasonably to have known that the fish was caught using a prohibited fishing method. (5) A person who contravenes subsection (4), commits an offence punishable on conviction by a fine not exceeding VT10,000,000 or by a term of imprisonment of not more than 6 months, or both.

<b>Penal Code 1981</b>	
<b>Section</b>	<b>Provision</b>
73	<u>Corruption and bribery of officials</u> (1) No public officer shall, whether within the Republic or elsewhere, corruptly accept or obtain or agree or offer to accept or attempt to obtain, any bribe for himself or any other person in respect of any act done or omitted, or to be done or omitted, by him in his official capacity. Penalty: Imprisonment for 10 years. (2) No person shall corruptly give or offer or agree to give any bribe to any person with intent to influence any public officer in respect of any act or omission by him in his official capacity. Penalty: Imprisonment for 10 years. (3) For the purposes of this section, "bribe" means any money, valuable consideration, office or employment, or any benefit, whether direct or indirect, and the expression "public officer" means any person in the official service of the Republic (whether that service is honorary or not and whether it is within or outside the Republic) any member or employee of any local authority or public body and includes every police officer and judicial officer.
136	<u>Maltreatment of animals, birds or fish</u> (1) No person shall cause unnecessary suffering to any animal, bird, or fish. Penalty: Imprisonment for 1 year. (2) It shall be a defence to any charge under subsection (1) that the suffering was caused in the performance of a ceremony according to local custom. (3) No person shall wilfully and unlawfully kill, maim, or wound any animal, bird, or fish capable of being stolen. Penalty: Imprisonment for 2 years.
140	<u>Prohibition of forgery</u> No person shall commit forgery. Penalty: Imprisonment for 10 years.

141	<p><u>Uttering forged documents</u></p> <p>No person, knowing a document to be forged, shall –</p> <p>(a) use, deal with, or act upon it as if it were genuine;</p> <p>(b) cause any person to use, deal with, act upon it as if it were genuine.</p>
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Customs Act 2013	
Section	Provision
68	<p>(1) A person who:</p> <p style="padding-left: 20px;">(a) imports or unloads or lands in Vanuatu goods, the importation of which is prohibited under section 65; or</p> <p style="padding-left: 20px;">(b) exports, or transports with intent to export, goods from Vanuatu that is prohibited to be exported from Vanuatu by regulation made under section 66; or</p> <p style="padding-left: 20px;">(c) aids or abets the importation, exportation, transportation, shipment, unloading, or landing of goods to which paragraph (a) or (b) applies; or</p> <p style="padding-left: 20px;">(d) without lawful justification or excuse, removes from a customs-controlled area imported goods that are prohibited to be imported into Vanuatu under section 65; or</p> <p style="padding-left: 20px;">(e) aids, abets or conspires, to remove prohibited goods from a customs controlled area; or</p> <p style="padding-left: 20px;">(f) commits a breach of, or fails to comply with, a term or condition of or subject to which a licence, permit, or consent has been granted, under a regulation made under subsection 65(3) or subsection 66(3); or</p> <p style="padding-left: 20px;">(g) aids or abets in a breach or failure to comply to which paragraph (f) applies, commits an offence.</p> <p>(2) A person who commits an offence against paragraph (1)(a), (b), (d) or (f) is liable on conviction to a fine not exceeding VT10,000,000.</p> <p>(3) A person who commits an offence against any of paragraphs (1)(c), (e) or (g) is liable on conviction to imprisonment for a term not exceeding 10 years or to a fine note exceeding VT10,000,000 or both.</p>
69	<p>A person who knowingly, purchases, sells or exchanges, or has in his or her possession, any prohibited imports, commits an offence punishable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding VT 10,000,000.</p>
Customs (Prohibited Exports) Regulations 2014	
Section	Provision
2	<p>A person must not export the following goods unless he or she has been issued a permit or license by the relevant issuing authority:</p> <p>(f) Fauna and flora – Minister of Environment</p> <p>(l) Logs and fitches – meaning any timber that has not been processed into plywood, veneer, planks or any other finished products except timber from <i>Coccos nucifera</i> or <i>Santalum austro-caledonicum</i> – Minister of Forestry</p> <p>(o) Sandalwood – Minister of Forestry</p> <p>(p) Turtles embalmed with preservative – Minister of Environment</p>



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