

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA



Seventy-first meeting of the Standing Committee
Geneva (Switzerland), 16 August 2019

UPDATES ON EFFORTS, RESULTS OF FIGHTING AGAINST ILLEGAL
TRADING IN ELEPHANT IVORIES, RHINO HORNS, PANGOLINS AND
TIGERS IN VIETNAM FOR 2018-2019

This document has been submitted by Viet Nam in relation to agenda item 20.*

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UPDATES ON EFFORTS, RESULTS OF FIGHTING AGAINST ILLEGAL TRADING IN ELEPHANT IVORIES, RHINO HORNS, PANGOLINS AND TIGERS IN VIETNAM FOR 2018-2019

Following the report sent to the 71st Standing Committee (SC71.Doc 20), Vietnam CITES Management Authority continues to update on the situation of anti-trafficking wildlife with the focus on elephant ivory, rhino horn, pangolin and tiger specimens as follows:

1. Legal provisions related to handling wildlife crimes

1.1. Regarding the Criminal Code: In 2017, the National Assembly of Vietnam passed the revised Criminal Code. Accordingly, in Article 244, the trading, possession of rare and precious wildlife specimens shall face a penalty of up to 15 years imprisonment. Moreover, the Code also provides particular Articles that regulate trafficking, possessing, processing and trading crimes of ivory, rhino horn and tiger specimens. Trading, possessing of 50g of rhino horn, 02kg of ivory shall be subject to criminal prosecution.

1.2. Regarding administrative laws: For pangolins, illegal trading of an individual may also be subject to criminal prosecution because the pangolin belongs to the Group IB according to the Government's regulations. Besides, the Government also issued Decree No. 35/2019/ND-CP in 2009 on penalties for administrative violations against regulations on forestry. Accordingly, illegal trafficking, possession and movement of wild animals below the criminal level will be subject to administrative penalties. Article 22, Clause 4 of this Decree stipulates a fine of up to 16 thousand USD for those who trade, possess and transport less than 02kg of ivory, less than 50g of rhino horn,...

2. About propaganda and awareness raising for wildlife protection

2.1. In addition to propaganda campaigns carried out by non-governmental organizations in Vietnam such as WCS, TRAFFIC, Pan Nature, ENV, governmental agencies under the Ministry of Agriculture and Rural Development, Ministry of Finance Natural Resources and Environment, news agencies have run communication campaigns on wildlife protection with the focus on tourists. In 2019, Vietnam CITES Management Authority cooperated with HSI to organize 3 surveys for tourists in terms of wildlife consumption demand in Khanh Hoa, Da Nang and Quang Ninh.

2.2. In the first 6 months of 2019, with the assistance of international organizations, the National Assembly deployed four surveys teams in 12 provinces to assess the CITES implementation and law application in investigation and prosecution, judgment of wildlife crimes.



2.3. The Ministry of Agriculture and Rural Development in collaboration with the Ministry of Education and Training has completed textbook on conservation of rhinos, pangolins, tigers and elephants to teach at upper secondary level with the HIS's assistance. The textbook has been tested and taught in 10 different cities and provinces; the textbook was last reviewed in August 2019.



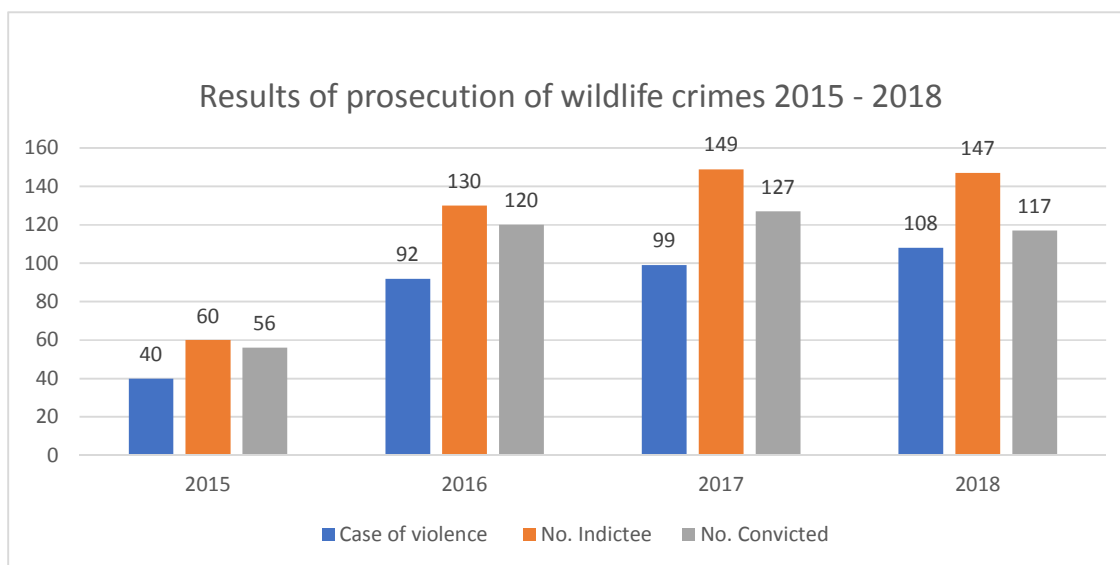
3. About wildlife protection law enforcement

From January 2019 up to now, CITES Management Authority in coordination with the Border Defense Force Command, Customs Training School



has implemented at least 6 training courses on wildlife protection law enforcement. CITES also collaborated with UNODC to organize 02 training courses for local court officials and procuracies on the application of criminal law and Resolution No. 05 by the Judges' Council guiding some articles of Criminal Code in terms of wildlife protection.

Data provided by the Supreme People's Court show that in 2018 a total of 117 subjects were sanctioned in accordance with Criminal Code, of which 43 were sanctioned for 1-3 years imprisonment, 11 were sanctioned for 3 years imprisonment or longer because of violations related to wildlife protection. The above penalties result demonstrates the efficiency and effectiveness of the 2015 Criminal Code amended in 2017.



3.1. Control of trade in ivory:

A part from the Prime Minister's Directive No. 28/CT-TTg in 2016 on urgent solutions for preventing and fighting the violation of wild animals against the law, the Ministry of Agriculture also issued the document requesting the Police in localities such as Hanoi, Quang Ninh, Hai Phong, Da Nang, Lam Dong, Dak Lak, Ho Chi Minh City to strengthen the market inspection, review souvenir shops to prevent buying and selling ivory products. Vietnam CITES Management Authority sent a letter to Facebook Inc (the letter is attached to Anex1) to propose the coordination in the control of wildlife trade, including trade of ivory products on social networks. As a result, some successful seizures were executed for ivory traders such as:

On June 15, 2019, the Environmental Police coordinated with functional forces to seizure 3 containers of 9,124kg of ivory at Da Nang Port, the case have been under ongoing investigation, and criminal prosecution. The video of the case can be viewed at the link: <https://www.youtube.com/watch?v=pVttbv76SIk>



Functional forces in Da Nang examined smuggled ivory shipments.

Photo by: Nguyen Son

On June 27, 2019, the Environmental Police arrested Pham Quyet with 207.3 kg of ivory.

- For previous hotspots like Nhi Khe, Thuong Tin in Ha Noi City, the Policeseized two large ivory stockpiles, all defendants were prosecuted.

- Other seizures: Ivory products in Bac Ninh, Dac Lak,...

- Legal inspection and sample submission: All ivory seizures were sampled and tested by scientific agencies such as the Institute of Ecology and Biological Resources, which uses DNA analysis to identify species. In 2016, CITES Management Authority sent 100 samples of ivory for inspection at Columbia University - Washington DC.

- Regarding judgement: The ivory trades, movements, possession cases which occurred after the effective date of 2015 Criminal Code, the 2017 Amendment Code are seriously criminal. For example, on February 6, 2018, the



Environmental Police arrested Dinh Thi Nhuong in Thuong Tin, Ha Noi City with 971kg of ivory, this criminal was sentenced to 5 years in prison by Hanoi People's Court. On 28/11/2018, the People's Court of Tan Binh District (Ho Chi Minh City) adjudged prison sentence of 07 years for Vo Xuan Duc for transporting 7.26kg of white rhino horn *Ceratotherium simum* from Angola to Vietnam to sell for profit.

- Ivory and rhino horn action plans are continually updated and implemented. With the support of the Saving Species project (USAID), Vietnam CITES Management Authority organized a survey on ivory market trade as a basis for strengthening law enforcement.

3.2. Control of trade in rhinos:

- Following the Prime Minister's direction, Vietnamese functional forces continue to struggle with illegal trade in rhinos, focus on hot spots such as international airports, border gates and ports and some craft villages.

- On 11 April 2019, a South African man carrying 15kg of rhino horn at was arrested Noi Bai Airport, Hanoi City.

- On July 27, 2019 at Noi Bai International Airport, the functional force seized 55 rhino horns, weighing 125.15 kg, these horns were carried from the UAE (United Arab Emirates) to Vietnam.

- In all seizures, rhino horns were under forensic examination by a specialized scientific agency (DNA examination). The Vietnam CITES Management Authority has sent 3 times a sample of rhino horn to South Africa to verify the origin.

- Nguyen Anh Son's possession of 3kg of rhino horn in Dinh Cong, Hoang Mai district, Hanoi City was sentenced to two years in prison (according to the Criminal Code);



Rhino horns seizure at Noi Bai International Airport on April 11, 2019

- The Criminal Code is strictly applied, for example, the 3 carriers illegally transporting 20.5 kg of rhino horn were arrested by Police in Lao Cai province in May 2018. The Court sentenced three carriers from 8 years 6 months to 10 years 6 months in prison, the total penalty for 3 carriers is 27 years in prison.

3.3. Control of trade in pangolins:

- All pangolin species located in Vietnam, including Javan pangolin and Chinese pangolin included in the Group IB according to the national regulations (Decree No. 06/2019/ND-CP dated January 23, 2019 of the Government on management of endangered, precious and rare species of forest fauna and flora and observation of CITES. In accordance with this Decree, illegal exploitation, trading, possession, movement and consumption of pangolins shall be criminally handled.

- The pangolin conservation action plan is being developed by non-governmental organizations (Save Vietnam Wildlife) in cooperation with house management agency under the Ministry of Agriculture and Rural Development, which is expected to be submitted to Prime Minister for approval by the end of 2019.

Pangolin is a priority for protection, Vietnamese authorities have high priority in controlling illegal trafficking. At least 12 cases of pangolin trafficking



have been arrested, investigated and prosecuted. Some seizures of illegal pangolin trade since the beginning of 2019 include:

- On 31/01/2019, Customs in Hai Phong City seized over 1 ton of pangolin scales from Apapa – Nigeria.



Pangolin scales hidden in the seized wood in Hai Phong

- On May 15, 2019, the Customs seized 8.3 tons of pangolin scales in Hai Phong;



- On May 23, 2019, in Cai Mep Port, Ba Ria - Vung Tau province, the Customs seized a shipment of 5.3 tons of pangolin scales originating from Nigeria.

- In the period 2014-2019, a total of 946 pangolin individuals were rescued and released into the natural environment. These individuals were seized from illegal trade.

All cases of illegal trade in pangolins from 01 individual or more shall be prosecuted in accordance with the Criminal Code. For example, on January 16, 2019, the functional forces arrested nine people getting involved in illegal trafficking of 215 pangolin individuals in Huong Son, Ha Tinh province.

3.4. Control of trade in tiger specimens:

Before and after the Criminal Code was amended in 2017, Vietnamese authorities have actively dealt with illegal tiger trade.

Some of the leaders of the tiger trade lines were investigated, prosecuted and judged such as Nguyen Mau Chien (Chien's violation occurred before the new Criminal Code's effective date, so Chien was judged according to the old law).

In May 2019, Vietnam CITES Management Authority gathered and shared tiger skin images from the arrests for the Secretariat and the Indian Regulatory Authority under Decision No. 17.164-17.165 of CITES, Resolution No. 12.5 and Decision No. 164-165 (attached letter in Appendix 2).



Following the Prime Minister's direction, law enforcement authorities continue to focus on investigations, seizures of illegal trade in tigers from abroad to Vietnam in coordination with relevant organizations.

For example, on July 25, 2019, Hanoi City Police arrested three people involved in tiger smuggling, led by Nguyen Huu Hue; this is a major organized illegal trading in tigers originated from abroad into Vietnam.



Nguyen Huu Hue and his accomplices arrested in Hanoi in July 2019

4. Strengthening international cooperation in preventing wildlife crimes

4.1. Vietnam CITES Management Authority: In 2019, continues international cooperation activities such as coordinating with HSI Organization to carry out propaganda activities; regularly coordinates with member countries in sharing information against wildlife trade; participates in border crossings conservation forums hosted by China; participate in sharing information of ASEAN-WEN network held in Malaysia; makes a dialogue with Singapore on electronic licensing mechanisms as well as strengthening law enforcement



cooperation; cooperates with EU, China to develop proposals to amend CITES Appendix,...

4.2. Customs: In 2018, Vietnam Customs and Korean Customs built and carried out the Savannah project to control wildlife trade thanks to the support of the WCO and the Regional Intelligence Office in Asia - Pacific (RILO AP). Currently, the project has 14 member countries.

- Vietnam Customs has actively coordinated with China Customs to hold 02 talks (alternately hosting) and chair and coordinate with Cambodia Customs to organize 01 intensive workshop on coordination to prevent and combat illegal trafficking and movement of wild species across the borders. Thereby, the Customs's authorities received the intelligence from China Customs, promptly seized 8.3 tons of pangolin scales in Hai Phong in March 2019 and 5.3 tons of pangolin scales in Vung Tau in May 2019.

Vietnam Customs, China Customs and Hong Kong Customs have established terms of reference on intelligence exchange and implementation of a joint enforcement campaign on the prevention of illegal trade in wild species during three years of 2019-2021.

Vietnam Customs, China Customs and Singapore Customs took part in a three-party meeting in July 2019 to discuss and set up a cooperation mechanism to share intelligence and enforce anti-smuggling and shipping wild species, in which focuses on Singapore-Vietnam-China route to identify lines and supply chains.

4.3. Polices:

Participate in campaigns launched by Interpol such Thunderstorm campaign in 2018, thunderball campaign in 2019 on prevention and fight against wildlife crimes. The Vietnam Environmental Police Force cooperates with the Wildlife Justice Commission (WJC), a non-governmental organization that conducts information sharing that results to the seizures, investigation and prosecution of at least 3 cases of illegal possession and movement of ivory, rhino horns. For example, on 27 June, 2019, the Police arrested Pham Van Quyet who still illegally carried over 200kg of ivory in Hoang Mai, Hanoi City.

5. Some difficulties

- Restrictions in information shared from the origin countries, while cargo containers have been sealed and transported around many intermediary countries before being transported to Vietnam.

- Wildlife crime is increasingly sophisticated and internationalized with goods tricks, regularly changing routes and destination.



- Global demand for wildlife remains high.
- The Vietnam's functional forces have not been well-equipped and their capacities sometimes remains limited, while international resources do not directly reach the on-site executives (often through international organizations).

6. Recommendations

- Original and transshipment countries need to stop at source or share information;
- Direct technical and financial support should be provided to the enforcement forces of the member countries, not provided to organizations without function of investigating and arresting (specifically EIA);
- Organizations that have information and evidence should immediately send to the enforcement force for investigation, seizure, and not to document for publication, or must sign a cooperation minutes to share information with law enforcement agencies to ensure responsibility and confidentiality in the fight against wildlife crime;
- Companies that provide social networking platforms like facebook and weibo need to coordinate with governmental agencies to prevent illegal online wildlife trafficking;
- The mechanism of sampling forensic examinations should be reviewed, in which the feasibility and effectiveness of the examination of ivory (Resolution 10.10) and rhino (resolution 9.14) should be considered in finding related criminal organizations.



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Ministry of Agriculture and Rural Development of S.R. Viet Nam
VIET NAM CITES MANAGEMENT AUTHORITY



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MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT
VIET NAM CITES MANAGEMENT AUTHORITY



Hanoi, 13 February 2019

Attention to: Facebook, Inc.

Sub: Ban on the illegally traded wildlife products on Facebook

The Viet Nam CITES Management Authority presents its compliments to the management board of Facebook, Inc.

The Viet Nam CITES Management Authority is the Governmental focal point to implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)¹ in Viet Nam and the authority to manage the trade of wildlife at national level. One of our function is to tackle illegal wildlife trade and combat wildlife crimes including cybercrimes. Surveys, researches and reports in recent years show an increasing trend in using social media especially Facebook as a platform to trade wildlife products in Viet Nam especially ivory and rhino horns. By the end of 2018, we received a report from TRAFFIC named "From Tusk to Trinket: Persistent illegal ivory markets in Viet Nam" that reflects a close link between physical and online ivory market in Viet Nam². An article issued in January 2019 quoted the survey results conducted by WildAct states that Facebook is a popular trade platform to trade ivory illegal "counted by 69% online advertisement"³. The reliability of the reports should be verified. However, it is clear that there is evidence of using Facebook to illegally trade ivory and rhino horn specimen.

Ivory and rhino horns are banned in Viet Nam in according to the Governmental Decree 32/2006/ND-CP and CITES since 2006 which will be replaced by Decree 06/2019/ND from 10th March 2019. In addition, the trade of wildlife products is regulated by Electronic Transaction Law No. 51/2005/QH11 and Decree 52/2013/ND-CP on E-commerce, in which the trade of ivory and rhino horn is forbidden.

Since illegal trade of wildlife products including ivory and rhino horn online especially Facebook is an increasing issues in Viet Nam in recent year, we look forward to receiving the cooperation of Facebook in scanning and banning these activities on Facebook in order to combat more effectively wildlife crimes.

I would like to take this opportunity to renew to Facebook the assurances of its highest consideration.

Yours Sincerely,

Vuong Tien Manh
Deputy Director
Viet Nam CITES Management Authority

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Hanoi, 06 May 2019

To: Mr. Manmohan Singh Negi
Additional Director General of Forests (WL) / Director Wildlife Preservation
Ministry of Environment, Forest and Climate Change, Government of India
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CC: CITES Secretariat

Sub: Tiger skin identification

Dear Sir/Madam,

Greeting from CITES MA of Viet Nam!

Pursuant to the Paragraph 1, k of Resolution 12.5 (Rev.CoP17) on Conservation of and trade in tigers and other Appendix-I Asian big cat species "*all Parties that make seizures of tiger skins within their territories, when possible, to share images of the seized tiger skins with the national focal points or agencies in tiger range States, which have photographic identification databases for tigers*", we had collected the photos of tiger specimen which were confiscated in Viet Nam from 2017.

We know that India has a database for tigers and has the ability to identify tiger skin from photographs. So, we would like to share the photos taken by our enforcement agencies from recently illegal trade on tiger specimen (tiger skin). The images of tiger skin from seizures are attached hereby.

In fact, Vietnamese enforcement agencies have not been trained in the development of photographic identification databases for tigers thus, we look forward to get the support of the CITES Secretariat and experienced member parties.

Thank you for your cooperation on the work of global combating wildlife trafficking.

Sincerely yours,

Ha Thi Tuyet Nga
Director
Viet Nam CITES Management Authority

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