



BỘ NÔNG NGHIỆP VÀ PHÁT TRIỂN NÔNG THÔN
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Reporting to the CITES Secretariat on Viet Nam's compliance with the recommendations of the 67th Standing Animal Committee meeting.

Hanoi, June 2016

At the 66th Standing Animal Committee meeting (11-15 January 2016), the Committee adopted recommendations of Working Group with relating to Vietnam on Rhinoceroses, the Viet Nam CITES Management Authority updated our progresses on management of Rhinoceroses specimen as follow:

1. The status of rhinoceros horns and derivative in Viet Nam

According to the Vietnamese regulations, all rhino horns from illegal trades will be considered CITES Appendix I specimens, therefore all of the confiscated specimens were kept by enforcement agencies for investigation purposes in highly secured stores. The other rhino horns have been handed over to education institutes and scientific facilities for scientific research, education, training, and law enforcement. These facilities are equipped with monitoring camera, three doors locked and other security measures to ensure that the rhino horn specimens be safely kept in stockpile. These samples were marked and registered in hard copies or electronic copies with very detailed descriptions of each horn pieces such as quantity, measurement, and images. The status of rhino horns seized in Viet Nam is presented in the table in attached Annex 1

2. Consider the increased use of specialized investigation techniques and initiate investigations and follow up on information gathered from the smugglers recruited by those managing and organizing the illegal trafficking;

This investigation techniques were popular used in Viet Nam, Viet Nam regulation allowed enforcement agencies use this methodology. The government allocated an annual budget to enforcement agencies, where they can use to buy intelligent about crimes. In Viet Nam most of rhino horn seized cases the custom and police have been using this technique to detect crimes. In other hand, risk management also used to identified the potential of smugglers

3. Incorporate specific provisions that apply to CITES-related offences in the new Penal Code, including the possession of CITES specimens acquired in violation of the Convention, and to engage with the Secretariat as may be needed, for legal assistance in the development of legislative measures aimed at tackling illegal trade in wildlife and to ensure effective domestic enforcement and prosecution of arrested offenders;

The new penal code approved by National Assembly 2015 contained Articles cover all CITES species, in which at the first time the law has defined the violations related to rhino horn. Previously regulations it is hard for enforcement agencies to conduct the investigation with those people who illegal trade on species that not natural distributes in Viet Nam, now the problem was solved. Violation related to CITES species The detail of related articles to endangered species presented in the attached annex



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4. Provide a further progress report to the Secretariat by 30 June 2016, so that the Secretariat can make the report available to the Standing Committee at SC67. This should build on the previous reports provided to SC65 and SC66, and in particular cover;

4.1. Progress made with the incorporation of CITES-related offences in the new Penal Code and other relevant laws;

The Viet Nam CITES MA with its responsibility has advised Ministry of Agriculture and Rural and Development work with Ministry of Justice developed three Articles related to management of wild fauna and flora. The new penal code approved by National assembly in December 2015. It means that all violations related to CITES species will be treated as wildlife crime (detail in the annex).

4.2. Progress made in accordance with Resolution Conf 9.6 (Rev. CoP16) to ensure that any product purported to be rhinoceros horn is treated as such for enforcement purposes;

- arrests, seizures, prosecutions, convictions and penalties for offences involving the illegal possession and trade of rhinoceros horn detected at border points or domestic markets in Viet Nam, as well as failures to prosecute successfully, and key reasons for these successes or failures;

In July 2014, the Viet Nam Inter-Agency Committee on controlling illegal wildlife trade (Viet Nam - WEN) organized a special meeting in Hanoi and adopted recommendations that requested relevant enforcement agencies to pay more attention for and set higher priority on combating illegal trade of rhino horns and elephant tusks from Africa to Viet Nam. Custom and police have conducted a number of operations, in which, enforcement agencies would supervise closely the airlines that originated from Africa, transiting via Paris, Hong Kong, Bangkok or Qatar as well as from Czech Republic, entering Viet Nam, under strict monitor and risk management. Among those operations, below are a number of significant seizures made by enforcement agencies:

- On 27 October 2014, Noi Bai International Airport Border gate Custom unit cooperated with the Police Department in assessing the flight No QR 828 from Bangkok to Noi Bai as risky, and discovered a passenger carrying 20 pieces (5.75kg) of rhino horn.

- On 1 November 2014, Noi Bai International Airport Border gate Custom unit cooperated with the Police Department in the arrest of three people illegally imported 6 pieces of rhino horn (6.95kg) on the flight from Bangkok to Hanoi.

On 15 March 2013 a man was arrested by custom officer at Tan Son Nhat International Airport for illegally importing 1.4 kg rhino's horn on the flight transiting in Qatar.

On 18 March 2015, three women were arrested by Custom officers in Noi Bai International Airport for illegally importing 7kg of rhino horn.

On 15 April 2015, Noi Bai International Airport Border gate Custom Unit seized a box containing 4.86kg rhino horn and 21 pieces of ivory (60.5kg) sent from France to Vietnam on the flight number VN108 from Paris to Hanoi.

B9 Building, 2 Ngoc Ha Street, Ha Noi - Viet Nam; Tel: (84-4) 3733 5676; Fax: (84-4) 3734 6742
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Especially on 9 May 2015 two men were arrested by the Police in Nghe An province (central of Viet Nam) on a train from Ho Chi Minh city to Nghe An. The police discovered that the two men were illegally trafficking 37kg of rhino horn for an anonymous individual.

4.3. Activities conducted under existing Memoranda of Understanding (MOUs) to enhance international co-operation to combat the illegal trade in rhinoceros horn;

In September 2015, the Viet Nam CITES MA and China CITES MA has signed MOU in CITES implementation, since then a training workshop for enforcement 30 officers have been conducted in March 2016. Another training workshop will be conducted in October 2016 for custom, police, border army, market control officer, the training course will be held in Quangxi province of China.

In October 2015 Viet Nam has signed a Declaration on Cooperation in the field of CITES implementation with Czech Republic to combat against illegal wildlife trade. By which, the information between two CITES MA has been shared, the Viet Nam CITES MA with support from Human Society International have two days working with representative of Viet Nam community in Prague and delivered the awareness material on rhino protection to Vietnamese citizen in Sapa market.

Through our conversation with number of Vietnamese who living in Czech, they said that they have aware about rhinoceroses issues via Viet Nam TV global channel, and they do not believe in Rhino horn value. To prepare for the rhino's horn destroy campaign, Viet Nam also has learn from Czech Republic in the method how to burn the horn as well as their awareness campaign before and after burning. Viet Nam also get the advice from Czech republic regarding to the preparation for Hanoi IWT which will be held in October 2011.

- In South East Asia, a Wildlife Enforcement Network was established in 2005, at the 11th ASEAN-WEN meeting in March 2016 in Cambodia. All members agreed to continue to commit to strengthen the cooperation amongst themselves to combat wildlife crimes.

- In the joint statement between the president of the United States and the Viet Nam' president during his visit to Viet Nam May 2016, both sides committed to fully implantation of CITES and combating illegal wildlife trade.

Viet Nam is also negotiating with the Kenyan and Mozambique Authority to develop a bilateral agreement to combat wildlife crimes, and plan to sign the agreement in 2016.

4.4 measures implemented to reduce the demand for rhinoceroses horn in domestic markets, including progress towards adopting a robust programme of standardized surveys of consumers to more accurately assess trends in demand; and - measures implemented to reduce the engagement of Vietnamese citizens in the illegal trade in rhinoceros horn in other countries.

Following the rhino horn demand reduction campaign since 2013 that we mentioned in SC65 Doc. 43.2, Viet Nam CITES MA collaborated with Human Society International to conduct

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more campaigns since July 2014 to raise awareness of the public to reduce demand for rhino horn in country. We worked with the Women Union, the Education and Training Department, the Businessmen Association, the Universities of Hanoi, Hai Phong, Da Nang, Ho Chi Minh City and Can Tho province. Through various means of delivering the message on rhino protection, thousand of students, members of Women Union, and businessmen were exposed to information on rhino conservation, protection status, and the facts regarding the effect of rhino horn on human's health. A number of billboards were installed in Hanoi and in Noi Bai International Airport to raise the awareness of the public on rhino protection and conservation. Thousands of posters, brochures, hats, T-shirt with rhino protection slogan have been delivered to governmental officials, students, workers etc. As a result, a survey in 2015 indicated that the demand for rhinos horn had decreased by 38% in Viet Nam and by 77% in Hanoi.

Beside activities conducted by the Viet Nam CITES MA, other campaign to reduce demand on rhino's horn also implemented with the involvement form NGOs such as CHANCE, TRAFFIC.

In July, 2016, The Viet Nam CITES MA in cooperation with HSI going to surveys of consumers to more accurately assess trends of rhino's horn demand in some main cities in Viet Nam

4.4 Encourage South Africa and Viet Nam to make every effort to further enhance their bilateral collaboration, to ensure that rhinoceros horn samples from specimens subject to criminal investigation are collected and submitted for DNA analysis, in accordance with relevant legislation regulating the exchange of such specimens.

As mentioned below In June 2016, a delegation from Viet Nam Scientific Authority was attend the RhODIS® Rhino DNA Scientific workshop in South Africa with the support from Kruger National Park and the University of Pretoria's Veterinary Genetics Lab. The workshop, organized by the VGL, TRAFFIC, WWF and TRACE Wildlife Forensics Network.



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Scientists from Viet Nam CITES Scientific Authority attend a workshop on rhinoceros DNA analysis in Kruger Park, South Africa June 2016



Training Workshop on wildlife crime combating for Vietnamese and Chinese enforcement officials at border areas

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ANEX 2.

The specific provisions that apply to CITES-related offences in the new Penal Code

Article 234. Breaching regulations on the management and protection of wildlife 1. Those that breach the regulations on the management and protection of wildlife in one of the following cases, unless the violation is under the cases specified in Articles 242 and 244 of this Code, shall be fined from VND 50,000,000 to VND 300,000,000, subject to non-custody reform judgments for up to 03 years or imprisonments from 06 months to 03 years: a) Illegal exploiting, hunting, killing, captive raising, caging, transporting, purchasing, selling, and possessing of endangered, rare and precious listed in Group IIB stipulated by the law or in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora that are worth from VND 300,000,000 to below VND 1,000,000,000; other species of normal wild animal that are worth from VND 500,000,000 to below VND 1,500,000,000; b) Illegal transporting, purchasing, selling, possessing of body parts, derivatives or products of endangered, rare and precious animals listed in Group IIB as stipulated by the law or in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora that are worth from VND 300,000,000 to VND 1,000,000,000 or of other species of normal wild animals that are worth from VND 500,000,000 to under VND 1,500,000,000; c) Offenses in the case of animals, body parts or products of animals with a value below the level specified in points a and b of this paragraph, but has been administratively sanctioned for such acts or had been convicted of this crime, have yet to acquire a criminal record remission, but continue to commit. 2. Committing crimes in one of the following cases shall be fined from VND 300,000,000 to VND 1,500,000,000 or sentenced to 03 years up to 07 years of imprisonment: a) In an organized manner; b) Abusing positions and powers or abusing the names of agencies and organizations; c) Using a tool or means of hunting that is prohibited; d) Hunting in the prohibited time or area; e) Cross-border trade and transport; f) Endangered, rare and precious animals listed in Group IIB as stipulated by the law or in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or products or body parts of wild animals that are worth from VND 1,000,000,000 to below VND 2,000,000,000; other species of ordinary wild animals, their body parts or the products from them that are worth VND 1,500,000,000 and above; g) Illegal profits from VND 200,000,000 and under VND 500,000,000; h) Dangerous recidivism. 3. Committing crimes in one of the following cases shall be sentenced to 07 years up to 12 years of imprisonment: a) Endangered, rare and precious animals listed in Group IIB as stipulated by the law or in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora or products or body parts of wild animals that are worth from VND 2,000,000,000 or more; b) Illegal profits of VND 500,000,000 or more. 4. The offenders may also be subject to a fine of VND 50,000,000 up to VND 200,000,000, prohibition to hold certain positions, perform certain duties or other related work from 01 years to 05 years. 5. Organizations/companies offending the provisions of this Article shall be penalized as follow: a) Committing the offense in cases specified in Clause 1 of this Article, shall be fined from VND 300,000,000 to VND 1,000,000,000; b) Committing the offense in cases specified in Clause 2 of this Article, shall be fined from VND 1,000,000,000 to VND 3,000,000,000; c) Committing the offense in cases specified in Clause 3 of this Article, shall be fined from VND 3,000,000,000 to VND 6,000,000,000 or suspended from operation for 06 months to 03 years; d) Committing the offense in cases defined in Article 79 of this Code, shall be permanently suspended from operation; e) Organizations/companies/businesses can be fined from VND 50,000,000 to VND 200,000,000, prohibited to conduct business activities, prohibited to work in certain fields or prohibited to mobilize capital from 01 year to 03 years.



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Article 244. Breaching the regulations on management and protection of endangered, rare and prioritized animals (amended) 1. Those who breach the regulations on management and protection of animals that are listed as endangered, rare and priority protected species; endangered, rare animals listed in Group IB stipulated by the law or listed in the Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, will be fined from VND 500,000,000 to VND 2,000,000,000 or sentenced from 01 years to 05 years of imprisonment in one of the following circumstances: a) Illegal hunting, killing, captive ranching, caging, transporting, trading of animals listed as endangered, rare and protected-priority species; b) Illegal possessing, transporting, trading of individual, parts or products of the animals specified in Point a of this Clause; ivory weighing from 02 kilograms to less than 20 kilograms; rhino horn weighing from 0.05 kilograms to less than 01 kilograms; c) Illegal exploiting, hunting, killing, captive ranching, caging, transporting, purchasing, selling, and possessing of specimens of endangered, rare and precious animals listed in Group IB or in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, excepts the ones specified in Point a of this Clause, with the number from 03 to 07 specimens that belong to the class Mammalia (mammals), from 07 to 10 individuals that belong to the class Aves (birds) or class Reptilia (reptiles), from 10 to 15 individuals of animals that belongs to other classes; d) Illegal possessing, transporting, trading of 03 to 07 inseparable body parts that cannot be separated without taking the life of the animal in the class Mammalia, or derivatives of the mammals; from 07 to 010 of birds or reptiles; from 10 to 15 of animals of other classes specified in Point c of this Article; e) Illegal hunting, killing, captive ranching, caging, transporting, trade of animals or illegal possessing, transporting, and trade of inseparable body parts that cannot be separated without taking the life of the animal with the numbers below the minimum stated in the Points b, c and d of this Clause and has been administratively sanctioned for violations of such acts, or have been convicted of this crime, has yet to acquire criminal record remission, but continue to commit. 2. Committing crimes in one of the following circumstances shall be sentenced from 05 years to 10 years of imprisonment: a) In an organized manner; b) Abusing positions and powers or abusing the names of agencies and organizations; c) Using a tool or means of hunting that is prohibited; d) Hunting in the prohibited time or area; e) Cross-border trade and transport; f) The number of endangered, rare and priority-protected animals or the quantity of inseparable parts of the animal that cannot be separated without taking the life of the abovementioned animals ranging from 07 to 10 mammals, from 07 to 10 birds or reptiles, or from 10 to 15 individuals of other animals listed as rare, precious, priority-protected. g) The number of rare and precious animals specified in point c of Article 1 of this Clause or the quantity of inseparable parts of the animal that cannot be separated without taking the life of the abovementioned animals ranging from 08 to 11 individuals from the class Mammalia, from 11 to 15 individuals from the class Aves or class Reptilia, or from 16 to 20 individuals of animals from other classes; h) From 01 to 02 individuals of elephants or rhinoceroses or inseparable parts of the animals that cannot be separated without taking the life of these animals; from 03 to 05 individuals of bears or tigers or inseparable parts of the animals that cannot be separated without taking the life of these animals; ivory weighing from 20 kilograms to less than 90 kilograms; rhinoceros horn weighing from 01 kilogram to less than 09 kilograms. i) Dangerous recidivism. 3. Committing crimes in one of the following circumstances shall be sentenced from 10 years to 15 years imprisonment: a) The number of endangered, rare and priority-protected animals or the quantity of inseparable parts of the animals that cannot be separated without taking the life of these animals that is or is more than 08 individuals of the class Mammalia; that is or is more than 11 individuals or above of the class Aves or Reptilia; that is or is more than 16 individuals or above and parts of animals belonging to other classes that are endangered, rare and priority-protected; b) The number of animals stipulated at Point c, Clause 1 of this Article or the quantity of inseparable parts of the animals that cannot be separated without taking the life of these animals that is or is more than 12 individuals of the class Mammalia; that is or is more than 16 individuals of the class Aves or Reptilia; that is or is more than 21 individuals of animals belonging to other classes; c) From or more than 03 individuals of elephants or rhinoceroses or inseparable parts of the animal that cannot be separated without taking the life of these animals, that is or is more than 06 individuals of bears or tigers or inseparable parts of the animal that cannot be separated without taking the life of these animals, ivory weighing from or more than 90 kilograms; rhinoceros horns weighing from or more than 09 kilograms. 4. The offenders may also be subjected to a fine from VND 50,000,000 to VND 200,000,000, shall be prohibited from holding certain positions, working or performing certain duties from 01 years to 05 years. 5. Organizations/companies/businesses offending the provisions of this Article shall be fined as follow: a) Committing the offense in cases specified in Clause 1 of this Article, shall be fined from VND 1,000,000,000 to VND 5,000,000,000; b) Committing the offense in cases specified in Clause 2 of this Article, shall be fined from VND 5,000,000,000 to VND 10,000,000,000 ; c)

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Committing the offense in cases specified in Clause 3 of this Article, shall be fined from VND 10,000,000,000 to VND 15,000,000,000, or suspended from operation for 06 months to 03 years; d) Committing the offense in cases defined in Article 79 of this Code, shall be permanently suspended from operation; e) Organizations/companies/businesses can be fined from VND 300,000,000 to VND 600,000,000, prohibited from operations, prohibited from conducting business activities in certain fields, or prohibited from mobilizing capital from 01 years to 03 years.