



Lao People's Democratic Republic
Peace Independence Democratic Unity Prosperity

Ministry of Natural Resources and Environment

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National Ivory Action Plan –Lao PDR

Background

Lao PDR ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora in on May 30th 2004.

According to the Law on Wildlife and Aquatic Life of Lao PDR (2007) article 40 Trade in Wildlife and Aquatic from husbandry activities shall be practiced as follow:

1. The prohibited category of wildlife and aquatic can be traded from the second generation and next generation, the breeding as father and mother from the first generation not allow to trade, they shall be preserved for breeding or released into the nature.
2. The managed category of wildlife and aquatic can be traded since from the first generation and subsequent following generations. The breeding of father and mothers not allow to trade. They shall be preserved for breeding purposes or released back into the nature.
3. The wildlife and aquatic in the common or general category can be traded as prescribed in the laws and regulations.

In case when there is a seizure and litigation against the illegal trade of ivory and ivory products, the Department of Forest Inspection (DOFI) under the Ministry of Agriculture and Forestry (MAF) will confiscate, conduct the investigation and send the case to the prosecutor to make a decision and punish in accordance with the criminal law of Lao PDR.

Under the Lao National Wildlife and Aquatic Law (2007), it is considered a criminal offense to remove, kill or trade in wild Asian elephants. A Restricted Species Category 1, offenders can be punished for three months to five years of imprisonment, depending on the offence. No specific mention of ivory from international locations is mentioned in the Lao National Wildlife and Aquatic Law (2007). While the poaching of elephants for ivory does sporadically occur in Laos, it is the transit of ivory through Laos that is of greater concern.

Laos is not a destination point for the smuggling of ivory, but has been identified as a gateway to larger international markets, mainly China and Vietnam. Officials in Thailand continue to intercept large hauls of ivory from Africa and destined for Lao PDR. Shipments are commonly sent through international airports with recent seizures intercepted in Thailand and bound for Lao PDR including: 511 ivory pieces from Kenya (April 2015); 400 kilograms of ivory from the DR Congo (April 2015); and 1,300 tusks from DR Congo (July 2015). Smuggling of African ivory into Laos evidently occurs on a large scale, highlighting the need for greater customs engagement and commitment in combating the illegal ivory trade.

Lao PDR was identified by CITES in Document CoP 16 Doc. 53.2.2 (Rev 1) as a Party of "importance to watch" with regard to monitoring the illegal trade in ivory and other elephant

specimens. At the 16th meeting of the Conference of the Parties to CITES (CoP16, Bangkok, 2013), Decision 16.8 was adopted, to seek clarification on the implementation of CITES and other provisions concerning control of trade in elephant ivory and ivory markets, and report its findings and recommendations at the 65th meeting of the Standing Committee. The 65th meeting of the Standing Committee subsequently requested Lao PDR to work with the Secretariat and its consultants to finalize the development of a national ivory action plan (NIAP) in 2014.

The priorities for Lao PDR to address in its Ivory Action Plan are to strengthen law enforcement efforts to prevent illegal trafficking of African ivory through Lao PDR, and to enhance prosecution rates for wildlife crimes. A secondary priority is to safeguard the country's wild elephant populations from poaching and trade.

Action Plan

The Department of Forest Resource Management is designated CITES Management Authority of Lao PDR. The Department of Forest Inspection is the agency responsible for the management of wildlife and the Ministry of Science and Technology the national CITES Scientific Authority for terrestrial species.

This National Ivory Action Plan has been developed by the Department of Forest Resource Management (DFRM), which is the key coordinating/implementing agency of the plan. The National Ivory Action Plan was developed in conjunction with several national agencies and departments including the Department of Forest Inspection (DOFI) under the Ministry of Agriculture and Forestry (MAF), Department of Import and Export under the Ministry of Industry and Commerce (MOIC), Department of Customs under the Ministry of Finance (MoF), the Department of Environmental Police and Department of International Police under the Ministry of Security, Department of Interior Defense from Ministry of National Defense and the court, which came together in three consultation workshops culminating in July 2015. The NIAP has been endorsed and approved by MONRE.

This Action Plan broadly follows the subject areas ('pillars') of the International Consortium on Combating Wildlife Crime's Wildlife and Forest Crime Analytic Toolkit in the development of this plan. It is therefore broken down into the following categories:

- **Legislation**

- Currently, the registration of elephants and ivory (including the registration of general wildlife) shall follow the law on wildlife and aquatic life of Lao PDR, article 23: the registration and report on the list of wildlife and aquatic life by entrepreneurs: Individuals and organizations that have ivory and normal wildlife in possession shall inform the forestry officers/District Agriculture and Forestry Office (DAFO) providing that it needs to prepare correct and complete document as determined in the law on wildlife and aquatic life especially the piece of ivory and wildlife. Currently, the registration of ivory in Lao PDR totally includes 310 elephants. For this, the Department of Livestock and Fishery under MAF is responsible for the listing of elephants by implant a micro-chip into each elephant.
- DOFI will conduct the litigation against people who violate the law on wildlife and aquatic life of Lao PDR according to article 70: Measure for the fine: if the loss has a value of at least 200,000 Kip, the fine will be double the value. In the case of the second violation or becoming a routine violation, the fine will be triple and the asset that comes from illegal activity will be confiscated and transferred to be the government asset. In article 71: Criminal measure: the violator will be litigated and punished to be in the jail at least 3 to 5 months depending on the

- serious of the case and the fine will be according to article 70 of the law on the wildlife and aquatic life of Lao PDR including the payment for the loss in terms of civil charge.
- In addition, exchange of information and cooperation with South Africa started in the end of 2012. South Africa has the intention to have technical cooperation with Lao PDR. South Africa would like to sign an MOU concerning the exchange of information on the illegal trade of wildlife between MONRE of Lao PDR and the MONRE of South Africa. A delegation from Lao PDR was invited to exchange lessons on the trade of wildlife in South Africa in July 2013. Up until now, there is no signed MOU. At the same time, in October 2013, a consultation meeting on illegal trade of rhinoceros and elephants' ivory took place in Kenya.
 - The ivory registration needs to follow the law on wildlife and aquatic life. DFRM is developing the "draft" of the regulation to manage wildlife and aquatic life in Lao PDR currently so that it can be a tool to manage and protect wildlife in Lao PDR.

- **Enforcement**

Weakness in combating the illegal ivory trade currently occur at international checkpoints, custom clearance, national highways and transit routes, businesses and individuals participating in the trade. As such, the Lao PDR NIAP needs a united, cross-agency approach to combating the illegal trade in ivory.

The main agency responsible for law enforcement against violators e.g. illegal trade in wild species is the Department of Forest Inspection (DOFI) under the Ministry of Agriculture and Forestry (MAF) with a LAO-WEN ad-hoc team which come from many relevant sections and different levels. In two provinces, namely LuangNamtha and Bolikhamxay, the provincial governor already established provincial WENs. At province level, the Provincial Office of Forest Inspection (POFI) is the leading agency, however, it lacks equipment for the inspection and for analyzing different species, modern communication equipment, insufficient vehicles and lack of staffing.

- **Strengthening cooperation and sharing information**

Lao PDR will take steps to increase inter-agency and transboundary cooperation for investigating and prosecuting cases of wildlife crime, and ensure Customs and border control agencies are well trained and equipped to detect wildlife trafficking.

Lao PDR will ensure regular and comprehensive reporting to the CITES Secretariat on the implementation of the National Ivory Action Plan (NIAP) and provide regular reports on ivory seizures and cases.

Furthermore, we will investigate and develop mechanisms through which we can increase the sharing of information related to wildlife crimes, to support intelligence-led enforcement action. Communication will be enhanced through other relevant agencies and mechanisms such as INTERPOL, WCO, and ASEAN.

Every year, bilateral meeting between Lao PDR and Thailand and Vietnam are conducted. There is a change of hosting the meeting for discussing and exchanging information and the way to solve the issue concerning the resistance and intercept of illegal wildlife trade along the border. At the same time, in each year, the forestry officers of Lao PDR also participated in training on investigation in Thailand.

- **Judiciary and Prosecutions**

There is a need in Lao PDR to enhance the awareness of the judiciary and prosecutors of the seriousness of wildlife crime, and to increase the capacity of law enforcement agencies to gather evidence, investigate and prepare cases of wildlife crime for the court.

- **Prevention and Awareness**

Lao PDR does not have a significant domestic market for the consumption of ivory of African or Asian origin, although it is accepted that some illicit markets exist. Monitoring of these markets will increase on a regular basis, with appropriate reporting on findings.

Currently, DOFI plans to implement the inspection activities and awareness creation for people and entrepreneurs in markets, hotels and restaurants so that they can see the significance of wildlife for the natural ecosystem and the participation to take a lead in not eating and hunting wildlife including not illegally trade wildlife and hence support the protection and prevention from illegal trade of wildlife in Lao PDR. It is partly funded by LENS 2 project for the inspection of the wildlife trade in a number of places throughout the country especially in critical areas and international borders.

- **Management of Stockpiles**

Lao PDR will establish appropriate procedures for the management of ivory seizures, including the development and maintenance of a national database, processes for registering and inventorying ivory seizures and managing a centralized ivory stockpile securely.

- **Capacity Analysis and Development**

Lastly, we will explore the possibility of implementing the ICCWC Wildlife and Forest Analytic Toolkit in Lao PDR, or other similar framework, to conduct a review of Lao PDR's legislation, law enforcement, judiciary and prosecution, drivers and prevention, data and analysis, to help strengthen Lao PDR's response to wildlife crime.

Expenditure

DOFI and DFRM will work with technical partners in order to implement the National Ivory Action Plan. We have highlighted actions in the Ivory Action Plan for which completion will be contingent on securing additional funding.

Monitoring and evaluation

The implementation of the National Ivory Action Plan will be monitored by DFRM to ensure activities are implemented as planned and within the timeframe provided. Lao PDR will aim to comply with the reporting requirements as requested by CITES Standing Committee.

(The detail of Lao National Ivory Action Plan 2015-2016 is attached below)

NATIONAL IVORY ACTION PLAN - LAO PDR - July 2015

Category	Objectives	Activities	Indicators	Output	Implementing Agency	2015		2016				
						Before 30 June	Before 30 Sept	Before 31 Dec	Before 30 June	Before 30 Sept	Before 31 Dec	
1. Legislation	1.1. Conduct a revision of the Regulation on National Biodiversity Conservation, Wildlife and Aquatic Management in Lao PDR, No.0360/MAF 2003, dated: 8/12/2003, to update it in accordance with relevant legislation such as the Wildlife Act.	1.1.1. Prepare draft revisions to Regulation	Draft is produced	Draft of revised Regulation	DFRM							
		1.1.2. Conduct review process by relevant agencies including DOFI, MOFF		Comments of relevant agencies								
		1.1.3. Submit draft for review by relevant Ministerial level										
		1.1.4. Post to website for public comment										
		1.1.5. Approval by Minister and implementation	Regulation has been successfully revised	Final revised Regulation								
	1.2. Following the completion of 1.1 above, review the current regulation of MAF and institutional mandates regarding enforcement of ivory trade through Lao PDR, identifying barriers to prosecution and punishment and make recommendations on required revisions	1.2.1. Submit proposal to Minister	Proposal submitted to Minister	Proposal report	DOFI							
		1.2.2. Explore opportunities to financially support revisions		Report on financial opportunities								
		1.2.3. Conduct review		Final report of proposed revisions								
		1.2.4. Finalize recommendations										
	1.3. Develop a Ministerial Circular on the management of hunting trophies	1.3.1. Develop concept note on proposal		Concept note	DFRM							
		1.3.1. Prepare draft of notification on management of hunting trophies of Elephant in Lao	Draft is produced	Draft notification								
		1.3.2. Approved by Minister and submitted to Provincial level and implemented		Final notification								
		1.3.3. Conduct exploratory meetings between relevant agency heads and international organisation			DOFI							
	1.4. Review penalties under the Penal Code to ensure that wildlife crime is adequately addressed as a form of serious crime.	1.4.2. Draft proposal on amendments										
		1.4.3. Seek Ministerial approval for changes			Draft proposal document							
1.4.4. Prepare final amendments and implement												
2.1.1. Prepare concept note/proposal outlining capacity building needs, number of officers to be trained, proposed regional breakdown.				Proposal note	DOFI, CITES							
2.1. Develop capacity of multi-agency (Lao-WEN) law enforcement officers through regional (North, Central, South) Training courses in the following areas: a) to conduct inspection and detection regarding smuggled wildlife including species identification (including genuine ivory from fake) b) CITES requirements and examination of (CITES) documents and detect documentation misuse and fraud	2.1.2. Secure funding/external international agency to conduct training											
	2.1.3. Training a) Initial inspection and detection regarding smuggled wildlife including species identification	Increase in wildlife inspections and detections at key border crossings and markets	Report of training courses Report of inspections, detections, penalties									
	2.1.4. Training b)CITES requirements and document examination and fraud	Increase in wildlife inspections and detections at key border crossings and markets	Report of training courses Report of inspections, detections, penalties									
	2.2.1. Communicate with international agencies (UNODC, CITES Secretariat, INTERPOL, Traffic, WCS, etc.) to request relevant materials (in Lao language) for law enforcement officers in the following areas: Species identification guides Guides to wildlife and forest crime Controlled deliveries Questioning wildlife suspects Wildlife smuggling				DOFI							
2.2. Ensure that border officers are in possession of necessary tools and guides to identify CITES species and determine genuine from fake documentation	2.2.2. Disseminate materials to all international border ports and other national locations		Reference materials are available and referred to by officers									

2. Enforcement

6. Management of Stockpiles		<p>6.1.4. Establish a national database for all ivory management, including information of seizures by all relevant agencies</p> <p>6.1.5. Request training from the CITES Secretariat in sampling ivory for forensic analysis</p> <p>6.1.6. Explore possibilities with other countries in the region and with CITES Secretariat for forensic analysis of samples to identify species and origin of ivory</p> <p>6.1.7. Take samples from all large-scale ivory seizures (>500kg) as necessary to facilitate forensic analysis and make samples available to recommended laboratories</p>			CITES							
7. Capacity Analysis and Development	7.1 Explore implementation of the ICCWC Wildlife and Forest Crime Analytic Toolkit in Lao PDR	7.1.1. Communicate with UNODC to express an interest and request more information on the implementation of the ICCWC Wildlife and Forest Crime Analytic Toolkit										

National Implementing Agencies

- CITES MA Convention on International Trade in Endangered Species of Wild Fauna and Flora Management Authority
- CITES SA Convention on International Trade in Endangered Species of Wild Fauna and Flora Scientific Authority
- Customs Custom Department
- DFRM Department of Forest Resource Management
- DIMEX Import Export Department
- DoFI Department of Forestry Inspection
- EPD Environmental Police Department
- INTERPOL NCB INTERPOL Department (National Central Bureau Vientiane)
- Lao WEN Lao PDR Wildlife Enforcement Network
- PPD Supreme Public Prosecutor Department

Supporting Agencies/Mechanisms (Proposed)

- ASEAN-WEN Association of South East Asian Nations-Wildlife Enforcement Network
- ETIS Elephant Trade Information System
- ICWC International Consortium on Combating Wildlife International Police Organisation
- INTERPOL Ministry of Agricultural and Forestry
- MAF Monitoring Illegal Killing of Elephants
- MIKE Ministry of Natural Resources and Environment
- MONRE
- TRAFFIC
- UNODC United Nations Office on Drugs and Crime
- WCO World Customs Organization
- WCS Wildlife Conservation Society

Minister
Ministry of Natural Resources and Environment



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