MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness

NATIONAL IVORY AND RHINO HORN ACTION PLAN 2018 – 2020

(Attached to Decision No.2713 / QD-BNN-TCLN, dated 10 July 2018 by the Minister of Agriculture and Rural Development)

I. BACKGROUND

In recent decades, Viet Nam is recognized as a transit country for wildlife trade with foreign, transnational and intercontinental origin. The illegal wildlife trade, especially of ivory and rhino horn not only negatively impacts national security, conservation objectives, sustainable livelihood of the people but also reduces the effectiveness of management, control and law enforcement on wildlife trade. Nowadays, illegal wildlife trade is considered to be a dangerous organized crime of the same magnitude as the smuggling of drugs, arms and human trafficking.

Rhinos and elephants are two endangered, precious and rare species in the world, which play important roles in the ecosystem and symbolically represent many countries in the world, especially African countries. However, in the past few decades, the number of rhinos and elephants has been severely reduced due to illegal hunting for rhinoceros horns and ivory. In Viet Nam, rhinoceros are considered to be extinct after the last individual was found shot down in Cat Tien National Park in 2010. With a population of about 104 to 134, Viet Nam's wild elephants (Elephas maximus) are mainly distributed in central, central highlands and southern Viet Nam, and have an Emergency Plan for Elephant Conservation in place for conservation and towards the development of the number.

Despite international and domestic efforts, the illegal wildlife trade of particularly ivory and rhino horn still goes on at a certain scale and cause challenges to management and control. The illegal trade of parts and derivatives from ivory and rhino horn still occur in some areas of Viet Nam with increasingly sophisticated modus operandi. According to the statistics compiled by the Viet Nam CITES Management Authority, from 2016 to the beginning of 2017, the law enforcement agencies have investigated and seized tens of cases relating to the trade of ivory and rhino horns, specifically 12 tons of ivory and 230 kg of rhino horns. This is the result of the relentless efforts of the customs, polices, border guards, market surveillance, forest rangers at all levels nationwide. Statistics on the investigations, prosecutions, convictions of criminal offences and violation of administrative regulations from October 2016 to November 2017, in relation to illegal import, export, transport, trade, processing, possessing, advertisement, consumption of wildlife, including ivory and

rhino horns showed that among 87 cases/ 127 suspects, 37 suspects have been sentenced to imprisonment for up to 3 years, while 3 imprisoned for 3 – 7 years.

Viet Nam joined CITES since 1994 and has always been a responsible member. The legal documents in Viet Nam related to the management of wildlife trade in CITES appendices are assessed as comprehensive and suitable for national regulation and its legal framework has been rated in the first-class by CITES. In practice, the application of legal regulation to the handling, investigation, prosecution, judgement of the related cases still faces so many challenges due to the restriction of information. The achievements in law enforcement listed above are commendable, however, the battle against illegal wildlife trade, ivory and rhino horns in particular, remains an urgent matter to Viet Nam in order to ensure the rule of law, social stability, the conservation of wildlife in nature and international responsibility. In particular, the revised Penal Code 2015 coming into effect from 2018 with new provisions on violations of regulations on the management and protection of endangered and rare wildlife is a great change, setting out penalty ranges, increasing jail time, and help raising the strictness of laws against this type of crime. The Hanoi Statement on Combating illegal wildlife trade stated that Viet Nam joined as a host country together with 42 countries, territories, is a milestone marking the country's great political commitment and enhances the nation's image internationally. To put commitment into action, Viet Nam needs specific actions encourage inter-agency, regional and crossboder cooperation with specific objectives and outputs.

With all the factors above, a national action plan is required to (1) tackle the illegal trade of ivory, rhino horn to and from Viet Nam (2) continue implementing the planned initiatives, programs and plans. The NIRAP firstly meets the domestic needs and secondly fulfill the member state obligations that Viet Nam has committed to the international community.

II. RATIONALE

1. Legal rationale

- The Criminal Procedure Code 2015;
- The Penal Code 2015 (revised in 2017);
- Forest Protection and Development Law 2004;
- Biodiversity Law 2008;
- Decree 82/2006/ND-CP dated 10/8/2006 of the Government on the management of export, import, re-export, import from the sea, transit, breeding, rearing and artificial propagation of endangered and rare wild animals;
- Decree 32/2006ND-CP dated 30/3/2006 of the Government on the management of endangered, precious and rare plants and animals;

- Decree 160/2013/ND-CP dated 12/11/2013 of the Government on the criteria for determining and management regime species which are on the list of endangered and rare species prioritized for protection;
- Decision11/2013/QD-TTg, dated 24/01/2013 of the Prime Minister on the prohibition of export, import and trade of a number of CITES listed species;
- Decision 940/QD-TTg dated 19/7/2012 of Prime Minister on the approvement of the emergency plan to 2020 for the conservation of elephants in Viet Nam;
- Directive 03/CT-TTg dated 24/02/2014 of the Prime Minister on the strengthening of directives and enforcement measures to control, conserve endangered, rare, precious wild animals;
- Directive 28/CT-TTg, dated 17/9/2016 of the Prime Minister on the imperative measures to prevent and combat the violations that cause harm to wildlife;

2. International rationale

- In 2013, according to the request of CITES, Viet Nam submitted the first NIAP. In 2014, this Plan was assessed by the 65th Standing Committee as "Substantially achieved".
- At the 69th meeting of the CITES Standing Committee (November 2017), considering the recommendations of the CITES Secretariat on illegal trade of ivory, rhino horns, considering the Viet Nam mission report of the CITES Secretariat (September 2017), the meeting have the following requests for Viet Nam:
- + Revise, supplement, and integrate the content of the NIAP to formulate the NIRAP:
- + Consider the recommendations by the CITES Secretariat regarding rhinoceros in order to develop specific activities;
 - + Implement the activities stated in the NIRAP.

Documents, recommendations attached:

- (i) SC69 Doc. 29.3 on National Ivory Action Plans Process: Report of the Secretariat;
- (ii) SC69 Doc. 60 on Specific issues related to Rhinoceros: Report of the Secretariat;
- (iii) Guidelines and Templates for the development of a National Ivory Action Plan;
 - (iv) Viet Nam CITES SC66 National Ivory Action Plan Progress Report.

III. OBJECTIVES

1. General Objectives

- The National Ivory and Rhinoceros horn Action Plan period 2018 2020 (NIRAP 2018 2020) is developed in order to use specific measures to enhance the prevention and combatting illegal ivory and rhino horns trade, both from, to and within Viet Nam in a period of 30 months. The plan is expected to resolve related urgent issues in the short time, and at the same time, contribute to reducing and gradually eliminating the illegal trade of wildlife.
- The NIRAP synthesizes identified initiatives, programs, activities, stakeholder resources and provides action priorities to mobilize support from other partners.
- During the implementation period of 3 years (2018 2020), NIRAP 2018 2020 inherits the achievements of the NIAP 2013 2014, with the addition of prioritized activities during 2018 2020 period.

2. Specific Objectives

- Firstly, the NIRAP Plan for 2018-2020 is to contribute to the improvement of the legal framework related to wildlife trade, including ivory and rhinoceros horns; to develop, modify and guide regulations related to CITES implementation in Vietnam, specific regulations on the implementation of the Forest Law and new regulations related to the management, marking and traceability of specimens;
- Secondly, the NIRAP Plan aims to improve the capacity of law enforcement, strengthen inter-agency coordination through capacity building activities, skills for professional work from investigating and prosecuting involved crimes; other skills such as species identification, the application of the new provisions of the revised Penal Code 2015 and the corresponding penal framework; and coordinating activities of the Viet Nam -WEN network;
- Thirdly, the NIRAP Plan helps enhance cross-border cooperation, regional and international coordination between source trans-shipment consumption countries in order to strengthen control and improve investigation;
- Fourth, the NIRAP Plan focuses on addressing the domestic market demand for ivory and rhino horn products, including scientific based communications activities aimed at demand reduction, towards a strategy to reduce demand for long-term, sustainable use:
- Finally, the plan aims to establish a database to track cases of ivory and rhino horn from seizure to conviction in the coming period to enhance the exchange and information sharing among national agencies and to respond to international requirements.

IV. SUBJECTS AND SCOPE

The NIRAP requires inter-agency coordination of management authorities, law enforcement agencies, international organizations, non-governmental organizations, and other relevant entities, such as:

1. Subjects

- a) Administrative agencies, administrative agencies and law enforcement agencies:
- CITES Management Authority of Vietnam (Viet Nam Administration of Forestry, Ministry of Agriculture and Rural Development) Focal Point Agency for implementing NIRAP;
- The Department of Environmental Police (General Department of Police, Ministry of Public Security);
- The Department of High Technology Crimes Prevention Police (General Department of Police, Ministry of Public Security);
 - The Department of Foreign Relations (Ministry of Public Security);
- The Department of Drug and Crime Prevention and Combat Police (the Border Guard Command);
- The Department of Anti-Smuggling Investigation (General Department of Vietnam Customs, Ministry of Finance);
- The Department of Forest Protection (Viet Nam Administration of Forestry, Ministry of Agriculture and Rural Development);
- The Department for Management of Special-use Forests and Protection (Viet Nam Administration of Forestry, Ministry of Agriculture and Rural Development);
- Department of Science, Technology and International Cooperation (Viet Nam Administration of Forestry, Ministry of Agriculture and Rural Development);
- Department of Nature and Biodiversity Conservation (General Department of Environment, Ministry of Natural Resources and Environment);
 - Market Control Department (Ministry of Industry and Trade)

b) Judicial bodies

- People's Supreme Procuracy
- People's Supreme Court
- c) Inter-governmental organizations, international organizations and non-governmental organizations (coordinating units, donors):
 - CITES Secretariat;
 - United Nations Office on Drugs and Crime (UNODC);

- US Agency for International Development (USAID through Saving Species Project);
 - International Organization for Animal Health (HSI);
 - TRAFFIC organization in Vietnam.

The above list includes the main agencies, units and organizations directly join the implementation of activities in the NIRAP Plan with unlimited participation and coordination of implementation by all relevant agencies and ministries, committees, sectors, central or local.

2. Scope.

- The Scope of NIRAP implementation is nationwide.

V. MAIN CONTENTS

The NIRAP is developed upon the request stated in point (2), section (I) above, including the following primary contents:

- -1. Legislation and regulations;
- -2. National level enforcement action and inter-agency collaboration;
- -3. International and regional enforcement collaboration;
- -4. Outreach, public awareness and education;
- -5. Report.

VI. BUDGET

Activities implementation costs/funding in NIRAP is identified through various sources, including:

- Government funding: for regularly operational activities;
- International organizations, non-governmental organizations: provide support via programs, projects, scheme, plan or through direct grants, and small grants;
 - Legend of the Costs/Funding:
- + Activities that had been funded by the state budget or regular professional activities are shown as ☑"Not Applicable";
- + Activities funded by international organizations, non-governmental organizations, other sources of funding: are shown as ☑"Funding secured" and are specific excerpted from source.
- + The activities whose fund have not been determined shall be shown as "Funding to be secured \square ". These activities require assistance from relevant agencies to be implemented effectively.

VII. IMPLEMENTATION

- NIRAP is issued with agreements from relevant agencies;
- Focal point agencies, in cooperation with the funding partners (if any), shall be responsible for the implementation of relevant activities.
- The agencies, international organizations, non-governmental organizations, projects, programs, and other funding partners, within their ability, shall aid, cooperate with the focal point agency to implement relevant activities;
- Viet Nam CITES Management Authority shall collect information on progress and results of the implementation of NIRAP period II, inform relevant agencies, and report in accordance with international requirements.
- Viet Nam CITES Management Authority is the focal point to cooperate with relevant agencies to implement NIRAP, to summarize the information and results of implementation of the NIRAP, to report to CITES Secretariat and stakeholders about the NIRAP and its results as required.

APPENDIX NATIONAL IVORY AND RHINO HORN ACTION PLAN, PERIOD 2018 – 2021

(Attached to Decision No.2713 / QD-BNN-TCLN, dated 10 July 2018 of the Minister of Agriculture and Rural Development)

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS
1. Le	gislation and Regulations				
1.1	Develop the Decree on endangered, rare and precious wildlife management and CITES implementation	- B: Law of Forestry, effective as of 01/01/2019; Decree 82/2006/NĐ-CP and Decree 32/2006/NĐ-CP require review and amendment - I: New Decree incorporate the contents on species lists, management scheme, regulations on CITES implementation, marking, traceability to address gaps in domestic legislation in comparison to international requirements	January, 2019: Decree in effect	Viet Nam CITES Management Authority	Funding secured State Budget, USAID/Ministry of Agriculture and Rural Development.
1.2	Amend the Decree on Sanctions for administrative violations on management, development, protection of forest and forest products	- B: Decree 157/2013/NĐ-CP require amendment according to the Law of Forestry (effective as of 01/01/2019) - I: the Decree is amended with relevant contents	January, 2019	Forest Protection Department	Funding secured ✓ State Budget, UN-REDD, USAID
1.3	Develop a degree regulating the exploitation of forest products, lawful files of forest products and management of forest products origin, files of traceability and	 B: At present, there are no specific regulations on marking samples of ivory and rhino horn I: Degree issued by the Ministry of Agriculture and Rural Development. 	January, 2019	Forest Protection Department with Viet Nam CITES Management Authority	Funding secured ✓ State Budget, USAID/Ministry of Agriculture and Rural

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS
	marking of specimens of forest plants and animals				Development.
2. Na	itional level enforcement action an	d inter-agency collaboration			
2.1	Cooperate, exchange information on VN-WEN network	- B: Steering committee VN-WEN has been in operation for 08 continuous years, maintaining coordination and regular meeting scheme - I: 01 - 02 meeting organized annually, information exchange to allow Viet Nam MA generate an unified, official and national database about the illegal wildlife trade, especially ivory and rhino horn	2018 - 2020	Standing authority VN-WEN (Viet Nam CITES Management Authority)	Not Applicable State Budget, International organization, non- governmental organization.
2.2	Hands-on training of environmental police on investigation techniques	 - B: limited field and hand-on trainings, particularly CITES-standardized courses - I: number of police officers trained 	December, 2018	Viet Nam CITES MA and Environmental Police, Ministry of Public Security	Funding secured CITES Secretariat
2.3	Environmental polices to carry out 02 investigations in the area to strengthen control on wildlife crime in hotspot area	 - B: limited hotspot-oriented and local-focus investigations - I: basic investigation report in the area 	December, 2018	Environmental Police, Ministry of Public Security	Funding to be secured ☑ State Budget
2.4	Forest protection departments, interdisciplinary agencies to cooperate to carry out 01	- B: limited investigations on forest products at hotspot areas by ranger force	December, 2019	Forest Protection Department	Funding to be secured ☑

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS
	investigation at souvenir shops, processing workshops that is likely to be involved with wildlife crime in hotspot areas	- I: investigation report			
2.5	Survey, report, recommendation, and solution in controlling online illegal wildlife trade, cyber-crime on social media.	 - B: no official data of illegal trade via social media such as Facebook, - Wechat, Weibo - I: increased level of information exchange and interaction iwth cybercrime police 	June, 2019	Cyber-crime police, Ministry of Public Security	Funding to be secured ☑
2.6	Develop technical guidelines on collecting forensic samples of ivory, rhino horns and training for forensic officers to use the guidelines	 B: lack standardized technical guidelines, appropriate to the domestic condition I: 01 technical guidelines issued / recommended considering CITES guidelines in Resolution 9.14 (Rev CoP14) 	June, 2019	Viet Nam CITES Management Authority with CITES Scientific Authorities (IEBR)	Funding to be secured ✓
2.7	Standardize and publicize guideline documents for identification of ivory and rhino horn specimens, specifically for front-line law enforcement officer at border gate, in checking processing workshop, hand luggage, jewelries of tourist	- B: currently, there are a number of documents developed by international organizations, NGOs, however, management authorities have not agreed on or recommended any I: 01 materials recommended by management authorities and provided for relevant parties, number of guidelines incorporated	December, 2019	Viet Nam CITES Management Authority	Funding to be secured ☑

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS
2.8	Training workshops for law enforcement agencies to strengthen their CITES implementation capacity using specifically designed curriculums suitable for each group.	 B: various training documents developed by agencies, units, projects, but not unified. I: 01 training curriculum for law enforcement groups adapted to local practice; number of officers participate in workshops. 	December, 2020	Viet Nam CITES Management Authority	Funding secured ✓ Saving Species project, USAID/Ministry of Agriculture and Rural Development
2.9	Training on the amended Penal Code 2015, related to the crime of trade, transport, possession of ivory and rhinoceros horns for law enforcement officers	- B: the Amended Penal Code 2015 was amended and supplemented in 2017 came into effect from 01/01/2018 with substantial changes to the penalization of ivory and rhino horn offences - I: number of officers participate the training workshop	- 2018: 3 training courses for roughly 250 enforcement officers - December, 2018: 3 training courses for border guards	Department of Legal Affairs and Scientific Management, Viet Nam CITES Management Authority	Funding secured Humane Society International, UNODC
2.10	Training courses to raise awareness of judiciary officials on the seriousness of wildlife crimes, particularly ivory and rhino horn offences	 B: the Amended Penal Code 2015 was amended and supplemented in 2017 came into effect from 01/01/2018 with substantial changes to the penalization of ivory and rhino horn offences I: Number of convicted cases with penal sanctions 	- October, 2018: 02 training courses for judges	Supreme People's Court	Funding secured ☑ UNODC to propose ICCWC for funding

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS
2.11	Development of a quick-reference pocket guide for law enforcement officers on application of the revised wildlife crime under the new Penal Code, including ivory and rhino horn offences	 B: The Amended Penal Code 2015 was amended and supplemented in 2017 came into effect from 01/01/2018 with substantial changes to the penalization of ivory and rhino horn offences I: 01 pocket guide to be disseminated to enforcement officers 	2018 Finalization of the guide content July 2019 Printing the guide	Department of Legal Affairs, Ministry of Nature Resource and Environment	Funding secured ✓ UNODC
3. Int	ernational, regional law enforceme	ent cooperation			
3.1	Continuous exchange of information on seizures within ASEAN-WEN countries or joint-training among countries who signed MoU with Viet Nam.	 - B: MoU which Viet Nam signed with China, South Africa, Mozambique, Czech, Laos, Indonesia - I: number of information exchanges including data on seizures, prosecution, conviction, forensic test 	2018 - 2020		Funding to be secured ☑
3.2	Collaborate with source countries (Africa) to exchange information on solutions to improve the effectiveness of criminal legal assistance; To actively support the implementation of criminal legal assistance requests in order to respond to the investigation, prosecution and adjudication of criminal cases related to wildlife; Promoting the negotiation and signing of bilateral criminal legal	- B: In recent years, the Supreme People's Procuracy has sent five requests for judicial assistance to African countries related to wildlife trade cases I: The number of cases is exchanged legal assistance information	2018 - 2020	Department of International cooperation and mutual legal assistance, Supreme Procuracy	Funding to be secured ✓

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS
	assistance agreements between Vietnam and African countries				
3.3	Cooperate with non-govermental and international organizations in receiving, transferring, processing information of early warning, arrests, suspects and other information.	- B: Relevant information is shared from non-governmental organizations to government organizations that lead to successful arrests - I: The number of receiving information and arrests made from sufficient quality information	2018 - 2020	Enforcement bodies, Viet Nam CITES Management Authority	Not applicable ✓
4. Av	vareness raising and public educat	ion			
4.1	National extra-curricular training curriculum on the protection, conservation of prioritized wildlife animals for elementary school students	 B: lack of an extra-curricular education program on relevant contents I: extra-curricular training program to be approved by the Ministry of Education and Training and endorsed for nationwide application. 	December, 2019	Viet Nam CITES Management Authority coordinated with Department of Political education and Students activities, Ministry of Education and Training	Funding scured Humane Society International
4.2	Incorporate issues on protection, conservation of prioritized wild species in the reformed national curriculum for general education.	 B: the reformed general education program is being developed. I: extra-curriculum activities approved by the National Assembly and applied nationwide. 	December, 2019	Viet Nam CITES Management Authority coordinated with Department of Political education and Students activities, Ministry of Education and	Funding to be secured ☑

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS
4.3	Surveys on consumer demands, consumer behaviors domestic market of ivory and rhinoceros horns	- B: a number of survey on consumer demands of rhinoceros horns have been conducted; no survey on consumer demands for ivory - I: survey reports towards a more behavior-oriented demand reduction outreach	December, 2018	Training Viet Nam CITES Management Authority	Funding secured Saving Species project, USAID/Ministry of Agriculture and Rural Development
4.4	Outreach of demand reduction for ivory and rhino horns among international tourists to Viet Nam.	 B: large number of international tourists who came to Viet Nam with purchase activities involved of ivory and rhino horns I: number of tourist received communication messages 	December, 2020	Viet Nam CITES Management Authority	Funding secured Humane Society International
4.5	Survey on consumer demands, consumer behaviors on reducing demand for ivory and rhino horns to business groups.	 B: surveys and assessments on consumer demands of business groups carried out by NGOs. I: number of business/business-person received communication messages 	December, 2019	Viet Nam CITES Management Authority	Funding secured Saving Species project, USAID/ Ministry of Agriculture and Rural Development
4.6	Raise public awareness on the protection and conservation of wildlife in general and elephant and rhinoceros in particular	 B: there are few communications programs on mass media on wildlife protection. I: carry out a number of communications on the mass media (newspapers, radio) and other forms 	2018-2020	Viet Nam CITES Management Authority	Funding to be secured ☑

PIL LA R	ACTION	BASELINES (B) AND INDICATORS (I)	MILESTONES	RESPONSIBLE NATIONAL AGENCY	COSTS, FUNDING AVAILABILITY AND NEEDS			
5. Co	5. Communication and report							
5.1	National database system of illegal trade, transport, possession and related cases, from seizures, prosecution, convictions	- B: currently, no national database - I: information regularly updated, statistical report made annually	June, 2019	Viet Nam CITES Management Authority to coordinate with law enforcement agencies (police, customs, forest ranger, market control, border force), Supreme People's Procuracy, and Supreme People's Court.	Funding secured ☑ Saving Species project, USAID/ Ministry of Agriculture and Rural Development			
5.2	The international reporting and information systems include the Elephant Species Information System (ETIS), the rhino horn specimen storage report, the annual national report	- B: Require national reporting of information on trade and transportation of ivory and rhino horn in Resolution No. 10.10 (Rev. CoP17), Resolution No. 9.14 (Rev. Resolution No. 11.17 (Rev CoP17) of CITES; - I: Information and reports are updated by Viet Nam CITES Management Authority from the relevant agencies and sent to the CITES Secretariat periodically.	Periodic	Viet Nam CITES Management Authority	Not applicable ✓			