

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



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November - 1 December 2017

Interpretation and implementation matters

General compliance and enforcement

Compliance matters

APPLICATION OF ARTICLE XIII IN THE
LAO PEOPLE'S DEMOCRATIC REPUBLIC

1. This document has been prepared by the Secretariat.

Introduction

2. Pursuant to Article XIII of the Convention, the Standing Committee, at its 67th meeting (SC67, Johannesburg, September 2016), adopted a series of recommendations addressed to the Lao People's Democratic Republic (Lao PDR) with respect to: national legislation; CITES Scientific Authorities, population surveys and non-detriment findings; compliance and law enforcement; information systems; monitoring of wildlife farms and related trade; and public awareness and outreach campaigns¹.
3. The Standing Committee also recommended that Parties suspend commercial trade in *Dalbergia cochinchinensis* from Lao PDR (except finished products, including carvings and furniture)².
4. The Standing Committee further encouraged Lao PDR to report to the Secretariat by 1 July 2017 on progress on the implementation of recommendations adopted at SC67, in order for the Secretariat to convey this report and its observations at the 69th meeting of the Standing Committee (SC69, Geneva, November 2017).

Lao PDR's progress on implementation of the SC67 recommendations

5. From 6 to 12 July 2017, the CITES Secretariat conducted an official visit to Lao PDR at the invitation of the Government to assess progress made in the implementation of the SC67 recommendations.
6. During the first day of the Secretariat's visit, the Government of Lao PDR reported to the CITES Secretariat on progress with the implementation of the seven recommendations, during a meeting chaired by the Department of Forest Inspection (DOFI) and attended by representatives from 13 organizations, including the ministries of Agriculture and Forestry (MAF), Industry and Commerce, Finance, and Foreign Affairs, by border police, customs, prosecutors, judges, the Interpol National Central Bureau and international consultants. A summary of the progress reported against each of the seven recommendations, is provided in paragraphs 7 to 31 below.

Progress made regarding management of exports of Dalbergia cochinchinensis

7. DOFI reported significant progress following the enactment on 13 May 2016 of the Prime Minister Order No 15/PM on *Enhancing Strictness on the Management and Inspection of Timber Exploitation, Timber*

¹ These recommendations are contained in document SC67 SR, pages 4, 5 and 6, which is available online at: <https://cites.org/sites/default/files/eng/com/sc/67/E-SC67-SR.pdf>.

² See Notification to the Parties No. 2017/012 published on 1 February 2017 (<https://cites.org/sites/default/files/notif/E-Notif-2017-012.pdf>)

Movement and Timber Business. According to the Lao authorities, this Order has had a significant impact on logging of *Dalbergia cochinchinensis* and other species: legal trade has been suspended and it is estimated by the Government that illegal trade has been reduced by 85% based on the 2010-2016 Viet Nam customs statistics for the imports of logs and sawnwood into Viet Nam from Lao PDR, analysed by Forest Trends³.

8. PM Order No. 15/PM suspended the exports of logs, big size saw timber, sawn timber, spalted wood, roots, stumps, knots, branches and standing or decorative trees that are harvested from natural forests under any circumstances, including timber authorized by the Government that have not yet being cut, processed or traded. Logs must be processed to create value-added based on the standard set by the Ministry of Industry and Commerce prior to granting approvals for exports.
9. The PM Order also requested the ministries, relevant sectors and local authorities at all levels to strengthen their efforts in implementing this ban. The Ministry of Agriculture and Forestry was assigned to take a leading role, in collaboration with the Ministry of National Defence and other related sectors, to conduct patrolling along borders presenting illegal logging risks. They were also requested to control timber harvest areas, timber transportation roads, log landings, sawmills, wood processing factories, log warehouses, factories using timber as a main source of energy and other relevant locations. The Ministry of Natural Resources and Environment was assigned to take the lead in collaboration with other ministries in strengthening the surveillance and security of protected and conservation forests.
10. The Secretariat met with other interlocutors, including local and international non-governmental organizations, which confirmed a substantial reduction in the illegal logging of and associated trade in *Dalbergia* species in the last year. It was also explained that the reasons for that success probably resides in the fact that the PM order is simple, clear, easy to understand, and comes from the highest political level. Political will and clarity are two essential elements of the success of combatting illegal logging and illicit trafficking in timber of CITES-listed trees in Lao PDR.
11. The Conference of the Parties decided at its 17th meeting (CoP17, Johannesburg, 2016) to change the annotation covering the listing of *Dalbergia cochinchinensis* from #5 to #4. This amendment entered into effect on 2 January 2017. As a result, all trade in semi-finished and finished products from this species are covered by annotation #4 and shall be authorized in accordance with the provisions of Article IV of the Convention. These provisions require, among other things, the making of a non-detriment finding by a scientific authority prior to the issuance of a CITES export permit. This amendment to the listing on the species may have an impact on the scope of the trade suspension recommended by the Standing Committee mentioned in paragraph 2 above.
12. The Secretariat commends the Lao authorities for the important steps towards the effective implementation of the enforcement aspects of this recommendation. It shows that progress is possible when there is political will and clarity on the objectives of the action to be conducted at all levels.
13. Regarding the scientific aspects of the management of exports of *Dalbergia cochinchinensis*, the Secretariat has not received any information on the making of scientifically based non-detriment findings for trade in the species, nor of the development of a National Management Plan for the species. Lao PDR is encouraged to approach the CITES tree species programme which was designed to support Parties that export valuable parts and derivatives of CITES-listed tree species. For more details on this programme, Lao PDR authorities are invited to consult Notification to the Parties No. 2017/059 of 22 August 2017.

Progress made regarding national legislation

14. DOFI reported that the Government of Lao PDR is strongly committed to becoming a rule of law State by 2020 and continues to strengthen its regulatory framework for enforcing wildlife laws and policies. The Lao authorities are preparing 'A Wildlife Legality Compendium' based on the Wildlife and Aquatic Law No. 07/NA 2007 with the support of the Food and Agriculture Organization of the United Nations (FAO) through its Cooperative Programme with the World Bank, together with the German Cooperation Programme and the Finnish Technical Cooperation (SUFORD-SU). This activity, divided in two phases, has commenced and should be completed during 2017 with recommendations to remove legal uncertainties and loopholes and amend relevant laws.

³ Laos Log and Sawnwood Export Ban: Impacts on the Vietnam–Lao Timber Trade, by Phuc Xuan To and Kerstin Canby, Forest Trends. March 2017. Available at: http://www.forest-trends.org/documents/files/doc_5515.pdf

15. In the context of national legislation, it should be further noted that, on 4 June 2017, the Prime Minister's Office issued instruction PMO 528 prohibiting the sale and export of 16 elephants to Dubai, United Arab Emirates (UAE), and instructing the Ministry of Foreign Affairs to communicate the decision to the relevant authorities in UAE. According to the Lao authorities, this instruction demonstrates the commitment of the government to adhere to CITES provisions. The Secretariat reminded the authorities that the Lao applicable legislation is still placed in Category 3 under the CITES National Legislation Project and that it expects that this commitment together with the outcomes of the '*Wildlife Legality Compendium*' will help to adopt new legislation qualifying for Category 1.
16. Regarding the criminal legal framework in relation to illegal trade in wildlife, DOFI informed the Secretariat that the Lao National Assembly approved the revision of the penal code that will soon be ratified. The new penal code increases fines and imprisonment for stealing, possessing, importing, exporting or trading in protected wildlife (CITES-listed species). The most relevant changes of the penal code are:
 - a) possession of prohibited wildlife is criminalized (maximum five years imprisonment);
 - b) aggravating circumstances (organized group, recidivism, substantial damage);
 - c) for the most serious forms of crime, maximum penalties went from five to 10 years;
 - d) for monetary fines, the maximum penalties triple the value of the damage; and
 - e) CITES is now explicitly mentioned in the Law, therefore lack of compliance with it clearly carries criminal liability.
17. Regarding the legal guidelines for wildlife farming, DOFI reported that it has produced draft guidelines for the management of wildlife farms which are currently being reviewed.

Progress made regarding CITES Scientific Authorities, population surveys and non-detriment findings

18. The Lao authorities reported that there has been no progress on population surveys, the making of non-detriment findings or the formulation of management plans for species listed in CITES Appendix II.
19. The CITES Scientific Authority of Lao PDR is hosted in the Institute of Ecology and Biological Resources (IEBR) at the Ministry of Sciences and Technology. It appears that the person who was in charge for many years has not yet been replaced. Nobody from the IEBR attended the meeting. The Scientific Authority continues to appear as the weakest institutional link and did not seem to take a very active part in the day-to-day implementation of CITES.
20. The Secretariat's previous report to the Standing Committee highlighted that the establishment of a robust Scientific Authority and the allocation of resources to support its work was the most critical and urgent need. However, no progress was reported on this recommendation. The National University of Laos has a Faculty of Natural Sciences that may have conducted research on relevant topics, as well as several international non-governmental organizations (NGOs), doctoral students and private companies, but information is not compiled nor utilized for planning the sustainable use of, and trade in species listed in CITES Appendix II.

Progress made regarding compliance and law enforcement

21. The Lao authorities reported orally on progress with the implementation of the Lao PDR National Ivory Action Plan (NIAP), particularly concerning the closure of domestic ivory markets.
22. Available information suggests that ivory, rhino horn, tiger and other wildlife specimens are illegally traded in markets in Vientiane, Luang Prabang and the Golden Triangle Special Economic Zone. DOFI, as the leading agency to address wildlife crime, is finalizing a crime response plan to address this problem. According to the Lao authorities, the plan will integrate information collected from different sources, including from DOFI Information Management System, the World Wide Fund for Nature (WWF), World Conservation Society (WCS), the Wildlife Justice Commission case file and from other entities. This information, together with Lao PDR's NIAP, the promulgation of the new penal code, the training on ivory identification and investigation techniques, are expected to help Lao PDR make significant progress in tackling illegal trade in ivory, rhino horn, tiger and other wildlife products. International support and high-level political will are two key factors required to make that decisive step.

23. The Secretariat was informed that DOFI is working with the Office of the Public Prosecutor and Lao-Wildlife Law Enforcement Network (WEN) members to improve prosecution outcomes associated with wildlife crime. Under the chairmanship of the Director General of DOFI, the terms of reference and operating procedures of Lao-WEN have been reviewed. A total of 878 staff participated in 26 law enforcement training and capacity building related activities. DOFI, as the law enforcement agency for CITES, has involved the Chief Public Prosecutor to better understand the Government's responsibilities under international agreements, including CITES.
24. The Environment Police (DCNEC) and customs have two projects approved under the Environment Protection Fund⁴ to increase CITES and wildlife enforcement capacity within and across the Lao-WEN framework. These projects are building upon and expanding the work under the Lao Environment and Social (LEnS2) DOFI project.
25. DOFI has concluded Memoranda of Understanding (MoUs) with its Lao-WEN counterparts in Viet Nam, Thailand and with the Management Authority of the People's Republic of China. The purpose of the MoUs is to strengthen law enforcement activities to tackle illegal trade in CITES-listed species. Annual bilateral meetings are held with the People's Republic of China and Myanmar aimed at strengthening cooperation activities. An MoU between Lao PDR and South Africa was also signed to strengthen cooperation on wildlife related matters.
26. DOFI and Lao WEN officers have been trained in ivory identification and evidence management. It was reported to the Secretariat that several traders at the San Jiang market have been issued with a notice advising them that the sale of ivory products is prohibited and that they will face enforcement action if they continue.

Progress made regarding information systems

27. The Lao authorities reported to the Secretariat that a central management information system (MIS) was created at DOFI. A national smartphone-based application for the reporting of illegal forest and wildlife activities, named SPIRIT (Smart Phone Information Reporting and Intelligence Tracking) was also launched. This intuitive and user-friendly application uses an open sourced code, while providing a secure platform for the storage and analysis of information. DOFI staff developed and managed SPIRIT with funding and technical support provided by the World Bank and the Finnish Government under the SUFORD-SU project.
28. SPIRIT is applied to monitor progress and performance of law enforcement efforts, as this software is expected to allow the central management information system (MIS) at DOFI to efficiently transfer, integrate and manage data.
29. The authorities are also implementing a risk-based approach building upon a matrix referred to as the Strategic and Tactical Enforcement Patrol Programme, or STEPP. This matrix appears to provide a valuable operational law enforcement tool as it introduces the concepts of threat and risk assessment, two primary elements in strategic and tactical planning.

Progress made regarding monitoring of wildlife farms and related trade

30. As mentioned in paragraph 17 above, DOFI reported that it has produced draft guidelines for the management of wildlife farms which are currently being reviewed. Lao authorities reported no progress regarding specific monitoring of wildlife farms. The Secretariat visited several facilities and its findings are reported further below.

Progress made regarding awareness and outreach campaigns

31. The Government of Lao PDR reported that by Lao WEN and NGOs developed concepts and designs for an awareness campaign to be launched before the end the year and displayed at major land borders and airports. The Secretariat suggested that the campaign focus also on markets and special economic zones where illegal trade in ivory is allegedly occurring.

⁴ The Environmental Protection Fund (EPF) was established in 2005 as a financially autonomous organization to strengthen environmental protection, sustainable natural resources management, biodiversity conservation and community development in Lao PDR. Website: <http://www.laoepf.org.la>

Field visits during Secretariat's mission to Lao PDR

32. From 8 to 11 July 2017, the CITES Secretariat conducted field visits to three of the 18 provinces of Lao PDR, namely Luang Prabang, Bolikhamxay and Khammouane and also visited the San Jiang market in Vientiane. These visits were made possible thanks to the generous technical and logistical support of the Government of Lao PDR. The Secretariat was joined by two international consultants working for DOFI and the Wildlife Conservation Society (WCS) that provided invaluable assistance and thoughtful insights during the visits.
33. During the visits to each of the provinces, the Secretariat was received first by the Provincial Office of Forest Inspection (PoFI) which explained the work at the provincial level, including training, operations and establishment of Provincial Wildlife Enforcement Networks (P-WEN). DOFI, as the central authority, liaises with the PoFIs in both wildlife inspections as well as support and supervision of activities, including the updating of the STEPP matrix mentioned above. The institutional arrangements for the implementation of CITES at the central and provincial levels appears to be one of the most critical factors to ensure sound management of wildlife trade and the effectiveness of law enforcement interventions.
34. The Secretariat visited two bear rescue centres; a farm that hosted two tiger cubs, which appeared to be in poor health, a pangolin and several bears; a coffee shop that offered ivory for sale; the night market of Luang Prabang; two tiger farms, Soukvannaseng in Bolikhamxay province and Vinasakhone in Khammouane province; a farm exclusively dedicated to the breeding of long-tailed macaques (*Macaca fascicularis* – Appendix II); the San Jiang market in Vientiane; the Mekong Hotel in Vientiane; and the Agroforex headquarters and an agarwood plantation. A more detailed report of these visits may be found in an information document.

Key findings

Bear rescue centres (Article VIII, paragraphs 4 and 5 of the Convention)

35. The Secretariat visited two bear rescue centres operated by the non-governmental organization Free the Bears, which are located 30km south of the city of Luang Prabang. Involving local communities and creating an economic stimulus in the region via agro-development projects and eco-tourism, the two rescue centres offered a solution at zero cost for the Government of Lao PDR to close irregular bear farms and confiscate the specimens found in these farms. This positive and constructive cooperation between the Government, an international NGO and the local communities provides a good example of how practical and implementable solutions could be envisaged to support the seizure and placement of live animals illegally held in captivity in the country.

Ivory markets

36. The Secretariat visited the night market of Luang Prabang and the San Jiang market of Vientiane. In Luang Prabang, specimens of elephant ivory were openly offered for sale, including arm bangles, bracelets, rings, necklaces, figurines and other pieces. A few ivory stores were closed during the visit of the Secretariat, and others had covered their ads offering ivory for sale. The Secretariat was informed that the week after its visit, all stores reopened and the advertisements were visible again. The Government recognized the problem, and explained its plans to deal with this issue in an integrated manner, during the mission. They considered that closing all the markets before understanding critical questions might be premature, and activities to address the issue were reported to be ongoing.
37. According to information received by the Secretariat from different sources, there are between 10 and 21 ivory shops operating in the San Jiang Market. Anecdotal evidence provided by reliable sources indicates that citizens from neighbouring countries visit the market to buy souvenirs, jewellery, figurines, carvings and raw ivory in some hotels. Information available in open sources indicates that elephant ivory that was stockpiled in Burundi is allegedly leaving Africa via Uganda with Lao PDR as destination. Powerful businessmen controlling legal and illegal wildlife trade in Africa and mainland Southeast Asia are mentioned in cases judged by trial courts in Uganda. Ivory trafficking networks may have delocalized the carving and production of ivory pieces from China to Lao PDR and African countries [see also the documents on *Elephants (Elephantidae spp.)* at the present meeting].

Tiger farms

38. The Secretariat visited two tiger farms, Soukvannaseng in Bolikhamxay province and Vinasakhone in the Khammouane province. The representative of the first farm explained that 235 tigers were kept in captivity.

During the first visit by the Secretariat in 2016, 102 tigers were declared to be present. No explanation was provided about this significant increase. The manager of the second farm informed that 97 tigers were kept in captivity at the facility (one died the day before the visit). No information was provided on how the carcasses are disposed of. The number of tigers declared held by Vinasahkone tiger farm in 2017 is considerably less than reported in 2016, when approximately 400 tigers were declared. No explanation was provided about this significant decrease. Information made available to the Secretariat suggests that the missing tigers were allegedly moved to other facilities located in Lao PDR, Viet Nam and China.

39. When discussing long-term, sustainable and implementable measures, the representatives from the two farms expressed interest in transforming their farms into tourism facilities following the Thai business model.⁵ They also wanted to know why they were not allowed to register their farms with the CITES Secretariat, nor exchange tigers with other farms to diversify the genetic base, and why they could not obtain permits to trade their captive-bred specimens.
40. The Secretariat suggested the creation of a national Committee to discuss the issue of the tiger farms in Lao PDR, with the participation of the Cat Specialist Group of the Species Survival Commission of the International Union for Conservation of Nature (IUCN/SSC), the World Association of Zoos and Aquariums (WAZA), the Lao authorities, the private sector and other relevant stakeholders. The suggestion was welcomed. The terms of reference of the Committee should be decided by the Government, but one of the first tasks would be to conduct an inventory of the tigers kept in captivity in the farms, combined with a marking scheme and genetic analysis of the animals to establish their origin. The Secretariat also highlighted Resolution Conf. 12.5 (Rev. CoP17) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* drawing attention to paragraph 1 g) which states that: *those Parties and non-Parties on whose territories tigers and other Asian big cat species are bred in captivity should ensure that adequate management practices and controls are in place to prevent parts and derivatives from entering illegal trade from or through such facilities.*

Agarwood

41. The Secretariat was able to visit the headquarters of Agroforex, where products containing agarwood (*Aquilaria* and *Gyrinops* spp.) are selected and prepared for export, and one of the plantations. During the visit, the Secretariat witnessed the benefits of this trade for the livelihoods of local people, the national economy of the country and the cosmetic industry, which appears to be conducted in a sustainable, legal and traceable manner.
42. Several questions arose during the visit, including the need to differentiate between two species used: *Aquilaria malaccensis* (syn. *agallocha*) and *Aquilaria crassna* in order to provide clear guidance to the operators. To date, it is possible to declare any of the two at the convenience of the exporter.

Trade of live Asian elephants from Lao PDR to China

43. During the mission, information was made available to the Secretariat suggesting the possible leasing of domesticated Asian elephants to China without CITES documentation. Leasing (trade in) of Asian elephants for non-commercial purposes is authorized by Articles 40 and 41 of the Wildlife and Aquatic Law 2007, and Article III of the CITES Convention.
44. Unless approved by the Ministry of Agriculture (MAF) and the CITES Management Authority, pursuant to the relevant provisions of the Wildlife and Aquatic Law and CITES, the trade in live elephants is illegal. It is understood that the international movement of some elephants currently under lease in countries such as China occurred in contravention of the national legislation of Lao PDR and CITES provisions.

Secretariat's assessment of the progress made

45. The Government of Lao PDR has taken important steps towards the effective implementation of the recommendations made by the Standing Committee. The Secretariat commends the Government of Lao PDR for the efforts deployed and the level of commitment of the DOFI authorities. As a result, the Government has managed to accomplish significant achievements such as the reduction of the level of illegal timber trade; the revision of the penal code; the development of information systems such as the SPIRIT software and the STEPP matrix for threat and risk assessment; the provision of institutional support

⁵ Visitors are charged a fee to have close encounters with tigers, with additional fees to feed the tigers. Thousands of people flock to it every year to have their pictures taken with the animals.

to build bear rescue centres to host seized animals; and the conclusion of MoUs with neighbouring countries and South Africa.

46. Many challenges remain regarding the institutional arrangements to implement the Convention, e.g. the appointment of new Management and Scientific Authorities; the development of the scientific basis and capacity for the making of non-detriment findings; the adoption of national legislation to implement CITES; the effective implementation of the myriad of plans and strategies adopted, such as the crime response plan mentioned in paragraph 22 of the present document; and the effective enforcement of the laws of the State for the protection of fauna and flora. The most critical and urgent need appears to be the establishment of a robust Scientific Authority and the allocation of resources to support its work. There is an urgent need to build the capacity to make non-detriment findings, including pragmatic advice concerning the establishment of quotas, monitoring practices, adaptive management, the conduct of population surveys, the identification of specimens and species in trade, the monitoring of wildlife farms, plantations and nurseries, etc. These are important pending issues that should be addressed to make further progress on the whole range of compliance issues identified by the Standing Committee.
47. The Secretariat has identified the following factors that may enable or hinder the implementation of the Standing Committee's recommendations:
 - a) Focus on strengths, national capacity and international aid: There is a considerable amount of national capacity and strengths in Lao PDR, including senior and junior dedicated staff coached by resident international consultants. Eight externally funded programmes or projects are enabling DOFI and POFI's forest and wildlife enforcement capacity in Lao PDR. Many of these efforts are coordinated, but some are happening in isolation and need to be better articulated and integrated. In addition, the Secretariat has recently signed a Cooperative Agreement with the Government of the United States America to strengthen CITES compliance and law enforcement in South Asian Parties, including Lao PDR. This agreement provides a financial contribution that will allow the Secretariat to provide more targeted assistance to Lao PDR. This contribution is very timely and greatly appreciated.
 - b) Weak institutional arrangements: The Secretariat did not have an opportunity during its visit to meet with the Acting Director General of the Department of Forest Resource Management at the Ministry of Agriculture and Forestry, who appears in the CITES directory as the designate Management Authority. At the time of the visit, it was unclear whether this Direction will continue to act as the CITES Management Authority or will be replaced. All the reporting burden and organization of the Secretariat's visit was carried by DOFI as the CITES enforcement authority. The Secretariat found again that staff responsible for CITES implementation in Lao PDR appear to be continuously rotating. These changes result in institutional instability, legal uncertainty and weak governance. The Secretariat observed that Directors responsible for signing and issuing CITES documents are appointed for short periods, and then moved to other divisions or Ministries.
 - c) Wildlife as an environmental issue does not have much political traction in Lao PDR: Given the long list of priorities that the Government needs to deal with, wildlife appears to be a low priority. There is no return on investment for the Government. For this reason, any solution recommended should be at zero or very low cost for the Government, and accompanied by a pack of practical, easy-to-implement supporting measures. The approach used by the organization Free the Bears appears to be a good model that makes a difference on the ground. In order to get some political traction, the issue should be presented as a development and security matter and all intergovernmental organizations, NGOs, private sector and communities willing to support the Government should pull in the same direction.
 - d) Policy dialogues and inclusive solutions: The Secretariat noted that Lao PDR was not ready to make progress on the phasing out of tiger farms announced at CoP17. Compared with the situation of the bears, there is no readily available solution at zero cost for the Government, accompanied by a pack of realistic supporting measures. As a result, there appears to be a domestic pushback and a call for a policy dialogue on the best way forward. The Secretariat explored with key stakeholders the possibility of establishing a Committee on tiger farms to analyse all the options, including eco-tourism, compensation, etc. If agreed, the first task of the Committee should inventory all animals in captivity. Such a Committee will require resources, political will and the engagement of the main stakeholders at the national, regional and international levels. A successful dialogue may transform Lao PDR in a model on this matter for other countries.
 - e) Everyone can buy everything and cross the border: Informal cross-border trade between China, Thailand, Lao PDR and Viet Nam escapes from the regulatory frameworks, goes unrecorded and happens daily. Lao PDR is bordered by Myanmar (235km) and China (423km) to the northwest,

Viet Nam (2,130km) to the east, Cambodia (541km) to the south and Thailand (1,754km) to the west. With more than 5,000km of shared borders, Lao PDR has a strategic position in the movement of goods and people within the region. The Mekong river is an essential means of transportation, and plays an increasingly important role in international trade.

- f) Wildlife consumers and investors are not Lao: Citizens from neighbouring countries visit Lao PDR to buy wildlife products such as ivory jewellery, figurines and carvings, tiger wine, pangolin scales, crocodile skins, rosewood carvings, seahorses and rhino horns. The investors behind major illegal transactions involving wildlife appear to be powerful businessmen from other neighbouring countries. Any long-term solution to the problem should involve the Governments of Lao PDR and its neighbours. Progress has already been made by signing bilateral MoUs with some of them. Progressing the effective implementation of these MoUs will however be vital in addressing these matters.
- g) The small fry but not the big fish: In its previous report to the Standing Committee (document [SC67 Doc. 12.1](#)), the Secretariat reported that the Government's efforts to curb wildlife crime focused on strengthening the enforcement capacity of the country. There is an important amount of financial and technical resources going into enforcement-related activities. However, despite a reported increase in the number of incidents and investigations, these cases did not result in arrests, prosecutions and convictions. With the fresh capacity built in the past months and the new laws in place, it is expected that this will change and wildlife offenders will be arrested, prosecuted and convicted. Efforts should be made to understand the transnational organized syndicates operating in the country and to avoid that only small perpetrators are targeted by focusing exclusively on closing stores and seizing ivory.

48. The Secretariat expresses its deepest appreciation to the Government of Lao PDR, and in particular to the Division of Forestry Inspections of the Ministry of Agriculture and Forestry, for the indispensable support provided in planning and coordinating the visit, and the openness and generous hospitality offered to the Secretariat during its mission.

49. The Secretariat also thanks all the interlocutors, including provincial authorities, representatives of the private sector and local and international non-government organizations. For the preparation of its mission, the Secretariat interacted with representatives of the "Wildlife Working Group 15.7", an informal group of development partners involving a mixed group of 28 embassies and international organizations which share information on wildlife and timber trafficking. The United Nations Development Programme (UNDP) office in Vientiane, the European Union, the United States of America (as Co-chairs of the Wildlife Working Group 15.7) and the United Kingdom of Great Britain and Northern Ireland provided important technical support before and during the mission.

Recommendations

50. In light of the above, the Secretariat recommends that the Standing Committee update its recommendations adopted at SC67 as follows:

1. *Regarding management of exports of Dalbergia cochinchinensis*

Parties maintain the suspension of commercial trade in specimens of the species *Dalbergia cochinchinensis*, including finished products such as carvings and furniture from Lao PDR, until that Party makes scientifically based non-detriment findings for trade in the species to the satisfaction of the Secretariat;

2. *Regarding national legislation:*

Lao PDR:

- a) adopt adequate legislative measures to implement the Convention that meet the minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*;
- b) implement its new criminal legal framework in relation to illegal trade in wildlife, notably the relevant provisions of the amended Penal Code;
- c) develop and enact legislative guidelines for wildlife farming; and

- d) formalize an agreement on mutual assistance between CITES management authorities and customs to strengthen cooperation and ensure the expeditious exchange of information.

3. *Regarding CITES Authorities*

Lao PDR

- a) clarify who are the designated CITES Management and Scientific Authorities;
- b) clearly identify staff within the designated Management and Scientific Authorities who have specific responsibility for granting permits or certificates of behalf of Lao PDR and implementing the Convention, and provide these staff with the training and resources to communicate with the Secretariat or the Management Authority of any other Party and undertake their CITES responsibilities in an efficient manner;
- c) formally communicate to the Secretariat any changes in the designations or authorizations under the provisions of Article IX of the Convention; and
- d) provide copies of all permits and certificates issued to authorize trade in CITES-listed species in 2016 and 2017 and continue to provide copies until further notice.

4. *Regarding compliance and law enforcement*

Lao PDR

- a) focus on the effective implementation of existing relevant plans, in particular its National Ivory Action Plan (NIAP), and report on progress in implementation according to the fixed deadlines;
- b) take urgent steps to progress the implementation of its crime response plan to tackle illegal trade in wildlife, combining information collected from different sources, including from the DOFI Information Management System, World Wide Fund for Nature (WWF), Wildlife Conservation Society (WCS), the Wildlife Justice Commission case file and from other entities, together with Lao PDR's NIAP, the relevant provisions of the new penal code, the training received on ivory identification and other investigation techniques;
- c) investigate and prosecute mid-high profile cases involving organized or transboundary activities;
- d) adopt result-oriented law enforcement qualitative approaches, using the enforcement indicators of the International Consortium on Combating Wildlife Crime (ICWC) ;
- e) work with the law enforcement agencies from China, Malaysia, Singapore, Thailand and Viet Nam, in the context of ASEAN-WEN and other relevant networks to facilitate the exchange of information and best practices with the objective of improving the mechanisms for justice and police cooperation on the issues of trade and transiting of illegal wildlife and illegal wildlife 'tourism'; and
- f) provide to the Secretariat the results of any investigations conducted by competent national authorities to determine the origin of specimens in illegal trade, the identities of individuals involved in smuggling, and the results of any legal proceedings against alleged perpetrators.

5. *Regarding monitoring of wildlife farms and related trade*

Lao PDR

- a) create a Committee on Tiger Farms composed of government officials, relevant national organizations, members of the Cat Specialist Group of the Species Survival Commission of the International Union for Conservation of Nature (IUCN/SSC), the World Association of Zoos and Aquaria (WAZA), the CITES Secretariat and other international organizations; and
- b) conduct an inventory of the tigers kept in captivity in the farms, combined with a marking scheme and genetic analysis of the animals to establish their origin.

6. *Public awareness and outreach campaigns*

Lao PDR take urgent steps towards the implementation of the outreach campaigns in Lao and Mandarin languages to raise awareness among nationals, traders, visitors and consumers from neighbouring countries about the laws and regulations of the State for the protection of fauna and flora. Campaigns should focus on international airports, main ports, markets and special free economic zones.

51. The Standing Committee may wish to recommend that Lao PDR submit information required under Recommendation 1 at any time and report on progress to the Secretariat on the implementation of recommendations 2 through 6 by 1 July 2018, in order for the Secretariat to convey this report and its comments at the 70th meeting of the Standing Committee.