

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



Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

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 and Resolution Conf. 14.3 on *CITES Compliance and enforcement*, the Standing Committee at its 69th meeting (SC69, Geneva, November, 2017) updated the specific recommendations addressed to the Lao People's Democratic Republic (Lao PDR) with regard to the following compliance matters that had been identified by the Secretariat but remained unresolved by Lao PDR:
 1. *Regarding management of exports of Dalbergia cochinchinensis*
 2. *Regarding national legislation*
 3. *Regarding CITES Authorities*
 4. *Regarding compliance and law enforcement*
 5. *Regarding monitoring of wildlife farms and related trade*
 6. *Public awareness and outreach campaigns*
3. The Standing Committee also recommended that Lao PDR submit an adequate implementation plan with timelines and indicators for complete implementation of recommendations 2-6 by 31 December 2017 and provide a report to the Secretariat on implementation of recommendations 2-6 by 30 June 2018. Finally, the Standing Committee decided that the Secretariat should publish a Notification to the Parties recommending a suspension of trade with Lao PDR if it determined that the adequate implementation plan with timelines and indicators had not been provided by 31 December 2017 or if implementation of recommendations 2-6 had not been substantially achieved by 30 June 2018.

Implementation of recommendations adopted at SC69

4. By the end of December 2017, Lao PDR submitted to the Secretariat a comprehensive compliance action plan covering the period January – June 2018 and corresponding to recommendations 2-6 adopted by the Standing Committee. The Secretariat also received within the deadline a report (including 32 annexes) on the implementation of the compliance action plan with a detailed explanation of the actions undertaken and progress made in the implementation of recommendations 2-6. The following is based on Lao PDR's report, includes the Secretariat's assessment and comments, as well as the recommendations of the Secretariat to the Standing Committee.

Regarding management of exports of Dalbergia cochinchinensis

5. At SC69, the Standing Committee recommended that

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.

6. As recommended by the Standing Committee, the non-detriment finding (NDF) for *Dalbergia cochinchinensis* was not part of the action plan and the reporting obligation described in paragraph 3 above. In response to a question by the Secretariat, the CITES Management Authority (MA) of Lao PDR confirmed in a letter to the CITES Secretariat dated 31 July 2018 that the NDF for *Dalbergia cochinchinensis* was being prepared in collaboration with the CITES Scientific Authority (SA) and the National University of Laos (NUOL). The MA further clarified that information had been collected in three specific seed source and conservation sites in two different provinces and that data collection from these sites and from other conservation sites in national protection areas would continue. Data and information on the species in plantation sites would also be collected.

7. The Secretariat recalls that under the Review of Significant Trade undertaken by the Plants Committee at its 24th meeting (PC24, Geneva, July 2018), the Plants Committee made the following recommendations and observations with regard to *Dalbergia cochinchinensis* from the Lao People's Democratic Republic [see PC24 Com. 4 (Rev. by Sec.)]. The Plants Committee recommended to:

- *Invite the Secretariat to work with the Lao People's Democratic Republic and potential donors to facilitate capacity building and workshops on making NDFs for forest species;*
- *Invite interested Parties to work with the Lao People's Democratic Republic to facilitate capacity building and workshops on making NDFs for forest species;*
- *Request the Secretariat, when communicating with the Lao People's Democratic Republic, to suggest existing examples of NDF guidance and reference material that they may find useful; and*
- *Note that Lao People's Democratic Republic is completing a suite of comprehensive actions under Article XIII compliance process in the Standing Committee.*

8. Information regarding the compliance assistance provided by the Secretariat to Lao PDR *inter alia* on the implementation of Article IV of the Convention and the making of NDF is included below in paragraphs 52 to 54.

Regarding national legislation

9. At SC69, the Standing Committee recommended that

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.*

10. With regard to recommendation a) above, Lao PDR explained that a comprehensive Wildlife Legality Compendium had been completed to serve as the legal reference on wildlife-related laws and policy documents in Lao PDR. The Compendium was provided to the Secretariat as well as the recommendations on amendments required for the national legislation to meet the minimum requirements set out in Resolution Conf. 8.4 (Rev. CoP15).

11. Lao PDR also submitted a Report on Lao PDR's International Obligations Related to Wildlife Conservation and Trade, containing more detailed recommendations for developing specific provisions for CITES implementing legislation for Lao PDR. The Department of Forestry organised a workshop on 19-20 June 2018 to discuss recommendations of the report and the drafting of a Decree on international trade in CITES-listed specimens to comply with the obligation of having adequate CITES implementing legislation. The draft Decree would aim to set out the different institutional mandates and roles as well as the regulation of trade required for CITES implementation. A further workshop would be held in September 2018 to discuss the draft decree.
12. With regard to the new criminal framework [recommendation b)], Lao PDR reported that the process of the revision of the penal code had been completed. It included the following changes: a) criminalisation of possession and trade of prohibited wildlife with a maximum imprisonment penalty of five years; b) introduction of aggravating circumstances (such as commission in an organised group) that would increase the penalty of imprisonment and fine for relevant criminal offences; c) maximum of 10 years of imprisonment for illegal import, export, transit, and transport committed with aggravating circumstances; d) for monetary fines for relevant criminal offences, penalties would be doubled or tripled when committed with aggravating circumstances; and e) CITES was mentioned explicitly in the proposed revisions for relevant criminal offences, thus providing criminal liability for these activities related to CITES. The Penal Code had been adopted by the National Assembly and submitted to the President's Office for signing and promulgation.
13. Lao PDR also reported that it had issued a new Prime Minister's (PM) Order No. 05/2018 in May 2018 *On Strengthening Strictness of the Management and Inspection of Prohibited Wild Fauna and Flora*. Lao PDR explained that the Order addressed illegal trade in prohibited wildlife in Lao PDR by ordering strict compliance in the inspection and management of prohibited wildlife in line with the laws and regulations of Lao PDR and in compliance with CITES. The Order was expected to be strictly enforced and implemented by all Ministries, related sectors and local authorities, with the following expected outcomes: a) strict enforcement to tackle the illegal hunting, import, transit, export, and trade of prohibited and protected species under Lao laws and Appendix I and Appendix II species under CITES; b) strict enforcement to combat farming of prohibited list and Appendix I species for commercial purposes, leading to strict audit and inspection of facilities with CITES Appendix I and II species; and c) strict compliance by the Ministry of Agriculture and Forestry (MAF) in cooperation with other relevant Ministries and sectors in the enforcement against prohibited wildlife trade activities, and investigation of wildlife crime cases in accordance with the Criminal Law and Wildlife and Aquatic Law.
14. Lao PDR further reported that efforts had been undertaken to disseminate the PM Order No. 5/2018 via local and international media, including through social media. It had also been officially disseminated to all Provincial Government offices in the 18 provinces, and to the District and Village authorities. From 20 to 22 June 2018, the PM Order No. 5 had been disseminated to central government agencies and provincial and local authorities participating in a Lao-Wildlife Enforcement Network (Lao-WEN) meeting held in Khammouane Province. Lao PDR expected that the PM Order No. 5 would have been disseminated and implemented in all provinces within three months of its issuance, or by September 2018.
15. Concerning regulation of wildlife farming [recommendation c)], the draft guidelines for the systematic management of wildlife farming had been drafted and were provided to the Secretariat (in Laotian). The draft guidelines have been referred to the Ministry of Agriculture and Forestry for review and approval and are currently under consultation with government and non-government stakeholders for further input. Lao PDR indicated that it expected the guidelines to be approved by September 2018.
16. With regard to recommendation d), Lao PDR reported that a number of legal instruments were relevant to ensure mutual assistance between CITES MA and customs to strengthen cooperation and ensure exchange of information. Most importantly, a Memorandum of Understanding had been signed on 26 June 2018 between the CITES Management Authority (Department of Forestry - DoF) and the Department of Customs on information exchange in relation to CITES trade and the role of customs in cooperative enforcement for inspecting shipments and permits. The CITES MA and the Customs Department were to follow-up on implementation of the MoU. Lao PDR also confirmed that, under the MoU, customs would collect information related to imports and exports under CITES, as well as data on illegal trade and specimens seized.
17. The new PM Order 5/2018 provided for a general framework for Ministerial coordination in implementing the Order: a) MAF was to lead in the implementation, cooperation, and dissemination of the order and relevant wildlife laws with other Ministries, sectors and local authorities, b) the Ministry of National Defence and the Ministry of Public Security were to lead their line agencies in strictly inspecting import and export at international checkpoints and borders; and c) the Ministry of Finance was to lead customs officials.

18. The Secretariat notes that the promulgation and entry into force of the new penal code has been pending for some time. The delay of the entry into force is causing delays in other planned activities, notably the dissemination of the new law among judges and prosecutors and the delay could further be an obstacle to enhanced enforcement, including criminal investigations, prosecutions and sentencing with stricter penalties.
19. Having noted that, the Secretariat considers that significant efforts have been made in the past six months towards achieving the recommendations on national legislation. The Secretariat recalls that the PM Order No. 15/2016 on *Enhancing Strictness on the Management and Inspection of Timber Exploitation, Timber Movement and Timber Business* had a significant impact on illegal logging of *Dalbergia cochinchinensis* and other species, according to the Lao authorities and non-governmental organizations present in the country: legal trade in raw timber was suspended and it is generally estimated that illegal trade has been reduced by 80-85 per cent (see SC69 Doc. 29.2.1 for further references) since 2015. There are therefore high expectations that the new PM Order *On Strengthening Strictness of the Management and Inspection of Prohibited Wild Fauna and Flora* can have a similar impact with respect to illegal trade in wild animals and non-timber flora.

Regarding CITES Authorities

20. In its report to SC69 (SC69 Doc. 29.2.1), the Secretariat reported that it had again found “...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.” It seemed important to provide for stability in the designation and staffing of the CITES Authorities so that capacity building and training activities could have a sustained and long-term impact. At SC69, the Standing Committee therefore recommended that

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.*
21. In its report, Lao PDR explained that the recommendations with regard to the CITES authorities had been achieved as further detailed below, with the training of staff in CITES Authorities to be continued.
 - a) On 26 March 2018, the Prime Minister had approved and signed PM Decision No. 18/PM to appoint the CITES Steering Committee as the overall entity responsible for CITES implementation. The newly established CITES Steering Committee was comprised of nine government ministries: Ministry of Agriculture and Forestry, Ministry of Science and Technology, Ministry of Foreign Affairs, Ministry of Industry and Commerce, Ministry of Public Security, Ministry of National Defence, Ministry of Finance, Ministry of Natural Resources and Environment, and the Office of Supreme People’s Prosecutor with the mandate to lead and implement CITES. The Decision also tasked all government offices at the central and provincial levels to support the work of the CITES Steering Committee. The members of the CITES Steering Committee were appointed at the vice-minister level to ensure sufficient executive and decision-making power and high-level support for the implementation of CITES. The Decision finally stated that all government offices, ministries, prosecutors and provinces should support the work of the Committee.
 - b) The Director General of the Department of Forestry (DoF) within the Ministry of Agriculture and Forestry (MAF) had been designated as the CITES Management Authority; this was formally communicated to the CITES Secretariat by letter dated 21 November 2017. In addition, a technical focal point had been appointed through an official communication of the Ministry of Agriculture and Forestry No. 1585 to

ensure the daily communication with the Secretariat and other Parties. The Wildlife and Aquatic Management Division of the Department of Forestry had been designated as the CITES Permitting Section and a focal point for the National Ivory Action Plan (NIAP) had also been formally designated within the Department of Forestry. The formal decisions of these appointments had been signed by the Minister of Agriculture and Forestry and submitted to the CITES Secretariat.

- c) With regard to the CITES Scientific Authority, Lao PDR had appointed a Technical Committee responsible for providing technical support to the CITES Scientific Authority, which is led by the Deputy-Minister of Science and Technology. The other members of the Technical Committee are the Traditional Medicine Institute under the Ministry of Public Health, the Faculty of Forestry of the National University of Laos (NUOL), the Faculty of Environmental Science of NUOL, the Faculty of Agriculture of NUOL, the National Agricultural and Forestry Research Institute (NAFRI), and the Department of Livestock and Fisheries under MAF. The duties of the CITES Scientific Authority were set out in a draft Ministerial Decision that had been submitted to the Minister of Science and Technology for signature.
 - d) In its report, Lao PDR provided organigrammes of the overall structure of the MA and SA, indicating the positions within each authority, their functions and their relationship.
 - e) Lao PDR further reported that PM Order No. 5/2018 tasked the Ministry of Agriculture and Forestry and the Ministry of Science and Technology to improve the structure and human resources of the CITES MA and CITES SA, respectively, to strengthen capacity and collaboration and to increase efficiency in work implementation. Needs and gaps are currently being assessed to develop a capacity building programme for CITES staff, which would need the support from the CITES Secretariat and international organizations. CITES MA staff had participated in two activities in increasing understanding and capacity on CITES management matters. Lao government officials were also expected to join the Seminar on Import and Export Management and Protection of Endangered Species for Officials from Developing Countries organised and hosted by the China State Forestry Administration, from 20 June to 10 July 2018.
 - f) Lao PDR submitted copies of all permits issued in 2016, 2017 and in the first half of 2018 and committed to continuing submitting copies of permits every three months until further notice.
22. The Secretariat recalls that, in addition to the CITES MA and SA, Lao PDR has established the Lao-Wildlife Enforcement Network (WEN), which is a committee for the coordination of the enforcement of CITES in Lao PDR. Lao-WEN is chaired by the Department of Forestry Inspections (DoFI) and includes the MA, the Environmental Police and customs. The Secretariat notes that Lao PDR has confirmed that the upcoming CITES Decree would include a section on the designated CITES Committees and Authorities to consolidate the CITES national governing structure in one legally binding instrument.
 23. Regarding recommendation f), the Secretariat has – with its limited resources – rapidly analysed the permits submitted by Lao PDR for years 2016, 2017 and first half of 2018. For 2018, copies of about 260 export permits were sent to the Secretariat; the majority of the permits were for *Dalbergia oliveri*; in addition, there were some exports of *Aquilaria crassna*. Main destinations were China mainland and Hong Kong SAR. All the permits were signed by Mr. Sousath Sayakoummane, Director General of the Department of Forestry.
 24. For 2017, the Secretariat received copies of about 280 export permits; the main species exported were *Dalbergia oliveri* and *Dalbergia bariensis*. Main destinations were China, Singapore and Viet Nam. In 2017, the permits were signed by Mr. Oudome Sypaseuth, Deputy-Director General of the Department of Forestry. For 2016, copies of about 260 permits were sent. They practically all concerned exports of *Dalbergia cochinchinensis*. The destination was almost exclusively China. In 2016, the export permits were signed by Mr. Vongdeuane Vongsiharath, Ministry of Natural Resources and Environment, Department of Forest Resource Management, which at the time hosted the CITES Management Authority.
 25. The Secretariat notes that the exports of *D. cochinchinensis* have ceased as of 2017. However, the trade in this species appears to have been substituted with the species *D. oliveri*. In the first half of 2018, the CITES MA of Lao PDR has authorized the export of almost 2,480 m³ (source code W for commercial purposes) of the species. Given the limited capacity in Lao PDR to undertake NDFs, it is the assumption that no NDF has been carried out prior to the export of specimens of *D. oliveri*.
 26. The Secretariat and Lao PDR (MA and SA) are currently discussing how the Secretariat can best assist Lao PDR in its efforts to undertake NDFs for all relevant species of *Dalbergia* spp.

Regarding compliance and law enforcement

27. At SC69, the Standing Committee recommended that

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 to 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.*
28. A National Focal Point for the NIAP process was formally appointed by the Director General of DoF in Decision No. 1661, dated 30 April 2018. The NIAP progress report was submitted to the Secretariat, together with the report on the Compliance Action Plan, by the end of June 2018. The report on progress with NIAP implementation will be made available to Parties as an Annex to the document on the *National ivory action plans process* (SC70 Doc. 27.4).
29. In light of the progress made by Lao PDR, the Secretariat, in the NIAP document, recommends an overall rating of 'partial progress' for the Party, in accordance with Step 4 of the NIAP Guidelines. The report received from Lao PDR, suggested renewed commitment in the country to progress NIAP implementation. The Party also indicated that it was considering revising and updating its NIAP, to take into consideration recent developments, and better respond to the current situation in the country. Lao PDR continues to be a key country affected by illegal wildlife trade, including illegal ivory trade, and it remains crucial for the Party to build upon the current momentum and to ensure that measures continue to be taken to address this issue.
30. On recommendation b), Lao PDR reported that in March 2018, the MAF had approved Decision No. 0654 on the National Wildlife Crime Response Strategy Plan which provided the framework and guiding protocol for government agencies under Lao-WEN to respond to wildlife crime. Lao PDR expected that the Strategy Plan would improve the law enforcement coordination and responses by government agencies under Lao-WEN, leading to increased and improved law enforcement responses against wildlife crime. Lao PDR reported that dissemination of and operational training on the Strategy Plan and PM Order 05/2018 with DoFI and other Lao-WEN agencies at central and local levels were being carried out.
31. Lao PDR further reported that efforts were ongoing to create one single repository/database combining information on wildlife offences and crimes from different sources. Information and reports on forest and wildlife offences from provinces and districts in Lao PDR were currently being collected and consolidated into the DoFI's Information Management System (IMS) database. Current information in the database concerned only forest-related offences, and it was therefore being expanded to include reporting and consolidation of other wildlife-related offences and information. The Department of Forestry was developing an information-collection and reporting form and system to facilitate information sharing and reporting with other concerned government departments at the central, provincial and district-levels to DOF/CITES-MA for CITES reporting.

The Department of Combatting Natural Resources and Environmental Crime (DCNEC) used Microsoft Excel to record and store information on wildlife-related crimes. Under an ongoing project, it was planned to scale-up its information collection through a dedicated intelligence database for wildlife-related offences.

32. Lao PDR submitted the current available records on wildlife crimes and offences from the Department of Combatting Natural Resource and Environmental Crime and from the DoFI system (the two annexes are available only in Laotian at the time of writing). In the text of the report itself, Lao PDR provided records of seizures of illegal imports of live pangolins (2015), illegal trade in bear pawns (2017) and five incidents of illegal trade in elephant ivory, the following three in 2018:
 - In January 2018, inspection in Vientiane Capital by the Department of Forest Inspection resulted in the confiscation of 946 pieces of ivory (around 22.5 kg).
 - In March 2018, the Department of Forest Inspection continued inspection of ivory shops in Luang Prabang, which resulted in the confiscation of 221 suspected ivory products from eight shops.
 - In May 2018, based on information on ivory trade in Vang Vieng in Vientiane Province, DoFI proceeded with inspections. Seven pieces of ivory products were confiscated. Two suspects were interrogated and investigated and will be prosecuted in accordance with the Wildlife and Aquatic Law and PM Order No. 05, with additional investigation on the owner of the business.
33. Lao PDR further reported that two additional cases had been referred to the Office of Public Prosecution for prosecution:
 - A rhino horn trafficking case in June 2017 at the Wattay International Airport (Vientiane) where two Chinese suspects were arrested by the police and 15kg of rhino horn confiscated.
 - A tiger trafficking case involving three tigers intercepted by local authorities in January 2018 in Khammouane and Bolikhamxay, submitted to the prosecutor by the Khammouane Provincial Office for Forest Inspection, on 17 January 2018. DOFI and its provincial equivalent PoFI in Khammouane were continuing investigations of the case, based on the recommendations from the Public Prosecutor.
34. Finally, Lao PDR reported that one criminal case related to wildlife had been judged by the court involving rhino horn: in October 2017 at the Wattay International Airport, two Chinese suspects traveling from Singapore through Flight MT788 were arrested and 5 pieces of rhino horn totalling 11.10kg were confiscated. The Customs Department cooperated with the DCNEC on the investigation and sent the case to prosecution on 13 December 2017. The court sentenced the suspects to 3 months and 20 days' imprisonment and 800,000 LAK fine. The identities of the individuals were provided to the Secretariat.
35. With regard to the adoption of enforcement indicators, Lao PDR reported that a workshop on the indicator framework for wildlife crime in Lao PDR took place on 21 November 2017 with the participation of 26 national officers from Lao-WEN agencies including the Department of Forest Inspection, the Environmental Police, Interpol, the Office of the Public Prosecutor and the Customs Department. The purpose of the workshop had been to introduce the International Consortium to Combat Wildlife Crime (ICWC) Indicator Framework; discuss and consult on suggested indicators that could be adopted in Lao PDR; and demonstrate how performance could be measured using the indicators. Based on current practices and challenges in Lao PDR, participants reviewed the 50 ICWC indicators as relevant and recommended piloting data collection and monitoring, with the Department of Forest Inspection as the focal point. The Department of Forestry and Department of Forest Inspection were currently reviewing the feasibility of implementing data collection and monitoring on ICWC indicators, based on current capacity and resources.
36. With regard to the recommendation to work with law enforcement agencies in neighbouring countries, Lao PDR reported that it had participated in a range of meetings and activities at the sub-regional level to facilitate better cooperation and exchange of information and best practices in relation to CITES and illegal wildlife trade:
 - Tri-lateral workshop promoting cooperation on information sharing and law enforcement between Malaysia, Thailand and Lao PDR in Kuala Lumpur from 5-7 March 2018, hosted by the Malaysian Ministry of Natural Resources and Environment with support from Wildlife Conservation Society-Malaysia, US Bureau of International Narcotics and Law Enforcement Affairs (INL) and UK Illegal Wildlife Trade. Fifteen participants from Lao-WEN agencies took part (including DoFI, police, customs, Commerce and Office of the Public Prosecutor);
 - 14th Meeting of the ASEAN Working Group on CITES and Wildlife Enforcement hosted by the Lao Government in Luang Prabang from 20-22 March 2018;

- 1st Meeting of the Association of Southeast Asian Nations (ASEAN) Senior Officials Meeting on Transnational Crime (SOMTC) Working Group on Illicit Trafficking of Wildlife and Timber in Bangkok, Thailand on 29-30 March 2018, organized by the United Nations Office for Drugs and Crime (UNODC) and the Royal Thai Police, with the participation of two delegates from the Lao Police Department;
 - Regional Workshop on compliance with CITES Shark and Ray Trade regulations in the Philippines from 21-22 March 2018;
 - CITES-Minimising the Illegal Killing of Elephants and other Endangered Species (MIKES) Asia Meeting in Bangkok, Thailand in April 2018;
 - DOF, with technical support from World Conservation Society (WCS) and Free the Bears (FTB), facilitated and hosted meetings in Luang Prabang and Vientiane during the visit of the Chinese CITES MA to Lao PDR from 3-6 May 2018 where the existing Memorandum of Understanding and cooperation between Lao PDR and China on CITES cooperation was discussed and joint activities were planned;
 - United States Agency for International Development (USAID) Wildlife Asia supported Lao PDR Observation Mission on Counter-Wildlife Trafficking Policy Best Practices from 21-25 May 2018 in Thailand. Eight Lao participants from CITES MA, DoFI, DCNEC, Customs, Office of the Public Prosecutor, CITES SA and MAF attended the mission. The USAID Wildlife Asia has committed to providing additional support to the Lao Government on its NIAP process, based on communications from DoF to USAID Wildlife Asia.
37. Lao PDR further reported that the arrest of Chinese nationals for rhino horn trafficking had been reported to the Chinese government through the Chinese embassy in Vientiane and that there were ongoing discussions with China on DNA testing of the confiscated ivory and rhino horn. Finally, Lao PDR reported that information reports on ivory and rhino horns confiscated at Wattay International Airport were sent to the CITES Secretariat.
38. Overall, the Secretariat notes progress on all aspects of the recommendations with regard to compliance and enforcement. The Secretariat would like to recall that the PM Order 5/2018 was issued just two months before the reporting deadline. This PM Order is considered by Lao PDR as well as by the cooperation agencies and non-governmental actors present in the country to be a critical step towards strengthened enforcement action in Lao PDR. While it may be too early to assess the impact of this order, it holds the potential for the authorities to significantly reduce illegal trafficking in wildlife if it can effectively result in necessary action on the ground, in the provinces, and at the borders.
39. In addition, once the Penal Code enters into force, it is expected to provide the enforcement and judiciary authorities with tightened penalties for wildlife crimes and additional tools to step up enforcement efforts.
40. The Secretariat considers that working with neighbouring countries to improve cross-border enforcement collaboration and exchange of information concerning illegal wildlife trade and associated illegal wildlife 'tourism' is a long-term objective that requires sustained efforts over many years. However, the Secretariat notes that participation in workshops and meetings need to be result-oriented and contribute towards achieving the objective. The Secretariat has not received any concrete indication as to how the reported activities have improved collaboration and exchange of information with neighbouring countries.
41. Creating one repository for all wildlife-related offences is a complex and challenging process, not only in Lao PDR, but in many other Parties as well. The division of the competences related to enforcement on different agencies at the central and at the provincial and local levels does not facilitate this objective. However, for any law enforcement action to become effective, it would seem necessary that the agencies all have access to the information and can triangulate intelligence relevant for their investigations.
42. The recent study on lion bone and on Asian big cats presented at SC70 indicate that Lao PDR needs to do more to effectively prevent illegal trade in parts and derivatives of Asian big cats. Also illegal trade in ivory continues to be present, although recent enforcement efforts seem to have an impact on the volume of illegal ivory traded (see for instance the Wildlife Justice Commission case file).

Regarding monitoring of wildlife farms and related trade

43. At SC69, the Standing Committee recommended that

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.*
44. Lao PDR reported that a technical team composed of officers from the Department of Forestry and the Department of Forest Inspection, and technical advisers from WCS in April-May 2018 had conducted an initial pre-audit of tiger facilities in Bolikhamxay, Khammouane, and Bokeo. The team had assessed the layout conditions and estimated the number of observable tigers and big cats in the facilities, in preparation for the implementation of a full audit plan to inventory the tigers with a marking scheme and genetic analysis of the individuals. Inspection reports had been finalised and submitted to the Department of Forestry to plan for the full audit implementation. Lao PDR further reported that, given the complexity of organising the audit for six facilities in three provinces with a total of 300-400 captive tigers, further consultations and planning with the technical team would be held during July 2018 to address a number of logistical and technical challenges regarding the procedures and scheduling of the full audit. WCS, FTB and Laos Conservation Trust for Wildlife (LCTW) had committed to provide technical support and human resources to the DoF and DoFI to implement the full audit with funding from US Fish and Wildlife Service. The full audit was expected to begin in September 2018.
45. The Secretariat notes that as reported in its document to SC67, during its mission to Lao PDR in July 2017 the Secretariat visited two of the six tiger farms declared to hold a total of 332 tigers between the two alone. No explanation has been provided – yet – regarding this discrepancy. The Secretariat understands that the intention of the Lao PDR is to allow for the tiger farms to be converted into safari parks or similar types of legal activities in accordance with the guidelines for wildlife farming to be approved by September 2018 (see above).
46. In response to the Secretariat’s question, Lao PDR confirmed that the Committee on Tiger Farms had yet to be established. This was expected to happen once the audit was completed. The Committee would include representatives of the CITES Secretariat, the South-East Asian Association of Zoos and Aquariums and IUCN Cat Specialist Group.

Public awareness and outreach campaigns

47. At SC69, the Standing Committee recommended that

Lao PDR take urgent steps towards the implementation of the outreach campaigns targeted 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.

48. Lao PDR reported that it had conducted awareness-raising meetings with local communities with the support of an international project and international organizations in Lao PDR. The Department of Forest Inspection had put up campaign billboards and messages in different locations in Lao PDR on the prohibition of illegal wildlife hunting, trading, trafficking, and smuggling. Examples could be seen at Wattay Airport in Vientiane and at the Lao-Thai Friendship Bridge between Vientiane and Nongkhai. Main markets in Vientiane Capital, Vientiane Province, Khammouane, Bolikhamxay, Houaphan, and other provinces also had billboards and messages installed to raise awareness. Plans included installation of campaign billboards and messages in other areas across the country. Awareness-raising messages against illegal ivory and illegal trade in wildlife had been developed in English/Chinese/Lao languages and were set up in Luang Prabang Airport in June 2018. Finally, specific posters in Chinese/English/Lao had been developed and deployed in the Special economic zone in Bokeo Province.
49. Lao PDR reported that the Department of Forest Inspection had organized a dialogue meeting in March 2018 between Lao-WEN, the Chinese Embassy in Vientiane and representatives from the Chinese business community in Lao PDR, where the Chinese embassy and business community pledged support to the Lao government’s efforts to stop illegal ivory and wildlife trade and to contribute to the government’s efforts to raise awareness and stop wildlife trafficking with the Chinese community in Lao PDR.

50. In May 2018, the Embassy of United Kingdom in Vientiane launched the Illegal Wildlife Trade (IWT) Short Film Competition for professional, amateur and student filmmakers in Cambodia, Lao PDR, Myanmar, Thailand and Viet Nam in cooperation with the Luang Prabang Film Festival, WCS and World Wildlife Fund (WWF). The winner would be announced at the IWT Conference in London in October and at the Luang Prabang Film Festival in December 2018.
51. The Secretariat considers that this recommendation has been achieved and recommends that Lao PDR continues the efforts and ongoing awareness-raising activities to ensure the necessary behavioural change.

Compliance assistance provided to Lao PDR

52. In May 2018, the Secretariat undertook a brief mission to Lao PDR to discuss progress on the implementation of the SC69 recommendations with representative of CITES Management and Scientific Authorities, as well as other entities involved in the implementation of the action plan, and to provide assistance to Lao PDR, as necessary. The mission was part of the project funded by the United States of America (USA) to strengthen compliance with the Convention in Southeast Asian Parties for which the Secretariat is grateful. The Secretariat also expresses its appreciation to the Government of Lao PDR, and in particular to the Department of Forestry, for the support provided in planning and coordinating the visit, and the hospitality offered to the Secretariat during its short mission.
53. During the mission of the Secretariat, it was agreed that Lao PDR should take part in the meetings of the Animals and Plants Committees as part of its capacity building efforts to further enhance the understanding of the NDF requirements and enable the development of sound and scientifically based NDFs for concerned species. One representative of CITES MA and one representative of CITES SA took part in the meetings of the CITES scientific advisory bodies in July 2018.
54. The Secretariat and Lao PDR are currently considering further compliance assistance and capacity building activities in the context of the project funded by the USA. This may include activities towards the making of NDF on selected species, including those selected in the Review of Significant Trade in accordance with the recommendations of the Plants Committee. It may further include support to the development of the single database on illegal trade in wildlife as well as training and capacity building for staff of the CITES MA and SA.

Conclusions

55. Based on the report and the meetings held during its mission, the Secretariat considers that considerable efforts have been made by the Government of Lao PDR to achieve all the recommendations in a short period of time, but also that the current momentum needs to be maintained by Lao PDR to achieve full compliance with the Convention. In addition to the support provided by the CITES Secretariat, the Government seems to be benefitting from external assistance provided by international non-governmental and intergovernmental organizations at the national and regional levels.
56. Overall, the Secretariat notes that a strong momentum for addressing the deficiencies in the CITES implementation and enforcement in Lao PDR has been created over the past months. The Prime Minister has demonstrated political will to address the issues and provided support to the MAF/DOF in taking action. As noted above, the capacity in Lao PDR to undertake NDF continues to be very limited. The Secretariat welcomes the pledges of support from Parties and other partners to Lao PDR and invites partner agencies to coordinate the support provided and to align it with the priorities of the Government. The Secretariat stands ready to contribute to and facilitate such efforts.

Recommendations

57. In light of the above, the Secretariat recommends that the Standing Committee updates the recommendations adopted at SC69 as follows:
 1. Regarding management of exports of *Dalbergia* spp.
 - a) Parties shall suspend commercial trade in specimens of the genus *Dalbergia* spp., including finished products such as carvings and furniture from Lao PDR, until Lao PDR makes scientifically based non-detriment findings for trade in the relevant species, including *D. cochinchinensis* and *D. oliveri*, to the satisfaction of the Secretariat.

2. Regarding national legislation for the implementation of CITES

Lao PDR shall, as a matter of priority:

- b) 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*;
- c) ensure that the amended Penal Code enters into force and is disseminated widely among all relevant law enforcement and criminal justice stakeholders;

3. Regarding CITES Authorities

Lao PDR shall

- d) continue to monitor and address the need for capacity building and training of staff in CITES Management and Scientific Authorities as well as in customs and border controls on CITES-related matters with the support of the CITES Secretariat;
- e) every three months, submit to the Secretariat copies of export permits and other CITES permits and certificates issued by the Management Authority;

4. Regarding enforcement

Lao PDR shall

- f) continue to effectively implement existing relevant plans, in particular its National Ivory Action Plan (NIAP), and report on progress in implementation according to the fixed formats and deadlines;
- g) take urgent steps to progress the implementation of its National Wildlife Crime Response Strategy Plan to tackle illegal trade in wildlife as adopted by Decision MAF No. 1559 (2018)
- h) implement and collect data on the enforcement indicators of the International Consortium on Combating Wildlife Crime (ICWC) with the assistance of the ICWC partners;
- i) continue to effectively disseminate and implement PM Order No. 05/2018 and take steps to disseminate and implement the revised Penal Code as soon as it enters into force;
- j) investigate and prosecute mid- to high-profile cases involving organized or transboundary activities, such as those identified by various international partners; and continue to provide to the Secretariat the results (arrests and prosecutions) 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 for the period July 2018-January 2019; and
- k) continue to work with the law enforcement agencies from China, Malaysia, Singapore, Thailand and Viet Nam, in the context of the Wildlife Enforcement Network of the Association of Southeast Asian Nations (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'.

5. Regarding monitoring of wildlife farms and related trade

Lao PDR shall

- l) enact and implement the legislative guidelines for systematic management of wildlife farming in order to ensure compliance with the provisions of the Convention and relevant Resolutions and Decisions;

- m) finalize the full audit of the tigers kept in captivity, combined with a marking scheme and genetic analysis of the animals to establish their origin in collaboration with relevant international organizations to comply with paragraph 1 g) of Resolution Conf. 12.5 (Rev. CoP17) on *Conservation of and trade in tigers and other Appendix-I Asian big cat species* and Decision 14.69; and
- n) establish an appropriate advisory mechanism with involvement of relevant international organizations to provide support and advice on the transformation of the tiger farms.

6. Regarding awareness raising

- o) Lao PDR shall continue to implement outreach campaigns targeted 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 particularly continue to focus on raising awareness in special economic zones.

7. Regarding capacity-building and technical assistance

- p) Parties, the CITES Secretariat, international non-governmental organizations and development partners shall make efforts to respond to the requests for capacity-building and technical support expressed by Lao PDR to implement the action plan and aim to coordinate their support to maximize effectiveness and minimize overlap.

58. The Secretariat further recommends that the Standing Committee decide that Lao PDR shall submit a report to the Secretariat by 1 February 2019 on the implementation of the recommendations 1-6 in order for the Secretariat to convey this report and its comments and recommendations to the next meeting of the Standing Committee (SC71). The Secretariat finally recommends that the Standing Committee at its 71st meeting review progress made by Lao PDR and take appropriate compliance measures, including a recommendation to suspend all commercial trade, if progress is considered insufficient.