

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



Seventy-first meeting of the Standing Committee
Colombo (Sri Lanka), 22 May 2019

Interpretation and implementation matters

General compliance and enforcement

Application of Article XII

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 procedures*, the Standing Committee at its 70th meeting (SC70, Sochi, October 2018) reviewed the progress by Lao People's Democratic Republic (Lao PDR) on implementation of its recommendations reported by the Secretariat in [SC70 Doc. 27.3.1](#). The Committee and some observers commended Lao PDR on the progress made and expressed optimism that further progress could be achieved. Some observers, however, expressed concerns over the lack of progress regarding national legislation, including the entry into force of the revised penal code. They noted that the capacity in Lao PDR to prepare scientifically based non-detriment findings remained limited; they also expressed concerns over the tiger farms and the limited progress in preparing the audit of tigers, and finally regarding the legal and illegal import of lion bones from South Africa into Lao PDR.
3. Based on the report of the Secretariat and taking into account the comments made, the Standing Committee updated the specific recommendations addressed to the Lao PDR with regard to the following compliance matters that needed continued attention by Lao PDR as well as one recommendation to the international community:
 - a) *Regarding management of exports of *Dalbergia spp**
 - b) *Regarding national legislation for the implementation of CITES*
 - c) *Regarding CITES Authorities*
 - d) *Regarding enforcement*
 - e) *Regarding monitoring of wildlife farms and related trade*
 - f) *Regarding awareness raising*
 - g) *Regarding capacity-building and technical assistance*
4. The Standing Committee requested that Lao PDR submit a report to the Secretariat by 1 February 2019 on the implementation of 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 Committee agreed to review progress made by Lao PDR and take appropriate compliance measures, including a recommendation to suspend all commercial trade in specimens of CITES-listed species, if progress was considered to be insufficient.
5. A compliance assistance project has been developed by Lao PDR and the Secretariat to support the implementation of the Standing Committee's recommendations under 1-4 above. The activities under the

project have been delayed for administrative reasons but are expected to start shortly. The Secretariat would like to thank the United States of America for providing financial support for this project.

Implementation of the recommendations adopted at SC70

6. As requested, Lao PDR has submitted to the Secretariat a progress report with annexes detailing the action taken over the seven-month period of July 2018 – January 2019 to implement the recommendations by the Standing Committee. The following is based on this progress report and subsequent exchanges with Lao PDR; it also includes the Secretariat's assessment and comments.

Regarding management of exports of Dalbergia spp.

7. Based on the report and the recommendations of the Secretariat, the Standing Committee at its 70th meeting adopted the following recommendation:
 - 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 (NDF) for trade in the relevant species, including D. cochinchinensis and D. oliveri, to the satisfaction of the Secretariat.*
8. Lao PDR reported that on 11 January 2019, as part of the process of preparing the NDF, it had issued a notice to the provincial agriculture and forestry offices (PAFO) in 18 provinces of the country. Information is collected on *Dalbergia* spp., including *D. cochinchinensis* and *D. oliveri*, and semi-finished and finished products that are in government and private stockpiles. The preparation of the NDF is coordinated by the Ministry of Science and Technology (MOST). Lao PDR further reported that a training workshop on NDF under the CITES compliance assistance project for the CITES Scientific Authority is planned for spring 2019. Lao PDR also reported that it had issued a temporary suspension of exports of *Dalbergia* spp. since October 2018, i.e. after SC70.
9. The Secretariat notes that progress is underway with regard to the implementation of this recommendation. The NDF workshop is expected to provide critical training and guidance for Lao PDR that should enable the completion of the NDF. Until the NDF has been prepared to the satisfaction of the Secretariat, the recommendation to suspend trade in specimens of *Dalbergia* spp. should remain in place.

Regarding national legislation for the implementation of CITES

10. At SC70, the Standing Committee adopted the following recommendations with regard to national legislation for the implementation of the Convention.

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;*
11. With respect to recommendation b), Lao PDR reported that, on 24 January 2019, it had held a consultation workshop on the Wildlife Legality Compendium report to present the findings of the report and discuss strengths and weaknesses of the legal framework for the wildlife sector and recommendations to improve it. The Wildlife Legality Compendium report had been prepared earlier by legal consultants under a Food and Agriculture Organization / World Bank project. The workshop had also included a discussion on how to improve the Wildlife and Aquatic Law (2007) and relevant wildlife-related regulations. Lao PDR further reported that the Compendium report would be updated with the results of the workshop and submitted to the Ministry of Agriculture and Forests (MAF) for its decision on the next steps. It was expected that the CITES compliance assistance project would support the development of the legislation.
12. With respect to recommendation c), Lao PDR reported that the amended Penal Code had been published in the Lao Official Gazette on 17 October 2018 and entered into force on 1 November 2018. The revised penal code provides for, *inter alia*, criminalization of possession of and trade in prohibited wildlife with a maximum penalty of five years of imprisonment as well as introduction of aggravating circumstances, such

as the commission of an offence in an organized group, recidivism and causing of substantial damage. Under such circumstances the maximum penalty for import, export, transit and transshipment of wildlife and aquatic animals in contravention of national laws and regulations is ten years of imprisonment. On 20-21 December 2018, a seminar on strengthening enforcement through the new Penal Code had been facilitated by the United Nations Office for Drugs and Crime (UNODC) for participants from relevant government departments, such as the Department of Combating Environmental Crime (DCNEC), the Department of Forestry Inspection (DoFI), the Customs Department and the Prosecutor's Office. The dissemination of the revised Penal Code and Prime Minister Order No. 05/2018 of 8 May 2018 to relevant law enforcement agencies is continuing. The Secretariat finds it very encouraging that the revised Penal Code has entered into force; this should contribute to reducing illegal trade in protected species. The Secretariat understands that the dissemination of the Penal Code continues with seminars scheduled for the southern provinces (Champasak, late March 2019) and for the central/northern provinces (Luang Prabang, late April 2019).

13. Based on follow-up discussions with Lao PDR, the Secretariat understands that Lao PDR may revise the Wildlife and Aquatic Law as well as relevant regulations, instead of issuing a decree as was previously envisaged. This will give the law a higher status in the legal system which is commendable. However, the Secretariat notes that, according to Lao PDR, the process of revising a law is much longer than for issuing a decree. The terms of reference for revising the law need to be prepared for submission to the National Assembly through the Ministry of Justice and the Government. This process might take 5-7 months to complete. Should the Government and the National Assembly agree to revise the law, the Ministry of Agriculture and Forestry (MAF) would establish a Steering Committee tasked to work on the revision process and to consult with stakeholders and parliament representatives. Lao PDR has indicated that this revision process may take at least two to three years; the recently completed revision of the Forestry Law took seven years.
14. The Secretariat recalls that Lao PDR has been a Party to the Convention since 2004. The Wildlife and Aquatic Law was adopted after the country's accession in order to implement certain elements of the Convention. The law, however, is clearly insufficient in meeting the CITES minimum requirements; and the legal instruments that have been issued in recent years (e.g. ministerial decisions, PM orders and decrees) are insufficient to fill this gap. Therefore, the legislation of Lao PDR continues to be placed in Category 3 under the CITES National Legislation Project. The comprehensive legal analyses in the Wildlife Legality Compendium that have been prepared with the help of intergovernmental organizations, such as the World Bank and the Food and Agriculture Organization (FAO), and non-governmental organizations, such as the Wildlife Conservation Society (WCS) provide a good starting point for the legislative revision that should be initiated without further delay and with the assistance of the Secretariat.
15. The Secretariat is concerned about the timeline of two to three years indicated by Lao PDR to carry out this revision and is working with Lao PDR to see how the process can be accelerated. The Secretariat has also suggested to Lao PDR to consider issuing a Ministerial decree on the management of trade in specimens of CITES-listed species. This could be done relatively quickly and could serve until the revision of the Wildlife and Aquatic Law is completed. Once the revised law is in place, the decree could be abolished or amended, as needed. Irrespective of the choice of legal instrument, the Secretariat recommends that Lao PDR be urged to submit draft legislation to the Secretariat for its observations to help ensure that it meets the CITES minimum requirements.

Regarding CITES Authorities

16. In its report to SC70, the Secretariat reported that the recommendations of SC69 with regard to the CITES authorities had been achieved, except for the training of staff in CITES Authorities that needed to be continued (see document SC70 Doc. 27.3.1, paragraph 21). The Standing Committee therefore at SC70 adopted the following recommendations:

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;

17. With respect to recommendation d), Lao PDR reported that officers of the CITES Scientific Authority (SA) and Management Authority (MA) had participated in relevant CITES workshops, trainings and meetings as part of building their capacity. This included, *inter alia*, the following:
- a) Seminar on import and export management and protection of endangered species for officials from developing countries, organized by the China State Forestry Administration, Beijing, June-July 2018;
 - b) 70th meeting of the Standing Committee (SC70, Sochi, October 2018);
 - c) London Illegal Wildlife Trade Conference, October 2018;
 - d) CITES and Livelihoods Workshop, Guangzhou, November 2018; and
 - e) Second international conference on revisiting efforts to reduce demand for illegal wildlife products: showcasing best practice in behavioural change, Bangkok, November 2018.
18. At the same time, Lao PDR noted that technical capacity-building and specific training on CITES for officials in CITES MA and SA, as well as other relevant government departments and provinces, and enhanced CITES integration with the Customs Department are planned under the CITES compliance assistance project. The Secretariat notes that there now seems to be clarity and stability with respect to the designated CITES Authorities, which is critical for making progress in the implementation of and compliance with the Convention. Lao PDR should therefore fulfil the normal reporting obligations under CITES and should submit its annual trade report (missing for 2017) and the information on stocks of government-held ivory in accordance with Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens* and government-held rhino horn in accordance with Resolution Conf. 9.14 (Rev. CoP17) on *Conservation of and trade in African and Asian rhinoceroses* (not provided for 2018).
19. In implementing recommendation e), Lao PDR submitted copies of export permits for exports in specimens of CITES-listed species issued between August 2018 and January 2019. The exports include *Aquilaria crassna* (oil and wood chips, purpose code T) and *Dendrobium fimbriatum* (stems, purpose code T) as well as two exports of specimens of rhinoceros and elephants for forensic analysis (source code C, purpose code S). All documents were duly signed by the authorized person in the CITES Management Authority. Lao PDR also submitted a number of certificates authorizing exports of specimens of species that are not included in the CITES Appendices. The Secretariat is of the view that the regular submission of copies of export permits and other CITES documents and certificates enables the Secretariat to monitor trade and provides an opportunity to identify any potential issues related to implementation and compliance.

Regarding enforcement

20. At SC70, the Standing Committee adopted the following recommendations related to 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'.*
21. With respect to recommendation f), Lao PDR submitted a report on progress with NIAP implementation on 4 March 2019, covering the period from July 2018 to February 2019. The report demonstrates that Lao PDR continues to effectively implement its NIAP and shows progress in the implementation of a number of actions, in particular with respect to legislation and regulations (Pillar 1) and enforcement (Pillar 2) of the NIAP. Lao PDR reported that a consultation workshop was held on 15 February 2019 with the support of the United States Agency for International Development (USAID) Wildlife Asia project and the Wildlife Conservation Society (WCS), and participation of relevant government agencies to facilitate the process of updating and improving its NIAP. Lao PDR also reported that it conducted a number of capacity-building activities for law enforcement officers and that its law enforcement agencies have increased their efforts with regards to wildlife trafficking cases and provided a list of relevant law enforcement activities conducted in the reporting period (see below).
22. The next report on progress with NIAP implementation from Lao PDR, in accordance with Step 4, paragraph a), of the *Guidelines to the NIAP process* is due in advance of the 73rd meeting of Standing Committee (SC73), provisionally scheduled for early April 2020, in Geneva, Switzerland.
23. With respect to recommendation g), activities reported in the context of this recommendation include:
- a) Wildlife trafficking investigation training (August 2018) providing participants training and techniques related to investigation, prosecution, surveillance, interviews and interrogations and identification of wildlife products;
 - b) UNODC-Lao PDR National Cybercrime Roundtable discussions to increase awareness on wildlife cybercrime issues in the country;
 - c) Law enforcement training in Xiangkhouang Province with participation of the provincial and district officers from Forest Inspection, Forestry, Prosecutor, Police and Border Army (September 2018) providing techniques for information collection, inspection, investigation, arrests, evidence management and case preparation and presentation to the prosecutor;
 - d) Department of Combating Environmental Crime (DCNEC) Illegal Wildlife Trafficking Workshop for 160 participants from the environmental crime police divisions in four provinces (Xaignabouli, Oudomxay, Khammouan and Champasak) to increase their understanding of wildlife crime, strengthen law enforcement and coordination, and strengthen legal mechanisms to combat wildlife crime;
 - e) Training on information management and specialized information collection and investigation techniques for participants from Forest Inspection (DoFI), the Department of Combating Environmental Crime (DCNEC), the Customs Department, and the Cybercrime Police and State Inspectorate and Anti-Corruption Authority (October-November 2018), providing information management techniques, information collection and investigation techniques on cyber-enabled wildlife crime and digital phone forensics; and
 - f) Workshop on the monitoring of illegal wildlife trade on social media (January 2019) in Thailand.
24. The Secretariat notes the high number of activities during the past months in Lao PDR to strengthen the capacity of the relevant agencies to carry out enforcement related actions, which is also reflected in the reporting on investigations (paragraph j). The Secretariat further notes that activities reported under international cooperation (paragraph k) are also related to the implementation of the National Wildlife Crime Response Strategy Plan.
25. In recommendation h), the Standing Committee recommended that Lao PDR implement and collect data on the enforcement indicators of the International Consortium on Combating Wildlife Crime (ICWC) with the assistance of the ICWC partners. This recommendation was made in light of Lao PDR's report from a workshop held in November 2017, which had considered that the indicators were relevant and had recommended piloting data collection and monitoring (see document SC70 Doc. 27.3.1, paragraph 35). For the present report, Lao PDR reported that on 22 January 2019, DoFI organized a meeting of the Law

Enforcement Technical Advisory Group (LETAG) to discuss strategic plans for the Lao-WEN (or Lao Working Group on CITES and Wildlife Enforcement) and the implementation of the ICCWC Indicator Framework for wildlife and forest crime and collection of data on the enforcement indicators. At the meeting, technical organizations provided updates on the activities conducted in response to the Standing Committee's recommendations.

26. With respect to this last recommendation, the Secretariat notes that the Department of Forestry (DoF) has recently officially requested support from ICCWC to implement the ICCWC Wildlife and Forest Crime Analytic Toolkit and the ICCWC Indicator Framework for wildlife and forest crime. The implementation of these tools is expected to be initiated by UNODC on behalf of ICCWC after the meeting of the Conference of the Parties. The Secretariat notes that the ICCWC Indicator Framework may be a useful tool to measure and document the impact of the capacity-building activities that are being carried out in Lao PDR and to better understand and address persistent challenges.
27. Concerning recommendation i), Lao PDR reported a significant number of activities undertaken to effectively disseminate PM Order No. 05/2018 of May 2018 in all eighteen provinces of the country: southern provinces (Champasak, July 2018); northern provinces (Bokeo, August 2018) and central provinces (Luang Prabang, August 2018). As mentioned in paragraph 13 above, a seminar on strengthening enforcement through the new penal code was organized in December 2018 and two more are planned for April/May. Finally, Lao PDR reported that the DoF conducted a CITES wildlife law and regulation awareness activity for government staff in three districts of the Luang Prabang region, which included officers from the District Agriculture and Forestry Offices, Police, Army, Culture and Tourism and administration. This is planned to continue for government officers in the Nam Et Phou Louey National Protected Area and in Nam Phouy.
28. For the implementation of recommendation j), Lao PDR reported 15 specific law enforcement actions that had been carried out by DoFI and the Environmental Police in collaboration with local authorities and international partners since June 2018, resulting in a similar number of seizures. These involved specimens of various species, including elephant, rhinoceros, pangolin, bear, turtles, snakes and, in one instance, tiger. From the reporting, it appears that most of these incidents were not involving illegal international trade but concerned internal transport and offer for sale of protected species, including in retail shops in Luang Prabang, in the Golden Triangle Special Economic Zone (SEZ) and in Vientiane. The final sanction was reported only in the first instance, dating back to June 2018: two offenders were convicted with a fine of LAK 84 million (USD 10,500) for illegal transport of specimens of Asian Golden cat (*Catopuma temminckii*) and Asian black bear (*Ursus thibetanus*) (both included in Appendix I).
29. In one instance, where the seizure concerned live animals native to the country (snakes, pangolins and turtles), Lao PDR reported that the animals had been released back to nature. However, in general, the report contained no details on how the authorities manage and dispose of seized and confiscated specimens, live or dead. The Secretariat has previously received separate information from Lao PDR about destruction of such specimens through burning.
30. Lao PDR has not reported whether any of the arrested offenders can be considered to be "mid-to high-profile cases involving organized or transboundary activities"; nor has the nationality of the offenders been provided. However, the Secretariat understands that there seems to be an effort to follow-up on information provided by various international partners, including the Wildlife Justice Commission, and that some of the involved suspects are nationals of China or Viet Nam.
31. As recommended by the Standing Committee in recommendation k), Lao PDR has continued to work with law enforcement agencies from neighbouring countries to facilitate exchange of information and best practices. The following activities were reported by Lao PDR:
 - a) Workshop in Oudomxay Province (August 2018) with the participation of China, Myanmar and Viet Nam and international organizations and partners to discuss cooperation to tackle illegal trade in wildlife in the Mekong Region;
 - b) Annual Meeting hosted by Viet Nam in Ha Tinh Province (October 2018) to review progress of the implementation of the Memorandum of Understanding between the Forest Protection Department of Viet Nam and DoFI and explore the possibility of developing additional MoUs to combat wildlife and timber trafficking occurring between provinces;
 - c) Participation in the Wildlife Inter-Regional Enforcement (WIRE) meeting (Kenya, November 2018) to improve cooperation between Asian and African countries to combat wildlife trafficking. As part of the

outcome, Lao PDR and Viet Nam will cooperate on combatting wildlife trafficking through their National Central Bureaus (NCBs, INTERPOL);

- d) Consultation and Experience sharing Meeting (December 2018) between the Environmental Police of Lao PDR and Viet Nam. The meeting was aimed at enhancing the bilateral cooperation between the agencies. It was agreed to strengthen coordination and cooperation on wildlife crime investigation, intelligence sharing, capacity-building and patrolling at shared border points;
- e) Special meeting of the ASEAN Working Group on CITES and Wildlife Enforcement (Bangkok, January 2019), co-chaired by Lao PDR and Thailand; and
- f) Attendance of the Special ASEAN Ministerial Meeting on Illegal Wildlife Trade In Chiangmai, Thailand (March 2019).

32. The Secretariat considers that it is critical that the engagement with all neighbouring countries be continued and further strengthened, for instance through joint enforcement actions and through mutual assistance in investigations of cross-border organized crimes.

Regarding monitoring of wildlife farms and related trade

33. At SC70, the Secretariat reported some progress in the planning and preparations of an audit of tigers kept on identified tiger farms. Based on the report of the Secretariat to SC70, the Standing Committee adopted the following recommendations related to 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.*

34. In its report to the Secretariat for the present meeting, Lao PDR reported that draft legislative guidelines for systematic management of wildlife farming had been submitted for Ministerial approval. The Secretariat was subsequently informed that Decision No. 0188/MAF on *the Establishment and Management of zoos, wildlife farms, centers for rehabilitation and breeding of wildlife and wild flora farms*, dated 8 February 2019 had been issued by the Minister of Agriculture and Forestry. Upon request from the Secretariat, Lao PDR submitted an unofficial English translation of the Decision for the Secretariat to understand whether it would “ensure compliance with the provisions of the Convention and relevant Resolutions” in line with the recommendation.

35. The Decision applies to the establishment of zoos, commercial farms and well as centres for rehabilitation and breeding of wildlife and define these three types of facilities according to their purpose. The Decision contains provisions related to the permitting process; the types of species that can be kept, bred or propagated by the facilities; trade (domestic and international) in species from the facilities; repatriation of wildlife; inspection of facilities/specimens/documentation; reporting by the facilities; prohibitions as well as the rights and responsibilities of the different authorities concerned (DoF and regional entities) and coordination among them. The Decision refers to CITES and the national legislation in relevant provisions.

36. The Secretariat considers it to be encouraging that Lao PDR has issued a legal act on the establishment and management of facilities that keep and breed wildlife. The Decision prohibits commercial captive breeding of species included in List I, which are defined as “rarely found and endangered or at risk of extinction”. It is not further specified what is included in List I. The provision is in line with the PM Order No. 05/2018 that put an end to the establishment of wildlife farms breeding Appendix-I species for commercial purposes and requested existing farms to convert into safaris or zoos for conservation, tourism or scientific purposes only.

37. The Decision also states that species in List I cannot be imported and exported for commercial purposes; domestic trade in these species is also prohibited. The Decision is not clearly stating whether the provisions related to trade also cover parts and derivatives, including finished products based on wildlife (such as bear bile or tiger wine); and it does not explicitly state how it applies to existing facilities. Further, it contains no specific provisions on how to dispose of specimens that die in captivity, but prohibition of trade in species in List I would presumably also apply to such specimens. Each facility has to declare the list of species and the number of specimens to the authorities every year. The Decision contains one general provision on measures against perpetrators, which includes fines and criminal punishment for anyone who violates the Decision according to the seriousness of the case.
38. The Secretariat notes that the Decision is referred to as “an agreement” in the text of the document, which might be a matter of translation. It should be noted that “agreements” are not on the list of legally binding instruments that are in use in legislative acts in Lao PDR (see Law on Making Legislation No. 19/NA of 12 July 2012) and hence its enforceability could potentially be an issue. The Secretariat is seeking clarification on this point from Lao PDR.
39. The Secretariat further notes that the Decision on one hand seems to repeat provisions already contained in the PM Order No. 05/2018 and on the other include some very general provisions about CITES that seem to be slightly out of place. It does not contain very clear “management practices and controls” with regard to the different types of facilities in order to avoid specimens from entering into illegal trade. Not does it provide for the withdrawal of a permit of a facility that is not respecting the provisions. The Secretariat considers that the Decision could be improved and clarified. At the same time, it would appear to go some way in ensuring compliance with the provisions of the Convention and relevant Resolutions, if fully implemented and enforced on the ground.
40. With respect to recommendation m), Lao PDR reported that the audit of tigers kept in captivity had been carried out at one facility in the Bolikhamxay province in late January 2019. The audit included data collection on 32 individuals kept in the facility using dart biopsy for DNA samples and photos of coat-stripe patterns. The collected samples were being processed and analyzed and would be catalogued together with photos and films of the 32 individuals. The report of the audit was not yet available at the time of writing and would include results of the DNA-tests, observations and recommendations that could facilitate the audit of the subsequent facilities. Lao PDR planned to finalize the audit of a further six facilities with a total of 280-370 tigers by mid-2019.
41. The Secretariat notes the progress made in implementing this recommendation. The Secretariat invites Lao PDR to keep the objective of this audit in mind, i.e. to enable the management and control of the activities of the facilities by having a full and complete picture of the population of the tigers kept by the facilities. The Secretariat therefore assumes that the results of the audits will be made available to the authorities responsible for the implementation and enforcement of Decision 0188/MAF on zoos and wildlife farms etc. to ensure compliance with the provisions therein, as well as with the relevant CITES Resolutions and Decisions.
42. Regarding recommendation n), Lao PDR reported that the establishment of an appropriate advisory mechanism to discuss the issue of the tiger farms was still to happen; discussions were on-going. The Secretariat notes that the intention of this mechanism was to provide advice and guidance to the authorities in implementing the other recommendations related to wildlife farming.
43. The Secretariat would like to draw the attention to the fact that Lao PDR is not the only country in which there may be tiger breeding facilities that may be of concern. Reference is made to document SC71 Doc. 19, which indicates that there may be such facilities in place in three of Lao PDR's neighbouring countries (China, Thailand and Viet Nam). This suggests that a regional approach may be useful to addressing any issues rather than a focus on individual Parties. The Secretariat notes that Lao PDR appears to be more advanced than some of these countries in inventorying and auditing the captive tiger population, with international participation.

Regarding awareness raising

44. At SC70, the Standing Committee adopted the following recommendation with regard to 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.

45. Lao PDR reported that they have, with the support of international partners, installed wildlife crime messages at Luang Prabang Airport and in bus and boat transit point in the region. Similar boards and messages have been installed at critical points, such as airports, international checkpoints, markets, tourism sites, etc. and an awareness raising campaign has been conducted through public and social media. The Secretariat notes that significant awareness and outreach campaigns have been carried out and encourages Lao PDR to continue this campaign. It would seem that the campaigns have mostly focused on raising awareness around illegal trade in elephant ivory. Lao PDR may consider addressing also illegal trade in other products, such as pangolins, rhino horn, orchids and Asian black bears.

Regarding capacity-building and technical assistance

46. In its report to SC70, the Secretariat observed that the Government of Lao PDR seemed to benefit from external support provided by international intergovernmental and non-governmental organizations at the national and regional levels. The Secretariat further welcomed the pledges of support from Parties and other partners to Lao PDR and invited partner agencies to coordinate the support provided and to align it with the priorities of the Government and offered to contribute to and facilitate such efforts. In response, the Standing Committee adopted the following recommendation:

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.

47. To the Secretariat's knowledge, Lao PDR continues to benefit from support from at least the following Parties, intergovernmental and non-governmental organizations: the European Union, the United States of America, including USAID, the United Nations Office on Drugs and Crime (UNODC), the World Customs Organization (WCO), the World Bank as well as WCS and the World Wildlife Fund (WWF), in addition to the support provided by the CITES Secretariat through the compliance assistance project. It seems that the support is mostly focused on strengthening the law enforcement capacities of the relevant government agencies and supporting specific law enforcement activities as mentioned above. There are, however, also partners that support the implementation of the legislative and scientific recommendations of the Standing Committee.

Additional observations concerning the Review of Significant Trade

48. The Secretariat would like to note that, in addition to addressing the specific recommendations under the Article XIII process, Lao PDR has also been making progress in addressing matters identified under the Review of Significant Trade. The Standing Committee, at its 70th meeting (SC70, Sochi, October 2018) agreed to the removal from the RST process of *Ptyas mucosus*, *Python reticulatus*, *Naja spp.*, *Heosemys annandalii*, *H. grandis* and *Cuora galbinifrons* for the Lao PDR, subject to the establishment of zero export quotas until such time as Lao PDR provides an evidence-based justification for any proposed increase in the quota, to be agreed with the Secretariat and the Chair of the Animals Committee. It should be noted that of these four species, *Cuora galbinifrons* and *Heosemys annandalii* are already subject to zero quotas for wild specimens through other CITES processes. Two species from Lao PDR were retained in the RST at SC70, *Macaca fascicularis* and *Dendrobium nobile*, and these will remain subject to a recommendation to suspend trade until the recommendations of the relevant Committee have been implemented. In this context, it is positive to note that the CITES SA of Lao PDR recently submitted a draft NDF of *M. fascicularis* for the Secretariat's observations.
49. The repeated recommendations to suspend trade with Lao PDR in specific species under the RST-process was one of the elements that contributed to initiating the process under Article XIII of the Convention. It is therefore worth noting that Lao PDR is making progress in this regard.

Conclusions

50. The report submitted by Lao PDR clearly demonstrates continued commitment by Lao PDR to strive towards full compliance with the Convention and to address the recommendations by the Standing Committee. The entry into force of the revised Penal Code and the dissemination and implementation of the Code and the PM Order No. 05/2018 are steps in the right direction as is the recent Ministerial Decision on wildlife facilities. It is also positive to note that progress made prior to SC70 to ensure clarity around the designation of the

CITES Authorities and their staffing is maintained and that training and capacity-building of relevant CITES actors are underway. The awareness-raising campaigns undertaken in critical locations should contribute to a change in behaviour and in reduced demand for illegal wildlife products in due course. The CITES compliance assistance project that is about to start will assist in further sustaining this progress.

51. As is also apparent from the present report, Lao PDR needs to focus its efforts on certain elements of the recommendations to ensure that the activities deliver the desired results. The Secretariat is concerned by the uneven progress in adopting legislative measures for the implementation of the Convention that fully meet the minimum requirements established under Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention*. The revised Penal Code, PM Order No. 05/2018 and the recent ministerial decisions address the requirements related to enforcement, but legislation regulating international trade in specimens of CITES-listed species is insufficient. The drafting of the legislation needs to be initiated immediately drawing on the support and guidance offered by the CITES Secretariat.
52. On law enforcement, there have also been commendable actions taken. However, it is noticeable that there have been no seizures of bear bile, lion bones and a limited number of seizures of other bear specimens, tiger specimens and pangolins. Lao PDR has provided limited information on the disposal of seized and confiscated specimens and about the sanctions inflicted upon wildlife offenders.
53. Finally, with regard to the facilities that are keeping and breeding tigers, the policy of the Government seems relatively clear: There should be no commercial breeding of tigers in Lao PDR. However, it is not equally clear how this policy is implemented and enforced. The establishment of the national advisory mechanism/committee could provide guidance with respect to the process for this conversion and regional collaboration on the matter might also be considered.

Recommendations

54. In light of the above, the Secretariat recommends that the Standing Committee updates the recommendations adopted at SC70 as follows:

Regarding management of exports of Dalbergia spp.

- a) Parties shall continue to 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.

Regarding national legislation for the implementation of CITES

- b) Lao PDR shall, as a matter of priority, take substantive and significant steps to develop and 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* drawing on the support provided by the CITES Secretariat and should submit draft legislation for observations by the Secretariat by 31 December 2019.

Regarding CITES Authorities

Lao PDR shall

- c) 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;
- d) every six months submit to the Secretariat copies of export permits and other CITES permits and certificates issued by the Management Authority; and
- e) submit the required annual trade report according to the fixed format and deadlines, and submit information with regard to the level of the government-held stockpiles of ivory and of rhinoceros horn in accordance with the recommendations of the Conference of the Parties.

Regarding law enforcement

Lao PDR shall

- f) continue to effectively implement PM Order No. 05/2018 and the revised Penal Code and disseminate these instruments widely among all relevant law enforcement and criminal justice agencies;
- g) 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;
- h) continue 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);
- i) investigate and prosecute mid- to high-profile cases involving organized or transboundary illegal trade activities, such as those identified by various international partners; and 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 February - December 2019 in the illegal trade report format;
- j) continue to work with the law enforcement agencies from China, Malaysia, Singapore, Thailand and Viet Nam, including the context of the Working Group on CITES and Wildlife Enforcement of the Association of Southeast Asian Nations 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 acquired wildlife and illegal wildlife 'tourism'; and
- k) implement the ICCWC indicator framework for wildlife and forest crime with the assistance of ICCWC partners and monitor progress on those indicators.

Regarding monitoring of wildlife farms and related trade

Lao PDR shall

- l) disseminate and effectively implement Ministerial Decision No. 0188/MAF, dated 8 February 2019 on the *Establishment and Management of zoos, wildlife farms, centers for rehabilitation and breeding of wildlife and wild flora farms*;
- 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 committee with involvement of the CITES Secretariat and other relevant organizations and partners to provide advice on the transformation of commercial tiger farms.

Regarding awareness raising

- o) Lao PDR should 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.

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.

55. The Secretariat further recommends that the Standing Committee request Lao PDR to submit a report to the Secretariat by 1 January 2020 on activities undertaken in the period February-December 2019 to implement the recommendations a) to p) in order for the Secretariat to convey this report and its comments and recommendations to the next meeting of the Standing Committee (SC73).
56. The Secretariat finally recommends that the Standing Committee at its 73rd meeting review progress made by Lao PDR and take appropriate compliance measures, including a recommendation to suspend trade in specimens of all CITES-listed species for commercial purposes if progress is considered insufficient.