



## VIETNAM | INVESTING IN ENFORCEMENT

### KEY INDICATORS<sup>1</sup>

INTERPOL National Central Bureau has officer(s) dedicated to investigating wildlife crime

Multi-agency enforcement mechanism established to investigate wildlife crime

Financial intelligence units include wildlife crime on their portfolios

Assets and proceeds of crime seized in relation to wildlife crime cases since 2014

DNA analysis used in wildlife crime investigations since 2014

Government monitoring of online wildlife trade

Part of bilateral or multilateral agreements that specifically tackle transnational wildlife crime<sup>2</sup>

Participated in INTERPOL operations on wildlife crime since 2014

Participated in regional enforcement operations on wildlife crime since 2014<sup>3</sup>

Applied or declared intention to apply ICCWC Wildlife and Forest Crime Analytic Toolkit

### MAIN OBSERVATIONS

- **Expressing commitment at the highest level in Government**, with the Prime Minister of Vietnam issuing two directives issued in 2014 and 2016 mandating all enforcement agencies to improve efforts to combat illegal wildlife trade.
- **Improving national and international co-operation** by appointing a wildlife crime

focal point in the police. Vietnam's multi-agency enforcement unit, 'the National Steering Committee for Wildlife Enforcement', includes prosecutors and the Supreme People's Procuracy.

- **Committing to improve regional and international co-operation** by entering into agreements with China, South Africa, and Laos on combating illegal wildlife trade. However, these commitments have not fully been translated into actions—for example, under the MoU with South Africa, DNA kits were provided by South Africa to Vietnam for extracting rhino horn samples for use in ongoing investigations, but it has been reported that some rhino horn samples which were being hand-delivered to South Africa by a Vietnam delegation have on occasion gone missing in transit.
- **Training has been provided** in a number of areas such as prosecution and use of specialist investigation techniques.
- In 2016, a **new wildlife crime manual** prepared by NGO Freeland was circulated by the people's police academy.
- **Lack of mandate of the Economic Police and Financial Investigation Unit** to tackle money laundering associated with illegal wildlife trade is a significant obstacle. Vietnam is a member of the Asia/Pacific Group on Money Laundering but it does not appear that financial investigation of wildlife crime is taking place in Vietnam.
- **Lack of use of specialised detection and investigation techniques** such as canine units, call data records analysis and forensic

investigations is another significant obstacle. Further, there appear to be lack of clarity about the mandate to use controlled deliveries.

- There have been a number of prosecutions for **online wildlife trade**, although the majority of illegal wildlife trade occurring online is not investigated and where there are investigations they often result in suspects receiving small fines.
- Applying the **ICCWC Wildlife and Forest Crime Analytic Toolkit** is a positive step and it is now important to ensure that information on progress made in implementing the recommendations arising from the Toolkit process is made publicly available.

### CHALLENGE

Despite an increase in training and capacity-building and the directives issued by the Prime Minister, Vietnam continues to play a significant role in illegal wildlife trade. For example, recent investigations conducted by the Wildlife Justice Commission found Vietnamese nationals are part of organised criminal networks involved in large-scale wildlife trafficking. Further, Vietnamese nationals were the most commonly arrested Asian nationals in Mozambique and South Africa related to rhino horn trafficking between 2010–15.

### CASE FILES

In Nov 2014, police in Khanh Hoa seized nearly 10 tonnes of marine turtles. Case yet to be prosecuted (Feb 16).

In 2009, Vietnam conducted one of the world's largest ever ivory seizures, recovering 6,232kg of ivory from Tanzania; related seizures were made in the Philippines. No notable evidence of prosecution outcomes (Nov 16).

# VIETNAM | ENSURING EFFECTIVE LEGAL DETERRENTS

## KEY INDICATORS<sup>1</sup>

Legislation treats wildlife crime as a 'serious crime' as per UNTOC, ie, the maximum sanction applicable is not less than 4 years

Sentencing guidelines for wildlife crime have been disseminated

Known convictions for wildlife crime since 2014

Charges brought under ancillary legislation such as anti-money laundering laws in wildlife crime cases since 2014

Has anti-corruption unit

Known convictions for corruption related to illegal wildlife trade cases since 2014

**31/100** TI Corruption Perceptions Index 2015

## MAIN OBSERVATIONS

■ **Amendments to the Penal Code** were due to come into force in July 2016; this is now due to take place in 2017. The Penal Code reform is expected to be a significant positive legislative improvement because it aims to remove existing legal loopholes. For example, a major achievement of the Penal Code reform is that it has criminalised 'possession' of illegal wildlife products. The new Code also provides greater protection for non-native species.

Under the old Penal Code, penalties for wildlife crime were determined solely by monetary value of the wildlife specimens, which is often challenging to determine. To address this concern, the Penal Code reforms have introduced the weight or quantity of seized wildlife as a factor to consider in sentencing. Penalties for wildlife crime have also been increased and for some offences include up to 15 years imprisonment.

The Government has created lists of sentences applicable for each species against given amounts and/or weight of the species seized to aid the prosecutors and judiciary. The Supreme People Procuracy can now prosecute a company or organisation for wildlife crime where previously it was only possible to prosecute an individual.

## CHALLENGE

A recent study conducted by Education for Nature – Vietnam showed that despite the existing seven year maximum sentence, a sample of the prosecution outcomes for serious wildlife crimes showed only a third of defendants were sentenced to prison terms with an average sentence of 24 months. The same study highlighted that none of the individuals prosecuted could be classified as major figures in any criminal networks known to be smuggling wildlife parts and products.

# VIETNAM | ERADICATING DEMAND

## KEY INDICATORS<sup>1</sup>

Prohibits trade in elephant ivory

Prohibits trade in parts/products of Asian big cats

Stockpiled ivory has been inventoried

Destroyed ivory stockpile since 2014

Destroyed other wildlife stockpiles since 2014

No known incidents of thefts of government-owned wildlife stocks

Government-led initiatives to reduce demand for wildlife products implemented since 2014

## MAIN OBSERVATIONS

- In 2014, Vietnam's CITES Management Authority reported that all seized **tiger parts had been destroyed**. Destruction of Vietnam's ivory and rhino horn stockpiles is scheduled to take place in November 2016.
- Implementing a MoU between the Ministry of Health and other key stakeholders under which workshops have been conducted on the illegality of using rhino horn and **leading traditional medicine practitioners in**

**Vietnam have signed a pledge** committing to refrain from any engagement in illegal wildlife trade or in consumption of threatened wildlife species, including as ingredients in traditional medicine.

- **Curbing consumption of pangolin scales** by removing pangolin scales from the list of medicines covered by health insurance in May 2015.
- In 2016, **Vietnam Posts and Telecommunications Group** became the first state-owned company to encourage zero tolerance of wildlife consumption among its 90,000 work force.
- In June 2016, over 80 representatives of the Government's Central Committee for Propaganda and Education issued a nationwide communication response establishing wildlife crime and a **zero tolerance of illegal wildlife consumption** as two of the major priorities for the Vietnamese media.
- A key challenge is the **lack of robust methods to measure the impact of demand-reduction campaigns**. Careful identification and profiling of key consumer groups and their potentially disparate motivations is key to the success of demand reduction campaigns.

## CHALLENGE

Farming of certain wildlife species such as tigers remains a serious concern in Vietnam, undermining enforcement efforts. A recent investigation of 26 large multi-species wildlife farms in Vietnam conducted by Education for Nature – Vietnam concluded that all 26 of the wildlife farms investigated in 2014-15 exhibited signs of laundering wild animals, 16 of which openly admitted to laundering wild animals while 18 admitted purchasing wild animals without appropriate papers.

This is particularly a concern in relation to tiger farming; there are 241 captive tigers in Vietnam in both farms and zoos and at least six of these facilities with captive tigers are implicated in tiger trade. Earlier this year, the People's Committee of Nghe An province granted a permit allowing Bach Ngoc Lam Co Ltd to keep 15 tigers for 'conservation purposes'. The husband of the owner of this facility is a criminal with two previous convictions related to the killing and illegal trading of tigers, along with other species of endangered wild animals. More recently, Vietnam's CITES Management Authority issued another permit to this facility to import an additional nine tigers from Europe.