

INTERNATIONAL CONSORTIUM ON COMBATTING WILDLIFE CRIME (ICCWC)

TOOLKIT ANALYSIS: VIET NAM, 2015

IMPLEMENTATION PLAN FOR RECOMMENDATIONS

No.	Recommendation	Action Required	Responsibility	Priority	Timescale	Funding source
CRIMINAL JUSTICE MEASURES						
1	To revise the existing Penal Code and other legislation including relevant Decrees and circulars to provide deterrent penalties to discourage offenders from committing WLFC	As part of the Penal Code review enlist an independent sub-committee to develop deterrent penalties to discourage offenders from committing WLFC and incorporate these penalties into the Penal Code	MARD, MoJ & MONRE	HIGH	Resolved with adoption of new Penal Code on 27 November 2015	N/A – already resolved
2	Revise Article 154 of the Penal Code to include the definition of “great quantity” and “very great quantity”	As part of the Penal Code review enlist an independent sub-committee to incorporate the definition of “great quantity” and “very great quantity” in the penal code	MARD, MoJ & MONRE	HIGH	Resolved with adoption of new Penal Code on 27 November 2015	N/A – already resolved
3	Revise Article 191 of the Penal Code to include “legal persons” in the provisions	As part of the Penal Code review enlist an independent sub-committee to revise Article 191 to include “legal persons” in the penal code.	MARD, MoJ & MONRE	HIGH	Resolved with adoption of new Penal Code on 27 November 2015	N/A – already resolved
4	Revise Decree 82/2006 to prohibit the possession, use and supply of rhino horn	<ol style="list-style-type: none"> 1. Organise a multi-stakeholder workshop to discuss the revision 2. Appoint a group of National Experts to draft 	MARD, MoJ & MONRE	HIGH	Resolved with adoption of new Penal Code on 27 November 2015	N/A – already resolved

		revisions 3. Finalise revision				
5	To amend the existing criminal legislation to include all endangered species according to their CITES Convention. (PROCURACY reported the difficulty in prosecuting a case involving frozen lions since they were not included in the existing legislation)	1. Review relevant legislation on implementation of CITES. 2. Amend the relevant legislation 3. Appoint national consultant to implement 1&2	MARD, MoJ, MONRE and CITES MA	HIGH	Resolved with adoption of new Penal Code on 27 November 2015	N/A – already resolved
6	To amend the existing criminal legislation including a proper mechanism or system to evaluate the objects of illegal wild life trade particularly the Rhino horn and Ivory seized for criminal cases	1. Review relevant legislation 2. Amend the relevant legislation 3. Appoint national consultant to implement 1&2	MARD, MoJ and MONRE	HIGH	Resolved with adoption of new Penal Code on 27 November 2015	N/A – already resolved
7	Revise Decree 32/2006 to prohibit the commercial sale of any rare or endangered wildlife species seized from the illegal trade	1. Organise a Multi Stake Holder workshop to discuss the revision 2. Appoint a group of National Experts to draft revisions 3. Finalise revision	MARD, MoJ and MONRE	HIGH	2 nd Quarter 2016	To be agreed
8	Develop a Circular to guide the application of administrative and criminal sanctions to the Law on Biodiversity, until a new Law on Biodiversity is prepared	1. Organise a Multi Stake Holder workshop to discuss the revision 2. Appoint a group of National Experts to draft the revision 3. Finalise revision	MoJ and MONRE	HIGH	4 th Quarter 2016	To be agreed
9	Revise Decree 157/2013/ND-CP to remove article 6(1)(a), and increase the maximum penalties for organisations	1. Organise a Multi Stake Holder workshop to discuss the revision 2. Appoint a group of National Experts to draft the revision 3. Finalise revision	MARD, MoJ and MONRE	HIGH	1 st Quarter 2016	To be agreed

10	Develop a Circular to guide the application of administrative and criminal sanctions to Decree 160/2013/ND-CP	<ol style="list-style-type: none"> 1. Organise a Multi Stake Holder workshop to discuss the revision 2. Appoint a group of National Experts to draft the revision 3. Finalise revision 	MARD, MoJ & MONRE	HIGH	2 nd Quarter 2016	To be agreed
11	Revise Decision 95/2008 on the Management of Captive Bears to make it compliant with the CITES convention	<ol style="list-style-type: none"> 1. Organise a Multi Stake Holder workshop to discuss the revision 2. Appoint a group of National Experts to draft revision 3. Finalise revision 	MARD, MoJ, CITES MA & MONRE	HIGH	2 nd Quarter 2016	To be agreed
12	Revise the Decision of the Prime Minister (2007) so as to comply with the provisions of CITES Declaration 14.69	<ol style="list-style-type: none"> 1. Organise a Multi Stake Holder workshop to discuss the revision 2. Appoint a group of National Experts to draft the revision 3. Finalise revision 	MARD, MoJ, CITES MA & MONRE	HIGH	2 nd Quarter 2016	To be agreed
13	Ratify the SPC draft circular on ' <i>Guidance on Criminal Prosecution of those who conduct smuggling, transportation, illegal storage of rhino horn and ivory from abroad under CITES</i> ' as a matter of urgency	<ol style="list-style-type: none"> 1. Ratify circular 	MoJ, Central Committee of the Socialist Republic of Viet Nam	HIGH	Resolved with adoption of new Penal Code on 27 November 2015	N/A – already resolved
14	To prepare and organize a joint seminar of selected Judges and Prosecutors of the 3 sub-regional countries of Vietnam, Lao PDR, and Cambodia to share strengths and weaknesses of their respective legal and institutional systems to improve results on WFLC in cooperation with UNODC and Donor funding	<ol style="list-style-type: none"> 1. Organise & hold sub-regional seminar of Judges & prosecutors. 2. Prepare & publish report of the seminar 3. Appoint national & international resource persons 	MARD & MoJ Supreme Court & PROCURACY	MEDIUM	4 th Quarter 2016	To be agreed
15	Establish a network of Judges for	<ol style="list-style-type: none"> 1. Prepare a list of all judges 	MARD, MoJ, Supreme	MEDIUM	4 th Quarter 2016	To be agreed

	sharing substantive information among the Provincial People's Courts and District Courts on the trial and appellate court cases for effectively dealing with wildlife and forest crime cases	<p>dealing with WLFC cases</p> <ol style="list-style-type: none"> 2. Prepare modules for creating network of judges & prosecutors. 3. Appoint national consultant expert in IT technology. 4. Implement No.2 to create network for facilitating information exchange 	Court & PROCURACY.			
16	Design and prepare modules for the training of members of the judiciary to enhance their knowledge and awareness in dealing with court cases regarding wildlife and forest related crimes	<ol style="list-style-type: none"> 1. UNODC to liaise with MoJ and identify training priorities 2. UNODC to seek funding 3. UNODC to engage international consultant to develop training curriculum 4. UNODC obtain funding 5. Deliver training 	UNODC, MoJ	MEDIUM	4 th Quarter 2016	To be agreed
17	Organise a series of seminars for Judges to enhance their knowledge and awareness of the specialised nature of wildlife and forest cases	<ol style="list-style-type: none"> 1. UNODC to liaise with MoJ to identify seminar participants 2. UNODC to seek funding 3. Delivery of seminars 	UNODC, MoJ	MEDIUM	4 th Quarter 2016	To be agreed
18	Design and prepare modules for training Prosecutors in special techniques for investigating wildlife and forest crime cases, including the proper and safe storage of exhibits of crime in those cases	<ol style="list-style-type: none"> 1. UNODC to liaise with PROCURACY and identify training priorities 2. UNODC to seek funding 3. UNODC to engage international consultant to develop training curriculum 4. Deliver training 	UNODC, PROCURACY	MEDIUM	4 th Quarter 2016	To be agreed
19	Design and prepare an index of legislation related to WLFC (this will include all existing laws, regulations,	<ol style="list-style-type: none"> 1. Collect legislation both primary and secondary related to WLFC 	MARD & MoJ	MEDIUM	4 th Quarter 2016	To be agreed

	Ordinances, Decrees of the Prime Minister and other Ministers, circulars, decisions of the prime Minister and other Ministers)	<ol style="list-style-type: none"> 2. Appoint national consultant 3. Prepare index of WLFC legislation 				
20	To create special green benches or fast track courts at the Provincial People's Courts and District Courts to effectively and urgently deal with WLFC cases	<ol style="list-style-type: none"> 1. Appoint national and international consultant 2. To prepare study 3. To review the study and establish green benches or first track courts for WLFC. 	MARD, MoJ, MONRE, Supreme Court, Provincial & District courts	LONG TERM	4 th Quarter 2017	To be agreed
LAW ENFORCEMENT MEASURES						
21	Undertake a comprehensive review of failed FPD cases to identify and address what is causing such a low conviction rate	<ol style="list-style-type: none"> 1. UNODC to liaise with FPD, MPS and PROCURACY to identify scope of review 2. Appoint national and international consultant 3. To undertake review 4. Disseminate report to FPD, PROCURACY and MPS 	UNODC, FPD, MPS, PROCURACY	HIGH	4 th Quarter 2016	To be agreed
22	Increase basic and specialist investigation training to frontline FPD officers	<ol style="list-style-type: none"> 1. UNODC to conduct training needs assessment 2. Organise a Multi Stake Holder workshop to discuss the delivery of basic and specialist training 3. IGO's and NGO's seek funding for training 4. Determine training delivery program 	FPD, UNODC, WWF, WCS, Freeland	HIGH	4 th Quarter 2016	To be agreed
23	Provide frontline FPD staff with personal protection equipment and access to satellite communications when conducting patrols in remote areas	<ol style="list-style-type: none"> 1. ICCWC to identify lead agency. 2. Lead agency seeks funding 3. Lead agency to liaise with FPD and identify equipment priorities 	ICCWC, FPD	HIGH	4 th Quarter 2016	To be agreed

		<ol style="list-style-type: none"> 4. Lead agency to seek funding for provision of equipment 5. Delivery of equipment 				
24	Repair or replace the broken vehicle x-ray machine at the Lao Bao border gate as a matter of urgency	<ol style="list-style-type: none"> 1. Repair or Replace X-Ray machine 	CUSTOM, MoF	HIGH	4 th Quarter 2015	To be agreed
25	Support investment in specialised technology and equipment to enhance management and control in Customs inspections	<ol style="list-style-type: none"> 1. ICCWC to identify lead agency. 2. Lead agency seeks funding 3. Lead agency to liaise with Customs and identify technology & equipment priorities 4. Lead agency to seek funding for provision of technology & equipment 5. Delivery of equipment and relevant training 	ICCWC, Customs	MEDIUM	1 st Quarter 2017	To be agreed
26	Strengthen basic and advanced investigation training and CITES species identification knowledge and skills for Customs officers to detect, investigate and handle violations	<ol style="list-style-type: none"> 1. UNODC to conduct training needs assessment 2. Organise a multi-stakeholder workshop to discuss the delivery of basic and specialist training 3. IGO's and NGO's seek funding for training 4. Determine training delivery program 	Customs, UNODC, TRAFFIC, WCS, Freeland	HIGH	4 th Quarter 2016	To be agreed
27	Form a Task Force comprised of relevant LEAs and the Procuracy to investigate the importation of rhino horn under the guise of hunting permits into Viet Nam	<ol style="list-style-type: none"> 1. Establish a working group to identify roles and responsibilities and lead agency of Task Force. 2. Identify scope and duration of the Task Force 3. Each agency allocates staff 	PROCURACY, CITES MA, MPS, CUSTOMS, BORDER ARMY & FPD	HIGH	1 st Quarter 2016	To be agreed

		and resources to Task Force 4. Lead Agency provides premises to house Task Force				
28	Commence an intelligence collection operation to identify strategic and operational issues surrounding the rhino horn and ivory trade in Viet Nam	<ol style="list-style-type: none"> 1. Establish a working group to identify roles and responsibilities, identify the lead agency and establish mechanisms to share information 2. Lead agency collects and analyses available information 3. Lead Agency disseminates intelligence reports to other LEA's 	MoF, CITES MA, MPS, MARD, BORDER ARMY	HIGH	2 nd Quarter 2016	To be agreed
29	Convene a regional forum for law enforcement authorities from Lao PDR, Cambodia, Viet Nam and China to discuss the exchange of intelligence, and coordinate a regional response to rhino horn and ivory trafficking and establish protocols for controlled deliveries	<ol style="list-style-type: none"> 1. UNODC to liaise with respective Vietnamese and international agencies to arrange forum 2. Each country identifies lead agency for intelligence sharing 3. Respective agencies in country identify mechanisms to allow for the transfer of law enforcement information 4. Each country to identify major actors and disseminate this information to international partners 	UNODC, respective agencies from the four countries.	HIGH	2 nd Quarter 2016	To be agreed
30	Provide the FPD with manually portable basic crime scene examination kits	<ol style="list-style-type: none"> 1. ICCWC to identify lead agency. 2. Lead agency seeks funding 3. Lead agency to liaise with 	ICCWC, FPD	HIGH	4 th Quarter 2016	To be agreed

		<p>FPD and identify equipment priorities for crime scene kits</p> <ol style="list-style-type: none"> 4. Lead agency to seek funding for provision of crime scene kits 5. Delivery of crime scene kits 				
31	Provide Crime Scene training to frontline law enforcement officers from the relevant LEAs	<ol style="list-style-type: none"> 1. UNODC to conduct training needs assessment 2. UNODC to seek funding for training delivery 3. Organise a Multi Stake Holder workshop to discuss the priority areas for the delivery of crime scene training 4. UNODC to engage international consultant to develop training curriculum 5. Deliver training 	UNODC, MARD, MoF, MPS, BORDER ARMY	HIGH	4 th Quarter 2016	To be agreed
32	Source funding to enable the Institute of Ecology and Biological Resources to conduct tests of DNA samples from all ivory and rhino horn seized by relevant LE agencies	<ol style="list-style-type: none"> 1. ICCWC to identify lead agency. 2. Lead agency to liaise with IEBR to identify funding requirements 3. Lead agency seeks funding 4. IEBR to undertake testing of specimens 5. Results provided to Viet Nam CMA for dissemination to relevant international agencies 	ICCWC, IEBR, CITES MA	HIGH	2 nd Quarter 2016	To be agreed
33	Establish a unit within the Environmental Police department to investigate the sale of WLFC products online. UNODC to seek funding to	<ol style="list-style-type: none"> 1. UNODC to conduct needs assessment 2. UNODC to seek funding for equipment and 	UNODC, EnvPol, MPS	HIGH	2 nd Quarter 2016	To be agreed

	provide equipment, training and mentorship to this unit	<p>training delivery</p> <ol style="list-style-type: none"> 3. EnvPol to establish Unit to monitor online sales of WLFC products 4. UNODC to engage international consultant to develop and deliver training curriculum and provide mentorship to Unit 				
34	Appoint an independent reviewer to determine how to best dispose of tigers held in farms in Viet Nam	<ol style="list-style-type: none"> 1. CITES MA to engage international consultant to design program for disposal of tigers held in tiger farms 2. International consultant to deliver recommendations to a working party of relevant stakeholders for review 3. Final recommendations forwarded to Prime Ministers officer for review 	CITES MA, Prime Minister's Office	HIGH	4 th Quarter 2016	To be agreed
35	Expand the wildlife detector dog programme to include Tan Son Nhat and Noi Bai International Airports and a mobile team for use at land border checkpoints	<ol style="list-style-type: none"> 1. UNODC to conduct needs assessment at airports, sea ports and border posts 2. UNODC to seek funding for expansion of WDC program or establishment of national detector dog program 3. Organise a multi-stakeholder workshop to discuss the expansion of the detector dog program 4. Expand Program 	CUSTOMS, MoF, WDC, ICCWC	MEDIUM	4 th Quarter 2016	To be agreed
36	Joint Anti-Money Laundering training	<ol style="list-style-type: none"> 1. UNODC to seek funding 	UNODC, PROCURACY,	MEDIUM	4 th Quarter 2016	To be agreed

	should be delivered to members of the PROCURACY and relevant LEAs	<p>for training delivery</p> <ol style="list-style-type: none"> 2. Organise a multi-stakeholder workshop to discuss the delivery of AML training 3. UNODC to engage international consultant to develop training curriculum 4. Deliver training 	CUSTOMS, MoF, MPS, MARD			
37	Seek funding to provide cell phone analysis hardware and software	<ol style="list-style-type: none"> 1. ICCWC to identify lead agency. 2. Lead to undertake needs assessment for provision of cell phone analysis hardware and software 3. Lead agency seeks funding 4. Organise a multi-stakeholder workshop to discuss the delivery of the equipment and software 5. Deliver cell phone analysis hardware and software 	ICCWC, CUSTOMS, MPS, MARD	MEDIUM	4 th Quarter 2016	To be agreed
38	Undertake a needs assessment to determine the forensic examination deficiencies of Viet Nam's relevant LEAs and how this affects their ability to examine crime scenes	<ol style="list-style-type: none"> 1. UNODC to conduct needs assessment to determine the forensic examination deficiencies of Viet Nam's relevant LEAs 2. UNODC to seek funding for delivery of equipment and training to address forensic deficiencies 3. Organise a multi-stakeholder workshop to discuss outcome of the needs assessment and identify delivery priorities 4. Engage international 	UNODC, CUSTOMS, MPS, MARD BORDER ARMY	MEDIUM	4 th Quarter 2016	To be agreed

		expert (or agency) to deliver forensic training 5. Arrange for delivery of equipment				
39	Establish a committee of relevant LEAs and representatives of IGOs and NGOs to identify the needs and manage the delivery of WLFC LE training in Viet Nam	<ol style="list-style-type: none"> 1. Organise a multi-stakeholder workshop to discuss training need requirements and capacity to deliver training 2. Lead coordinating agency identified 3. Training delivery to be focussed on those areas where training is deficient or is a high priority 4. Co-ordinate the delivery of training 5. Seek funding to deliver training 	CUSTOMS, MoF, MPS, MARD, ICCWC, WWF, WCS, Freeland, ENV (Education for Nature)	Medium	4 th Quarter 2016	To be agreed
INTELLIGENCE COLLECTION AND SHARING MEASURES						
40	Use a shared wildlife crime database as a national repository for WLFC matters	<ol style="list-style-type: none"> 1. UNODC to seek funding for expansion of database 2. Organise a multi-stakeholder workshop to discuss the feasibility of using the system as a national repository to include information on both wildlife and forestry crimes 3. Appoint national consultant expert in IT technology 4. Implement No.2 to create network for facilitating information capture and exchange 	UNODC, CUSTOMS, MoF, MPS, MARD	High	2 nd Quarter 2016	To be agreed

41	Undertake an effectiveness review of Viet Nam WEN	<ol style="list-style-type: none"> 1. UNODC to engage international consultant to undertake effectiveness review of Viet Nam WEN 2. International consultant to deliver findings and recommendations to a working party of relevant stakeholders for review 	ICCWC, CUSTOMS, MoF, MPS, MARD, ASEAN WEN, Viet Nam WEN	HIGH	2 nd Quarter 2016	To be agreed
INTERNATIONAL COOPERATION						
42	Establish secure and trusted international information and intelligence sharing mechanisms based on the CENcomm platform	<ol style="list-style-type: none"> 1. Meetings to be held nationally with MPS, CUSTOMS, CITES MA to establish safeguards and agree central repository and dissemination rules. 2. Nominated representatives to meet with WCO-CEN to discuss and propose managed process for information sharing 3. Examination, testing and verification of CENcomm system to be made by WLFC agencies to ensure they are satisfied and confident that information and intelligence can be handled securely 4. MoU and protocols to be agreed to allow information and intelligence to be passed to prevent serious crime, harm or damage 5. Exchange of information and intelligence 	CITES MA, CITES Secretariat, MPS, WCO CEN	HIGH	4 th Quarter 2016	To be agreed

43	Establish WLFC liaison officers in South Africa and Kenya as a pilot project, staffed from officers of the General Inspectorate Police Department	<ol style="list-style-type: none"> 1. UNODC to facilitate a conference with respective South African, Kenyan and Vietnamese agencies to discuss the establishment of WLFC liaison officers. 2. ICCWC members to seek funding for the establishment of Vietnamese WLFC liaison officers in South Africa and Kenya 	ICCWC, respective Vietnamese, Sth African and Kenyan agencies.	HIGH	4 th Quarter 2016	To be agreed
44	Viet Nam should negotiate MLATs with source countries of wildlife and timber products illegally imported into Viet Nam	<ol style="list-style-type: none"> 1. UNODC to facilitate MLAT regional conference with respective African countries and Viet Nam 	UNODC, respective Vietnamese and African agencies	LONG TERM	4 th Quarter 2017	To be agreed
Counter Corruption Measures						
45	Set up a confidential and dedicated hot line for reporting corrupt officials and practices, with legal protection for whistle blowers and callers	An independent committee needs to be established to review legislation and anti-corruption strategy	Government Inspectorate, MARD, MoD, MoJ and CUSTOMS	HIGH	2 nd Quarter 2016	To be agreed
46	Independent review of vulnerable posts and trafficking routes to devise realistic and effective mechanisms to counter corrupt practices and tackle dishonest staff	An independent committee needs to be established to review legislation and anti-corruption strategy	Government Inspectorate, MARD, MoD, MoJ and CUSTOMS	HIGH	2 nd Quarter 2016	To be agreed
47	Introduction of an accepted and clear description for the offence of bribery for the public and private sector as part of the Penal Code with strong deterrent sanctions and penalties	An independent committee needs to be established to review legislation and anti-corruption strategy	Government Inspectorate, MARD, MoD, MoJ and CUSTOMS	MEDIUM	4 th Quarter 2016	To be agreed