

Report

Briefing on Quang Ninh situation analysis for Central agencies and Quang Ninh agencies

2012

Briefing on Situation Analysis with Vietnam-WEN, members of National Committee for directing anti-corruption, Committees of National Assembly and Quang Ninh provincial Steering Committee for directing anti-smuggling and trade fraud (127SC)

1. Objectives:

- Provide briefing on situation analysis of cross-border wildlife trade and key issues in Quang Ninh
- Assess the situation, challenges, experiences and propose recommendations in combating violations relating to rare and precious wildlife in Vietnam
- Share experiences and lessons between the Vietnam-WEN members, members of National Committee for directing anti-corruption, Committees of National Assembly and Quang Ninh provincial Steering Committee for directing anti-smuggling and trade fraud (127SC)
- Strengthen inter-agency cooperation

2. Annex1: Participant lists

3. Annex2: Minutes of meetings

4. Annex3: Mong Cai site visit report

5. Annex 4: feedback from Quang Ninh agencies

Annex 1

Participants list Briefing for Vietnam-Wildlife Enforcement Network (Vietnam-WEN) Press club 28 March 2012

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Participant list
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Press club, 10 Apr 2012

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Participant list
Briefing for Committees of National Assembly
Press club, 12 Apr 2012

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Participant list
Briefing for 127 Steering Committee of Quang Ninh province
(Provincial Committee for Anti-smuggling and trade fraud)
Press club,10 Apr 2012

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Annex2: Minutes of meetings
VIETNAM-WEN MEETING MINUTES

Time: 8:30 - 12:00, ngày 28/3/2012

Venue: Press Club, 59A Lý Thái Tổ, Hà Nội.

Host: Dr. Hà Công Tuấn – Vice-Head of Administration of Forestry

8h45: Mr. Quan- CITES introduced the meeting purpose and participants

8h50: Dr. Hà Công Tuấn, Vice Head of Administration of Forestry "Thanks for presence This meeting is for sharing information mostly from international organisations. and then we will have another meeting on solutions and responses".

8h50-9h30: Mr Đỗ Quang Tùng

Report on CITES enforcement and mangement of wildlife farming and trade 5-20 billion/year on wildlde trade recorded by CITES. In 2011, set up cooperation with South East countries and South Africa. Build export quotas. Issue more than 3000 permits per year. Organized trainings on wildlife. VN in class A in enforcing CITES. Seahorse is on the way to be prohibited. USA ban live python, clamp. Reduced demand on wildlife from developed countries. More than 70% wildlife traded to China but low cost, so no profit for wildlife farm.

2013: Cop16, some species being asked to include in CITES which will impacts Vietnam such as frog, python, snake, shark

VN WEN: 7-10 ASEAN nations have national WEN

-Reccomendations: Control Mong cai, Cao Loc

- FPD to strengthen the mangement on wildlife farming, check the relevant husbandry records, orient the farming to avoid abundance and supply exceed demand.

- FPD, Police, Market Control to inspect and detect wildlife trading points, restaurants, souvenir shops, TCM shops esp. in HoChiMinh City and Hanoi.

- Customs to strengthen import for re-export shipments from Africa, and passengers therefrom. Skills to check CITES permit

- CBA consult EP in criteria and conditions for wildlife farming

- DAH have introduction on disease safety for wildlife farming as it is considered to be one of causes of zoonotics. Revise regulations to assign border DAH to control wildlife health and trade

- ASEAN WEN members to nominate those to receive awards on fighting wildlife trade. Recc EP to get the award.

9h30-10h00: Dr.Scott Robertson, WCS reported on cross-border trade in Quang Ninh

10h00-10h15:

- Q&A: Dr. Ha Cong Tuan (HCT), facilitator

HCT: cannot determine this is smuggling shipments as they are crossings that legal shipment can pass. So the given number will include all, not just wildlife. I highly appreciate WCS not publicly announce this data. Shipment via crossings is tax-exempted. So investigation and enforcement need to be enhanced. CITES and WCS will invest further to give input for the action plan for VN WEN.

Reccomendations are good but the station of one CITES officer is no use. We can set up a task force instead. But specific reccomendations will be discussed later.

Customs: Good data, but in VN 2million dong is exempted for border citizen traders. In China, this number. can be 10million, so the vehicles counting may be right but more

investigation is needed to see what types of goods as human resources for wildlife control is limited. And the smuggling in daytime is impossible.

HCT: CITES and WCS and Police will work together to further investigate.

HCT: repeat again that he highly appreciate WCS effort in this investigation.

1005-1100: TRAFFIC presentation

1100-1115: *teabreak*

1115-1200:

Discussion:

Mr Du: Vice Head of Agriculture Security: On Scott's PPT, many issues need attention. We are government agency and work with others to protect wildlife. We have many investigations and got some info. We will send specific comments later.

Mr Mau- Preventing Drug crime- border army: Tung asks any change in rep person, any idea on WCS PPT, esp. on statistics and info.

A: Actually, Khoa will attend this meeting but he is on business trip so I replace. The trade btw VN-Lao, Cambodia, Ta is mainly in snakes, turtles, monitor lizards, porcupines, and rabbits. They are mainly exploited in the country of from foreign sources transported through VN to destine abroad over the border in Lang Son, Quang Ninh. Domestic traders contact those in the border to form a closed network. When a chain is detected and arrested, he take all responsible so further investigation is challenging.

Some achievements: Follow gov legislation on preventing wildlife trade, collaborate with relevant agencies to inspect border areas like Lang Son, Quang Ninh, An Giang and Ha Tinh Border Army seized 515kg wildlife and informed FPD for further investigation together.

The border army station does not have housing for animals; exhibit transference is difficult and staff is limited in taking care skills.

Direction: Strictly enforce gov legislation, understand the situation, strengthen patrols and build case file for investigation.

Comment on Scott's PPT: the investigation is very detailed, some content need changes: 300-400 for border officer is not always correct. If we announce not so good for us and for int'l orgs.

Tung: this is for sharing, not for announcement

BCA: Administration of Environment has worked on the building of the species criteria which is tools for enforcement agencies in preventing wildlife crimes. Reccs for enhanced control on wildlife

farming: review all wildlife farms for replanning to ensure the quantity, and wildlife laundering; need coop between EP, Customs, FPD, MC. So should we set up a local task force including them. The sharing info among NGOs and enforcement should be strengthened. WCS report is useful and need to input in WEN meeting for further investigation.

Le Huu Tuan Anh: Fishery Exploitation and Protection Dept: CITES enforcement on fish. We always supervise the farming of those raised for export and work with CITES to issue quota.

Pham Dinh Quan: anti-smuggling, customs:

Tung: should have communication system to inform CITES

Recc 8: No need to strengthen as proved by lots of seizures.

CITES need official letter that specify things unclear, or improper that need change so that customs will see. Seizures made by Customs are informed both to gov agencies and press

Recc 13: Ep and anti-smuggling prepare reports, but we need written request for us to prepare.

C49: Luong: rgd Scott's PPT, we need raw data, as this statistics can not reflect the real situation. I don't understand just by looking at the figures and tables so I need to you're your methodology and time to be able to give comments.

Van Dang Ky: DAH is much related to wildlife as they are now farmed a lot. We control both quarantine and diseases.

For Scott's PPT need accurate data

Agree with traffic PPT

Interpol: Scott PPT stimulate wildlife crime prevention as his statistics stir our curiosity to really jump in. I participated a number of trainings but my knowledge is still limited. I recc that trainings will be longer

Rgd. Info sharing and commu, Interpol is the focal point for int'l intelligence on int'l crimes so we want info on environment crime. We should have focal point for answering others request.

ENV: on info sharing, we ask for support for NGO in info sharing.

HCT: Closing

Purpose of the meeting is to listen to NGO research.

- We should review the wildlife trade over the border. This is complicated as it is sophisticated, causing bad impacts for conservation and prestige of the nation. So we should better the conservation by controlling the illegal w trade. We see that VN has many attempts in controlling via legislation, participation in int'l treaties and improved capacity such as big seizures. In general, we are trying to control int'l trade in wildlife. We join the world in conserve wildlife. Vn got no money from the underground trade as that money cause bribes, buying position and trade in other goods. Inter-agency coop is not prompt so we have VN WEN. We agree that VN_China quote is tens of billion dolar. The counted vehicles are for other goods, not all smuggling as it impacts VN prestige.
- We now should prepare for the April meeting by: consolidate the committee by promote reporting and evaluating of members; make joint action plan with focus on dealing hot spots like Mong Cai, Cau treo by task-force for trial to see the effect. Submit to the committee to make reccs, may prohibit import both legal and illegal in some species like tiger, bear and possibly prohibit import of rhino products. Gov get nothing from this activity.
- Sc should be carefull in saying CITES like a import quota. All import issued permits have export permit. But it is clear that loose control on border point so products are hidden. Farmed products are well controlled. Not consider criminal brokers the same with people.
- Regional coop; with Laos and China and long borderline. I asked SAf not issue export permit to VN. We need int'l org in this. We are planning to sign thorough coop with Laos, Cambodia and China
- Committee will consider a thorough check on restaurants and sign commitment. Need to have check of all rhino's products/speciesmen
- This meeting is useful to make a specific plan, we will have direction and report to the government

11h30-12h00: Close-up by Dr. Ha Cong Tuan

**Minutes of meeting
Briefing on Situation Analysis
for Quang Ninh provincial Steering Committee 127**

Ha Long city, April 3, 2012

1345-1400: Participants registry

1415: Hoang Kim Thanh (WCS) introduced the meeting content and participants

1420-1435: Introduction of WCS and its activities by Hoang Kim Thanh

1435-1615: Dr. Scott Robertson (WCS) presented Briefing on Situation Analysis of Cross-border Wildlife Trade in Quang Ninh

Procuracy: Data collected should be based on data that we submitted to the Supreme Procuracy. The discrepancy on prosecution cases might be due to some are already judged but some are delayed for further evidence collection and investigation. Time for delay is nondefined and the case will be reopened once adequate evidences are gained.

Dang Phuc Lam: Every one knows Phuong Ninh Hot controls the smuggling. Sanctions for wildlife crime is lower than other crimes so criminals take advantage on this point. Specifically, transporters are willing to be jailed rather than revealing the trader behind the shipment as they will get benefits that are worth their jail. Even if the transporter tell the trader, we can not arrest the trader just with his testimony, yet other evidences are needed.

Scott: We should view PNHot as a criminal who do a number of crimes, not just view him as a wildlife trader.

DPLam: What matters is the priority. For instance, for the case of transporting 8 ton of cocaine, it lasts 8 years. So depending on the danger and priority of the issue, resources will be invested in investigation. Otherwise, for a case of transporting tens or hundreds of kilograms wildlife, it's not worth to invest resources in investigation.

Scott: I agree that wildlife is not at top priority but fighting against wildlife crimes is different to other crimes. Wildlife brokers not just do wildlife, they do other things too. So focus is not put on wildlife alone, but on strengthening law enforcement and anti-smuggling in the border. This will benefit all including wildlife.

DPLam: We are currently doing like that. Your data is 300/317 cases are transport case so I mean the finding of trader behind is difficult and impossible.

Sc: We hope can provide support in this area. So can u tell me more about the border crossings. Point 1-3, 10-12

Chuc- Customs: Mong Cai has a number of customs clearance points along Ka Long river. Ports are sites stationed by Customs to check procedures. Those points are spontaneous border crossings without gov control. Shipments you observed are import for re-export products which are legal in VN land but illegal in Chinese land. These are mostly from abroad and by checking we found ivory of pangolin. Vietnam companies only play the role of servicing logistics and on the customs declaration, they are stated other products. For example, when checking warehouse of Hung Vuong company, we seized 1332kg frozen pagolins and only the warehouse keeper knows about this. He said when China prohibits import, a company came and rent the warehouse for storing their fish with cost of 2million dong per day. This case was then transferred to FPG for handling.

The video as shown with lots of vehicles is because China don't let in boats so they park on the river side in VN which is legal. It is unclear in those boats/shipments, whether there are wildlife or not.

Joint control station (Customs and border army) Vang Lay and Tram bom is not working on daily basis but ad hoc.

HKT: Is there a regulation that says only checking shipment from Mong Cai heading to domestic markets, yet not the way round?

Mr Hung- Km15 station: We used to check shipments en route to Mong Cai but according to the regulation we don't check anymore to support enterprises in exporting activities. These shipments will be checked on border anyway. Km15 is responsible for collecting tax on shipments imported unofficially from Mong cai to the domestic market.

HKT: Regulation says border citizens are allowed to do trading of less than 2 million dong value. IS this applied to whole Ka Long area or in what location such as Vang Lay, KM1?

Chuc- Customs: According to Circular 12, people with border citizen ID card will be tax-exempted for trading of less than 2m value at places customs is available.

Hong: S is it illegal to trade in Vang Lay?

Cuong: In VN side, it is legal but with China, it is smuggling or vice versa. Import for re-export shipment is legal in VN but illegal if entering China.

The number of vehicles may be correct but the busy time differs as though shipments is declared at Ka Long points the time to enter China varies as they only open in some certain hours.

A Minh- Procuracy: WCS data is extracted from different sources on wildlife and other goods including some are legal in VN but illegal in China. Why wildlife trade still flourishes when PNH has been caught. The problem lies in the policies to control the border area and the inspection of goods. So we need the government to revise the policy at macro level. It's them that can change the situation. We herein are just enforcing agencies

HKT: At area without customs presence, can border army do checking? And where?

Cuong: At Po Hen, but not yet applied

Sc: can goods be transported via points 1,2,3,4, 10-12 ?

Chuc: No without customs presence. Shipments being customs cleared at Ka Long customs clearance points can pass those points via river way. For trucks even being cleared customs at Ka Long can not pass those points.

Scott: Does anyone know UNODC liason office?

No.

Closing

Minutes of meeting
Briefing on Situation Analysis for National Assembly

Hanoi, April 12th, 2012
Hosted by Wildlife Conservation Society-Vietnam Program
Funded by CEPF

Time: half day, Wednesday, April 12, 2012

Venue: Press Club

Participants registry

1515-1520hr: Hoang Kim Thanh (WCS) introduced the meeting content and participants

1520-1534hr: Introduction of WCS and its activities in VN by Hong WCS

1534-1633hr: S. Robertson (WCS) presented Briefing on Situation Analysis of Cross-border Wildlife Trade in Quang Ninh

Q&A, open discussion, recommendations

Mai The Bay: I personally think your data is very significant to us. As you gave data not only on wildlife but on other issues. You said there is discrepancy in the numbers. From data to prosecution is a far distance.

I just sign on some cong ham exclusive Quang Ninh. The trade over QN is big but the criminal cases are limited.

I think this data should be given to those like law maker, policy maker like NA, Gov or Ministry of tu phap. I want to have the report to share with our agency to adapt in our work.

UB QP An ninh: I think the report is suc tich and I don't think you have such significant data. This data is not for policy and legislation making but more on enforcement. I think legislation is not insufficient. This data is useful for us in questioning or asking local in enforcing law, such as controlling weapon. This data should be given to relevant ministries in official way as this issue is not so difficult that gov cant do anything.

HKT: We also report to QN and VN WEN including such relevant agencies.

Vien nghien cuu lap phap: An bat hop ly here is the selling of animals after confiscating that make on illegal product to legal product. I am surprised as this data is not only on wildlife but providing an overview on trade in bordering area.

Ms Ha- UB Doi ngoai: Data in this report can be shared to Interpol or police as this is transnational crimes. VN legislation in VN is well assessed by int'l and the issue lies on enforcement. So data should be provided to enforcement agencies. What relates to us is in the diplomatic relationship monitoring btw VN and other nations.

Vu 1- Procuracy: I'm surprised at your study and I agree with Bay that we don't lack legislation. I've been there already and said that enforcers know already. Eating wildlife in China is cheaper such as monitar lizard. Tai sao China is a big market and why wildife is traded via Mong Cai, not other places. We would like no know more on this.

HKT: Invitation for site visit

Minutes of meeting Briefing on Situation Analysis for Central Committee for directing prevention and anti-corruption

Hanoi, March 21st, 2012

Venue: Press Club

Participants registry

Opening remarks by Scott Robertson (WCS)

9.10- 9.16hr: Hong-facilitator and translator, WCS, introduced the meeting content

Introduced the participants

9.18- : Briefing on Situation Analysis of Cross-border Wildlife Trade in Quang Ninh by S. Robertson (WCS)

Open discussion, recommendations

Thanh: host the discussion

Police General department of investigation and anti-corruption: very impressive with your study and highly appreciate your effort, people like Scott very helpful for countries like us to maintain wildlife for future generation, like your saying contributing one hand for the development of VN. We are clear enough, so no more question. But we think this is difficult, we have some more comments: We hope from this data, VN authorities can do sth to prevent wildlife trade and smuggling in general. Eg, WCS can provide Central anti-corruption steering committee office the summary of the report to report to the Prime Minister (PM) to revise the law (not making it import for re-export goods but smuggling goods), PM can see the export through legal border gate is limited, and Gov can work on the smuggling points. You said you not give the Press these data, but one prob is public lack of information on smuggling and social issues. So pls consider provide the info to the press to raise awareness... Personally, if we just fight in Mong Cai, it's just the top of the prob, we need to make Chinese not to exploit VN resources. We suggest to input wildlife to the UNODC action plan as it spoils the bureaucracy. You should work with other orgs to make a solution to deal with the root of the problem. We also want to fight corruption but it's diff even if you take us for field trip and point out who's with Phuong Ninh Hot. If you have more specific info, inform us, we can work on it and make plan to catch in hand. Then can point out clearly to the provincial authorities and Anti-smuggling will work on the case.

MIC: We agree with Anti-smugg that appreciate your study. This issues is as imp as drug fighting. I can not represent the Ministry, but our work is to communicate formal information to the public. We hope to work with u by providing us necessary info, some infor you gave is very interesting like busiest smugg time is working hours, is this due to weak enforcement. Or data on big trader u can give specific names to the enforcement agency for dealing. I agree with Chien that Quang Ninh is just the seen part of the iceberg.

Thanh:

Anti-smugg office: fighting against corruption will not distinguish big or small issues like drug or wildlife or any other issues, the level of danger is the same. We want more specific report the better to be able to report to the senior as it relates to legislation and macro issues. Your organisation just use investigation techniques but produce amazing results so we highly appreciate.

Thanh: We will complete the report and send you later.

Tien: introduce two others member: one in Int'l relation and in Communication and anti-smuggling Dept.

Scott: Is it possible to work officially with Anti-smuggling?

Tien: Law not ban

Scott: It's great to work with u in the future.

Annex 3:

Mong Cai Trip Report Date of site visit (28-19 May 2012)

1. Objectives: Better understanding of cross-border trade including legal and illegal trades in Mong Cai, Quang Ninh

Participants: 2WCSers (Hoang Kim Thanh+Tran Xuan Viet), 2 rep of Claim, anti corruption, anti-Smuggling, anti human trafficking dept (Government/Prime Minister Office), 2 rep of Agriculture & Rural Development Securities (MoPS), 1 dept 3 of Nat EP (MoPS), 1 Dept 1 (SPP) (Total: 8 persons)

2. Outcomes:

Day 1 (28/5/12) in Dong Xing, China:

-Visit Dongxing (China) for observation of smuggling points As Vang Lay, Co Ngong, Km 1, Km2, Km3, Km4 and Quoc Mau wildlife Market.

- Traders were still doing smuggling in the smuggling points: at 1600hr seen 5 trucks in Vang Lay, 3 trucks in Co Ngong; at 1800hr seen 12 trucks in Km1, 8 trucks in Km3, no truck was seen in Km2 and Km4.
- Snakes, turtles, birds, reptiles were being sold in the Quoc Mau markets in 3 shops

Day 2 (29/5/12) in Mong Cai, VN:

- Visit Bac Luan border gate, Mong Cai customs checking Area, Vang Lay entrance, Ka Long border gate, ports & bonded warehouses in Ka Long river, Luc Lam customs clearance point, Co Ngong entrance, entrances of Km1, 2, 3, 4
- The trading activities are not busy at this time: few trucks and container trucks were in operations in the above visited customs clearance points and gates. Three trucks were seen in Km3 entrance at 1030hr. No truck was seen in Km2 and Km4. Trucks and bikes were still moving towards Km1. 1 truck and 1 watch person were seen in Vang Lay entrance. 2 gates closed and 1 gate open towards Co Ngong smuggling point.
- Contruction of roads and living area are seen in Km1 and Km4 (1 point)
- No one entered into the above smuggling points
- Few trucks were seen in Km15 station
- No activities in daytime in the river and roads closed to Km15 Other activities: the government officers had separate meetings with local officers and informants and knew that smuggling can be stopped and anti smuggling are effective with... Chinese ban!!
- Mr Ba (PM Office) was helpful and ask if any recommendations from WCS to the Government can be sent to him and submit to the PM or his vice in the future. But he is also the person who can recommend for Mong Cai and Quang Ninh development plan and support from VN Gov For the future. It seems the Relations of traders and smugglers are very close and complicated with local gov agencies/officers in MC. Not much changes was seen in Mong Cai after distributing WCS situation analysis report to the Central and QN gov agencies. But the gov officers appreciated our efforts to investigate things in Mong Cai, but said it can be dangerous and harm us if we intend to investigate by ourselves.
- The case of Phuong Linh Hot is still under further investigation

3. Recommendations:

- For improving policy: need to have detailed recommendations to Gov office Through Mr Ba
- Will keep good relations with EP, An Ninh, SPP in the future for investigation and/or wildlife seizures campaign.

List of participants in Mong Cai site visit

No	Name	Agency	Email	tel
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Annex 4: Feedback from Quang Ninh agencies

**DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT
FOREST PROTECTION
SUB-DEPARTMENT**

No: 280/ KL-BTTN

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence- Freedom- Happiness**

Quang Ninh 11, May, 2012

REPORT

The results of wildlife inspection, confiscation and handling from 2009-20212

I. Characteristics and situations.

1. Characteristic:

Quang Ninh is a province located along the Northeastern coast of Vietnam, borders an autonomous area of Choang minority, Guangxi, China to the north. It is one corner in the economic triangle in Northern Vietnam: Hanoi – Hai Phong – Quang Ninh and has 118.656 kilometer border with China. Quang Ninh has a relatively completed commercial infrastructure facility inclusive of Bac Luan border gate, Mong Cai city, Bac Phong Sinh border gate (Hai Ha district), Hoanh Mo border gate (Binh Lieu district) and Po Hen open point (Mong Cai city). Quang Ninh (Mong Cai

International border gate) can be considered one of important economic specialized zones with dynamic international commercial activities. Given these advantages, Quang Ninh is a key point in export, re-export, temporary import, transit,...and also a complicated hot spot in illegal cross-border trading activities of wild rare fauna and flora.

2. General situation:

In recent years, the management of forest protection and exploitation, trading and transporting of forestry products in the region is active and strictly follows legal regulations. Violations of the Law on Forest Protection and Development have been basically detected timely and strictly punished in accordance with the law. There is no deforestation hot spot and the number of illegal exploitations, trading, transporting cases has reduced significantly. However, these violations of forestry products in the region still exist; the major cases are wildlife trading, transporting and exploiting, transporting logs with roots to plant later. Violators use more sophisticated, crafty and unpredictable tactics and techniques, which causes difficulties in the violation inspection, prevention, arrest and handling.

II. The management of wildlife breeding

In recent years, the Forest Protection sub-department has had some reforms in the management of wildlife breeding facilities; re-systemized the storing, kept record on wildlife breeding facilities, implemented the management of sudden reports and regular reports on monthly, quarterly and annual basis in breeding facilities and provided guidelines for agencies to develop wildlife breeding facilities. During the implementation, the sub-department makes good condition for wildlife breeding individuals and organizations in registration procedure for the breeding and consumption permits.

By May, 2012, the Forest Protection sub-department has issued wildlife breeding certificates for 755 facilities, equivalent to 12,022 individuals, in which:

- Porcupine: 595 facilities = 3722 individuals
- Wild pig: 93 facilities = 909 individuals
- Deer: 38 facilities = 154 individuals
- Cobra: 17 facilities = 4033 individuals
- Snakes: 02 facilities = 770 individuals
- Fresh water crocodile: 03 facilities = 298 individuals
- Lizard: 01 facility = 700 individuals
- Civet: 06 facilities = 39 individuals
- Hard-shell turtles= 873 individuals
- Monitor lizard = 524 individuals

III. The instruction and implementation:

Following the instruction by the Provincial Committee, the Provincial People's Committee and the Permanent Board of Director 127 in Quang Ninh province, the Forest Protection sub-department has seriously deployed implementation plans in agencies under the force to fight against smuggling, prohibited goods, fake products and cheating in commercial activities; instructed agencies to strictly follow Directive No 12/2003/CT-TTg and Directive No 08/2006/CT-TTg on strengthening emergent methods to prevent illegal deforestation and forest exploitation; Decree No 01/2012/TT-BNNPTNT on Jan 4, 2012 by MARD regulating legal document of forestry products and checking the origin of forestry products; Decision No 95/2008/QĐ-BNN on Sept 29, 2008 and Decision No 1700/2008/QĐ-UBND on June 3, 2010 on captive bear management; Document No 184/TCLN-KL on Apr 27, 2010 by the General Forest Department and Document No 1922/UBND-NC on May 19, 2010 by the Provincial People's Committee of Quang Ninh regarding "the inspection and prevention of illegal exploitation, trading and transporting of forest plants"

Perform close inter-agency cooperation according to Cooperation Regulation No 88/LN-QCPH on Apr 4, 2007 between the Provincial People's Procuracy of Quang Ninh and other agencies: Police - Border Police - Custom Department - Forest Protection Sub-department - National Inspector - Tax Department - Market Management sub-department in Quang Ninh province for a coherence in the work of receiving, handling and managing information, allegation of crimes in provincial scale and district scale. The receiving and handling of a case is quick and effective; during the implementation there will be discussion for agreement and solution in case of any difficulty or confusion relating to the cooperation content. Closely cooperate with provincial police according to Cooperation Plan No 252/QCPH/CCKL-PC36 on May 29, 2009 between the Forest Protection force and Environmental Police in Quang Ninh province regarding the protection and management of forest, wildlife and environment conservation.

Besides, in districts, provinces and cities with border gates like Mong Cai, Hai Ha district, Binh Lieu district, the police, border police, customs, rangers and market management police sign a cooperation regulation to strengthen the inspection, management and prevention of smuggling, prohibited goods, fake products and cheating in commercial activities, including illegal cross-border trading of forestry products, wildlife and plants...

Closely cooperate with other levels and agencies in the Board of Director 127 like the police, border police, customs, market management police, rangers... in provincial and local level when implementing the prevention of smuggling, cheating in commercial activities, prohibited goods, fake products and wildlife. Implement the activities with coherent cooperation for high effectiveness; member agencies in the Board of director 127 have cooperated to arrest and seriously punish many illegal trading, transporting cases of forest products, especially specious wildlife.

IV. Results of punishments of violations

In 2009, regarding wildlife cases seized: inspected, made violation documents for 47 violation cases; in which 4 cases had criminal punishments, 43 had administrative punishments, 4,530.8 kilograms of different types of wildlife (3,177.9 kilograms of

specious wildlife, 1,352.9 kilograms of normal wildlife) was confiscated; total 2,371,215,000VND (1,552,400,000VND from administrative punishments, 1,552,400,000 from selling the forest products) was collected.

In 2010, inspected and made violation documents for 46 wildlife violation cases, in which 7 cases had criminal punishments, 39 cases had administrative punishments, 3,156.3 kilograms of different types of wildlife (1,128.4 kilograms of specious wildlife, 2,027.9 kilograms of normal wildlife) was confiscated; total 1,284,792,000VND (12,250,000VND from administrative punishments, 442,442,000 from selling the forest products) was collected.

In 2011, inspected and made violation documents for 65 wildlife violation cases, (31 cases relating to specious wildlife, 34 relating to normal wildlife), in which: 5 in which 5 cases had criminal punishments, 60 cases had administrative punishments, 8,289 kilograms of different types of wildlife (5,171 kilograms of specious wildlife, 3,117.7 kilograms of normal wildlife) was confiscated; total 4,636,085,000VND (1,702,550,000VND from administrative punishments, 2,916,045,000 from selling the forest products) was collected.

In 2012 (by the end of April), inspected and made violation documents for 10 wildlife violation cases, 2,543.8 kilograms of wildlife (2,191 kilograms of specious wildlife, 352.8kilograms of normal wildlife) was confiscated; total 356,784,000VND (231,750,000VND from administrative punishments, 125,750,000 from selling the forest products) was collected.

Some typical cases:

- On Sept 9, 2009, the Environmental Office of anti-fire police in Quang Ninh cooperated with the Office of Forest Protection in Mong Cai city to inspect and arrest Cao Ngoc Thanh, born in 1964, living at 32, ward Cam Tay, Cam Pha town when he was driving a car to illegally transport 20 cobra kings, equivalent to 71 kilograms in Hai Dong commune, Mong Cai. After arresting, they cooperated with the Forest Protection sub-department to perform the assessment and complete initial documents to send to Inspecting police in Quang Ninh for prosecution and detention
- On Apr 2, 2010, the Office of Traffic Police in Quang Ninh cooperated with the police in Cam Pha town to inspect and make violation document for Nguyen Quoc Huy, born in 1977, living in Xuan Hoi village, Lac Ve commune, Tien Du district, Bac Ninh province, and Nguyen Dinh Son, born in 1981, living in Nghia Vi village, Hoai Thuong commune, Thuan Thanh district, Bac Ninh province. They drove a car with plate BKS 99K-5885 to illegally transport 3 moon bears, which is a specious rare wildlife in Group IB, equivalent to 241 kilograms. Also on this day, the Office of Inspector decided to prosecute the case, the subject and handed over the exhibits to the Forest Protection sub-department. The sub-department consulted the Provincial People's Committee to make the decision to transfer the bears to Soc Son wildlife rescue center, Hanoi in accordance with the law.
- On Feb 25,2011, the Office of anti-Environmental crimes in Quang Ninh cooperated with Traffic police, Conjugate checkpoint km15 to inspect and

arrest a car with plate 67M-2593 driven by Ha Van Diep, born in 1974, living in village 6, Cong Hien commune, Vinh Bao district, Hai Phong city when he was illegally transporting wildlife (368 kilograms of golden civets). The case was handed over to the Forest Protection sub-department to inspect, verify and complete the violation document to submit the Provincial People's Committee of Quang Ninh province. As a decision by the authority, Ha Van Diep was fined 450,000,000 VND for illegal transporting wildlife; confiscated wildlife (civets) was contributed to the National Budget as regulated.

In a many cases of inspection, arrest and handling, violators perform furious resistance; their tactics and techniques are more and more sophisticated, crafty and unpredictable, which causes many difficulties for the violation inspection, prevention, arrest and handling; violators even texted or phoned authority leaders to threaten; some forest rangers were even attacked and injured when on duty. But with decisiveness and intolerance in the combat against the crimes, with professional techniques, close and timely cooperation among authority agencies, especially the Board of anti-smuggling 127 in the province, the Forest Protection sub-department has successfully fulfilled the tasks assigned, together with other levels, agencies and locals contributing to maintaining political security, social safety and order in the region, preventing cheating in commercial activities, prohibited goods, fake products and illegal cross-border wildlife trading.

On May 3, 2012, the Forest Protection sub-department received Report No 01/2012/WCS on "Assessment on the current situation of wildlife cross-border trade in Quang Ninh, Vietnam". The report assesses and provides statistics collected during the survey, quoted statistics and information about the number of transport means through the border gates...to analyze illegal wildlife trading activities in some border areas and crossings in Mong Cai city. This report is not persuasive, unconfirmed and impractical, such as WCS's claim of up to 3,606 two-way shipments between Vietnam and China on daily basis; weak management of cross-border wildlife trading; well organized criminal brokers; and corruption of law enforcement officers in some agencies. In such an important international border gate like Mong Cai, shipment transporting between 2 countries is a normal and legal activity. If criminal brokers operate openly; the management of trade in prohibited goods and wildlife is weak; and law enforcement officers receive bribes as reported by WCS, we would never have achieved successes in the arresting and handling as mentioned above (the data of arrestment are updated in consecutive 4 years).

However, the Forest Protection sub-department would like to thank WCS for providing the information and consider the information a predicted situation so as to re-organize the force and strengthen the work in agencies in the force to fight against smuggling and violations relating to specious wildlife.

Continue to thoroughly disseminate and seriously implement cooperation regulation between member agencies of the Board of Director 127 (issued together with Decision No 2681/QD-BCD on Sep 7, 2010). Cooperate more closely with other agencies, locals, especially among members of the Board of

Director 127 in the province; implement effectively the inspection and management of the work against smuggling, cheating in commercial activities, prohibited goods, fake products, cross-border wildlife trading.

The Forest Protection sub-department would like to report the results of inspection, arrestment and handling of wildlife-related cases to the Permanent Board of Director 127 in the province for review./.

Receipts:

- The provincial permanent committee (report)
- The provincial people's committee (report)
- The provincial interior office (report)
- The director of the department of agriculture and rural development (report)
- The permanent board of director 127 (report)
- WCS
- The sub-department

**The Head of
Forest Protection sub-Department**

PHAM VAN PHAT

**THE PROVINCIAL PEOPLE'S
COMMITTEE OF QUANG NINH
PROVINCIAL COMMITTEE 127**

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence- Freedom- Happiness**

No.: 32 /CQTTBCD127

Quang Ninh, May 21, 2012

Respectfully to: Mr. Scott Robertson – Director of WCS, Vietnam program

The Provincial People's Committee of Quang Ninh has received Report No 01/2012/WCS on March 20, 2012 by Wildlife Conservation Society (WCS) analyzing the situation of cross border wildlife trading through Quang Ninh, Vietnam. Authorized by the Provincial People's Committee of Quang Ninh, the Provincial Committee 127 would like to discuss some points to better clarify the content of the report by WCS:

First of all, we would like to send regard to the director of WCS and thank you and your organization for concerns about the situation of wildlife trading through Quang Ninh in recent time. Hopefully we would still receive concerns and sympathy from you, WCS and others in the path of establishing the order, disciplines and the work of wildlife conservation in general and the fight against wildlife crimes in Quang Ninh in particular.

We would like to share with WCS some information mentioned in the report, as the insiders, we would also like to provide some relevant issues so that we could have a comprehensive and overall view about the management work and achievements in the prevention and fight against smuggling, fake products, commercial cheating activities in general and illegal wildlife trading and transporting in particular in Quang Ninh.

I. Situation and the fight against smuggling, fake products and commercial cheating activities in the province.

1. Characteristics, the situation of wildlife transporting and trading

1.1. Characteristics:

Quang Ninh is a border province in the North, with a land border and a sea border adjacent to China, with national, international border gates, sea ports and goods clearance points. Besides, Quang Ninh is a touristic and service center. The geographic location is good for economic development, in which commercial and services activities are largely invested, goods export and import activities are encouraged. Trade between the 2 countries is more and more increasing, contributing to the eco-social development.

However, because geographic landscape is complicated with many paths, open points, river ports along the land and sea border... some subjects take advantage of that to commit smuggling in general and illegal wildlife transporting and trading in particular.

1.2. The situation of legal wildlife trading

According to the statistics, since 2006, there have been 06 enterprises re-exporting wildlife through Mong Cai border gate, including:

- Trung Viet commercial border-trade joint-stock company
- Mong Cai investment and development joint-stock company
- Thai Son construction joint-stock company (Khuong Trung – Thanh Xuan – Hanoi)
- Cuu Long co.,ltd (Tan Thanh – Ca Mau)
- Dau Tieng co.,ltd (Tan Chau – Tay Ninh)
- Thinh Phat commercial export and import company (Dong Da – Hanoi)

The wildlife are from Lao and have permits issued by CITES Vietnam. Most of those wildlife are snakes (different types: king cobra, common rat snake), water monitor, yellow-headed temple turtles, giant Asian pond turtles. The enterprises that have registered for custom procedures for temporary import and re-export are:

- Nam Can Custom sub-Department, Nghe An
- Nam Can Custom sub-Department, Ca Mau
- Na Meo Custom sub-Department, Thanh Hoa
- Lao Bao Custom sub-Department, Quang Tri
- Cha Lo Custom sub-Department, Quang Binh

After that, the goods are sealed and handed over to the Custom sub-Department of Mong Cai border gate to monitor the actual export. The specific results are:

- In 2008: 16,300 individuals inclusive of yellow-headed temple turtles, giant Asian pond turtles, water monitors, common rat snakes.

- In 2009: 96,223 individuals: yellow-headed temple turtles, giant Asian pond turtles, water monitor, common rat snakes, king cobra
- In 2010: 54,600 individuals: different types of turtles, snakes, monitor lizards
- In 2011: 147,430 individuals: different types of turtles, snakes, monitor lizards
- In the first 4 months of 2012: 131,150 individuals: different types of turtles, snakes, monitor lizards.

1.3. The situation of illegal wildlife transporting and trading

In recent years, the situation of transporting and trading of wildlife and wildlife products are very complicated with many sophisticated tricks and techniques, for example: using small cars, specialized vehicles, 2 compartment cars, 2 bottom cars... to transport; using different means of transportation in the same case to distract, hide or hinder the inspection and control of law enforcement forces.

After transported from Mong Cai, wildlife are divided into small parts to be carried on motorbikes on paths far from the residential area and highways, then illegally exported to China. Wildlife illegal traded through Mong Cai are: pangolins, different types of turtles, monitor lizards, snakes, crocodiles, lizards, monkeys, tigers, bears, birds, ivory...

To hide from the handling of authority agencies, the owners of those wildlife are often anonymous. When arrested, the transporters tried not to reveal the real name of the owner, which makes it very hard to deal with the root of the case.

Given the above situation, the fight against smuggling, fake products and commercial cheating activities in general and the prevention and fight against specious wildlife transporting and trading in particular is a big challenge for authority forces in Quang Ninh.

2. The directing and control work against smuggling, fake products and commercial cheating:

Being aware the importance of the issue, Quang Ninh province identifies the work against smuggling, fake products and commercial cheating activities as the first priority with the involvement of levels, agencies and the political system to provide coherent and strong solutions which are largely supported by the people in the society.

As demanded from practice and instructed by the Prime minister, on November 2, 2001, the Provincial People's Committee of Quang Ninh issued Decision No 4074/QD-UBND to establish the Directing board of anti-smuggling, fake products and commercial cheating activities (The Provincial Directing board 127 in short), at the same time issued Decision No 4084/2001/QD-UBND on November 5, 2011 regarding "Working Regulations for the provincial Directing board of anti-smuggling, fake products and commercial cheating activities".

To complete the Provincial Directing board 127, the Provincial People's Committee has Decision No 2588/QD-UBND on July 23, 2007, Decision o 3486/QD-UBND on October 30, 2008, and Decision No 2524/QD-UBND on August 8, 2011 on adding more members into the provincial Directing board 127. Facing the demands of tasks in the new situation and implementing the instruction of the Central Directing board 127, on August 28, 2009, the Provincial directing board of Quang Ninh had Decision No 2626/QD-BCD regarding the Working regulations for the provincial Directing Board of anti-smuggling, fake products and commercial cheating activities. Local Directing Boards 127 are established in districts, communes, cities in the province.

The Provincial Directing board 127 and local Directing boards 127 in districts, communes, cities are key forces to provide effective direction in the work against smuggling, fake products and commercial cheating activities in the province, seriously follow instructions by the Government, Ministries, central and provincial Agencies regarding the work against smuggling, fake products and commercial cheating activities in the area; regularly organize trainings, workshops on wildlife conservation issues; sign and strengthen inter-agency cooperation in inspection, control and handling of violations and crimes relating to specious wildlife transporting and trading in the area.

Under the direct instruction and management of the provincial Directing Board 127, the work against smuggling, fake products and commercial cheating activities in general and the prevention and fight against illegal wildlife transporting and trading in particular in Quang Ninh has had many significant achievements.

3. The outcomes of the mission:

3.1. The outcomes (from 2001 to now):

- Anti-smuggling, fake products and commercial cheating activities in the province

Total number of cases: 57,380

Total amount of money: 1,461,250,365,000 VND, in which:

Administrative violation punishment: 467,043,184,000 VND

Selling the products: 994,207,181,000 VND

- Anti-illegal wildlife transporting and trading:

Total number of case: 581, in which 527 cases have administrative violation punishment; 54 cases have criminal prosecution. 120,476 kilograms of wildlife are confiscated (different types: pangolins, snakes, monitor lizards, turtles, birds, bears, loris, cats, crocodiles, ivories...)

The value of the confiscated exhibits: 22,829,231,000VND, in which 11,385,649,000 VND is from administration violation punishment.

3.2. General assessment:

As shown from the above outcomes, in recent time, party committees at all levels and local authority of Quang Ninh have really paid attention and provide timely and regular instructions; authority agencies are determined and actively get involved in inspection, detection and handling of smuggling violations and crimes in general

and wildlife crimes and violations in particular. The management is strict and strengthened. Cases are handled timely, strictly in accordance with the law, have deterrence and educational effects.

It can be assured that: with the involvement of the political system, the work against smuggling, fake products and commercial cheating activities in Quang Ninh has had significant achievements: the situation of smuggling, fake products and commercial cheating activities in general and which of illegal wildlife transporting and trading in particular is basically prevented and controlled, there is no complicated smuggling hot spots, large scale smuggling, inter-provincial criminal gangs, transit stores of illegal imported goods.

The achieved outcomes in the work against smuggling, fake products and commercial cheating activities have contributed to stabilizing the market, promoting production and trade, increasing the income of local budget, and together with other activities making Quang Ninh a province with stable politics, security and defense, ensured social safety and order.

In many years, Quang Ninh has been in the list of top provinces, cities in the country that have goods achievements in the fight against smuggling, fake products and commercial cheating activities.

II. Some relevant information:

1. As shown through the checking of the documents of wildlife shipments re-exported through Mong Cai border gate: the custom documents are full, legal, wildlife are permitted by CITES Vietnam, the Border customs make the procedures for temporary import, re-export, seal and hand over the goods to Mong Cai border gate sub-department. Mong Cai border gate sub-department assigns enforcement staffs to receive the documents and goods according to the over-handing minute and strictly monitor the goods exported through Ka Long border gate as regulated.

2. At Bac Luan border gate, in recent years, exported goods are often not of big business with big turnover. The goods are rubber, candies, coffee from Vietnam; the goods imported and exported by the border residents through the border are mainly dried products, retail consumption goods. All of the goods imported and exported by the border residents, and the hand luggage of immigrants are checked by the luggage scanner at the border, which has shown no case of wildlife trading through Bac Luan border gate

3. At Ka Long border gate, in recent time, imported and exported goods are mainly agricultural products like tapioca starch, rice, sugar, fruits and processed coffee, dairy products... so it is difficult for illegal wildlife traders to blend in.

4. In other checking points of imported and exported goods (along Ka Long and Luc lam river), there are enforcement officers directly monitoring 24/24 hour

everyday, all the goods going in and out are monitored by the customs. Besides direct monitoring, goods exports through these points are also recorded by camera.

5. As a key trading point between Vietnam and China, Mong Cai city is a concentrated area with large number of people, vehicles and goods. Transporting people and goods is a normal activity for any individual or organization in trade business as well as in other transportation services. All the transportation activities relating to illegal goods trading in general and illegal wildlife trading in particular are basically under control and handled timely in accordance with the law.

Besides, some times, the goods to export to China are in stock at trading points, therefore to avoid loss for Vietnamese enterprises and to ensure social safety and order in the area, goods can be exported through paths, open points, which results in a large number of vehicles in these areas (especially vehicles transporting frozen goods for temporary import, re-export). However, this is not common.

III. Some existing issues that need solutions:

1. Despite being prevented and controlled by authority forces, the situation of smuggling, fake products and commercial cheating in general and illegal wildlife transporting and trading in particular in Quang Ninh still has complicated factors and potential threats if the management of different levels is not strengthened and regularly maintained.

The reasons for this situation are geographical characteristics, high profits from smuggling and demand by the consumers, especially Chinese people who have increasing demand for wildlife products (from eating wildlife to using wildlife products in daily life)

2. The detection and arrestment of wildlife crimes and violations in the province can only partly solve the problem, the root causes, which are poaching and importing wildlife from other countries, still exist, therefore to prevent and fight against wildlife violations, only authority forces in Quang Ninh are not enough, there need to be the cooperation of different levels, agencies in areas, especially when Vietnam has many commitments and efforts in implementing CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) since we joined this international organization.

3. Law enforcement relating to illegal wildlife trading through the border hasn't met the expected outcomes.

Because of a long border adjacent to China, tough landscape with many paths and open points,... smugglers often have people stalk the activities of enforcement forces, they use modern techniques to stalk the enforcement forces and transport smuggled goods, which causes so many difficulties for the enforcement forces that have limited resource and insufficient equipment.

4. Enforcement staffs often receive moral education; consider the mission to serve the country and the people the first priority when implementing their tasks. Cases of those who are tempted by profits and bought off by the smugglers are detected, prevented and handled timely in accordance with the law.

IV. Some solutions that Quang Ninh province is focusing on in the coming time:

1. Strengthen advocacy to raise awareness of classes of the people so that they will participate in wildlife protection, stay away from specious wildlife poaching; Organize advocacy in different forms to change the awareness of those who often use specious wildlife product as jewelry and decorating items.

2. Strengthen national environment management, strengthen the responsibilities and cooperation of authority agencies in different levels to protect and conserve specious wildlife; Ensure the prevention of specious wildlife poaching; Strictly manage the trading, transporting and processing of wildlife and wildlife products in accordance with the law.

3. Strengthen international cooperation in detection, inspection and handling of violations and crimes with foreign factors.

4. Build a basis for information providers; Strengthen the inspection, management of the market, inter-agency cooperation to organize peak checking times, control law enforcement in wildlife conservation sector.

5. Well cooperate with authority agencies in detection, inspection and handling; identify important crimes to focus on the inspection, prosecution and handling timely with local political situation; have public trials for some typical crimes which draw the attention of the public for advocacy, deterrence, prevention and educational purpose.

6. Improve; upgrade the equipment, tools to support the tasks to ensure requirements when implementing the tasks in the new situation.

7. Develop a professional enforcement force of staffs with good personalities, high techniques and are willing to well implement the tasks assigned in any conditions, situations.

8. Cooperate with WCS to conserve wildlife with specific programs and plans.

The above are some points we would like to discuss about the outcomes of the prevention and fight against smuggling, fake products, commercial cheating activities in general and illegal specious wildlife transporting and trading through Quang Ninh in particular, so that you could have an overall and objective view towards the issue in Quang Ninh province.

With serious approach to the issue and willingness to receive feedbacks, again we would like to thank the Director of WCS for providing information and comments on the work against wildlife trading in Quang Ninh province. We hope to have the attention and cooperation of you and WCS in the fight against specious

wildlife crimes and violations in Quang Ninh to contribute to wildlife conservation in Vietnam and in the world.

Receipts:

- WCS
- Permanent Provincial
People's Committee (report)
- The Head of the provincial
Committee 127 (report)
- Vo, V1, TM2, NC, TH2, TM1
- Store: VT, TM1

Yours sincerely,

Permanent member of the committee
The head of Provincial market control
sub-department
Nguyen Dang Truong