

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

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Fifteenth meeting of the Conference of the Parties  
Doha (Qatar), 13-25 March 2010

RHINO HORN TRADE MANAGEMENT IN VIET NAM,  
INCLUDING LEGALLY ACQUIRED HORNS FROM TROPHY HUNTING

The attached document has been submitted by Viet Nam\*.

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\* *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat or the United Nations Environment Programme concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

### **Rhino horn trade management in Viet Nam, including legally acquired horns from trophy hunting**

Viet Nam is aware of the current concerns about the serious issues to do with rhinoceros conservation, particularly the illegal trade of rhino horn. However, we would like to clarify, to the Secretariat and to the Parties, the current situation in Viet Nam concerning control and law enforcement related to rhino horn trade.

With regard to illegal import, sale or purchase of rhino horn, Viet Nam has a strong legal framework. This includes the Environment Law (2003), the Biodiversity Law (2008) and the Forest Protection and Development Law (2004) which strictly ban certain activities to support wildlife conservation and protection. In addition, several laws are specific to controlling trade in CITES-listed or nationally protected species, and penalizing illegal activities. These include:

- Under Viet Nam's Criminal Law 1999 (amended 2009): Illegal transport, trading, hunting of endangered, rare and precious species (CITES Appendices and National list) will be subject to up to 7 years in jail.
- The Government Decree 32/ND-CP (2006) regulates the list of endangered, rare and precious wild fauna and flora, banning all illegal trade and transportation of listed species.
- The Government Decree 82/ND-CP (2006) requires permits for all import, export or transit of wildlife listed in the CITES Appendices, including rhinoceros species, and Viet Nam's list of nationally protected species.

The Government of Viet Nam has shown its commitment and engagement in, combating illegal wildlife trade at the national level as well as through international co-operation.

At the national level, some significant examples include:

- A National Inter - agency Committee on wildlife trade has been established in Viet Nam with participation from all enforcement agencies (Environmental Police, Customs, Market Control Authority, forest rangers, border army and other related agencies) in order to coordinate the actions on combating illegal wildlife trade.
- A number of incidences involving illegal trade or transport of rhino horn have involved seizures and prosecutions, such as:
  - \* 2003 when 9 rhino horns were seized while being transported across the border from Lao PDR alongside a cargo of drugs, the offender was sentenced to death;
  - \* 2005 when 3 rhino horns were seized;
  - \* 2008 when 5 horns were seized at the Ho Chi Minh City airport, involving confiscation of the horns and prosecution of the offender.
- There have also been small seizures of rhino horn inside Viet Nam as a result of investigation and monitoring by Police in Hanoi.

At the international level, Viet Nam has already been working in collaboration with South Africa to review their CITES export permit data, and engaging regular communication to verify permit control between the two countries.

Viet Nam would like to note that the number of rhino horns imported legally into Viet Nam has gone down dramatically from 42 in 2007 and 22 in 2008, to 14 in 2009.

With regard to the report from the Secretariat (CoP 15 Doc 45.1), Viet Nam would like to state that although "fake rhino horn" currently might be sold in Viet Nam, it needs to be appreciated that our country's law does not allow the sale or advertising of protected wildlife products regardless of whether the product is fake or not.

Viet Nam would like to suggest to the Secretariat, and to the Parties, the following elements with the intention of improved management of legal rhino horn trade, and improving law enforcement of any illegal rhino horn trade:

- Clear guidance or recommendation for Parties regarding management of trophies acquired through legal trophy-hunting after the trophy arrives in the country of import; without guidance on an appropriate legal mechanism from CITES, it is difficult for Viet Nam to interpret or formulate appropriate national regulations;
- The Management Authority of the exporting country should advise the Management Authority of the importing country the identity of the person who applies for any hunting permit before issuing a hunting permit, and any resultant export permit. As soon as possible following the issuance of the export permit, the Management Authority in the country of export should inform the Management Authority of the designated country of import.

In addition, Viet Nam welcomes the opportunity to collaborate further with South Africa and other rhinoceros range States, and transit countries, on controlling the trade in rhino horn.