

New circular to strengthen regulations and reaffirm commitment to phase out bear farming

A new circular produced by the Ministry of Agriculture and Rural Development (MARD) is expected to greatly enhance the protection of bears in Vietnam by closing many of the loopholes and clarifying “gray areas” created in the regulations when the previous version, Decision 95/2008/QD-BNN (hereafter called “Decision 95”), was produced in 2008.

In 2005, MARD committed to phase out bear farming in Vietnam and initiated an aggressive program to register all bears on farms, implanting microchips for identification purposes, and requiring owners to take care of the bears until their natural death. The strategy was aimed at preventing new bears from entering farms after the registration cutoff date, and thus phasing out bear farming through attrition.

Evidence suggests that these efforts are succeeding, with approximately 2,385 bears currently being kept on farms, according to recent figures from CITES, down approximately 50% from 4,500 in 2005 at the peak of bear farming.

In 2006, MARD produced Regulation 47/2006/QD-BNN (hereafter called “Regulation 47”), the first set of management guidelines coinciding with a commitment to end bear farming. The regulations were suitably strong and included provisions that clearly reinforced the government’s commitment to end bear farming.

However, in 2008, MARD revised Regulation 47 on the captive management of bears and replaced it with Decision 95. Unfortunately, this Decision was considerably weaker than previous Regulations, because it removed certain



Bear cubs confiscated by the Thanh Hoa Forest Protection Department. The animals were reportedly smuggled from Laos and probably destined for a bear farm

Photo: Pu Hu Nature Reserve

important articles that were essential to achieve the goal of ending bear farming in Vietnam.

This year Decision 95 will be replaced with a new circular that is expected to address many of the current weaknesses, and reaffirm the government’s commitment to put an end to the illegal exploitation and trade of bears.

ENV has listed some major requirements that need to be re-inserted into the new circular (these were included in Regulation 47 of 2006 but absent from the newer Decision 95 of 2008). Inclusion of these requirements would be viewed by both national and international stakeholders as a reflection of MARD’s commitment to phase out bear farming in Vietnam.

Major requirements that need to be re-inserted into the regulations include:

1. Arresting the development of bear farming by prohibiting any new bears from reaching farms whether born in captivity or smuggled into farms from the wild.

Captive born bears must be turned over to authorities unless born at a certified scientific, education, or conservation facility. In order to qualify as a facility authorized to breed bears, these facilities may not engage in any commercial activities in relation to exploitation of bears or their parts.

ENV has documented reported births at seven private zoos and farms thus far. Information from local authorities and informants has confirmed that bear bile exploitation occurs in at least some of these facilities, including private zoos and entertainment parks that claim to be for education and conservation purposes. Thus, the existing regulations essentially permit the growth of bear farming by allowing “captive born bears” to replace wild caught bears on farms. This development is in conflict with MARD’s assertion that it is phasing out bear farming and a serious loophole promoting further exploitation and trade of bears.

2. Slaughter, exploitation, transportation, and business involving bear bile and bear parts need to be clearly listed as prohibited activities, as they were in Regulation 47. There must be no question amongst bear farmers and the local authorities responsible for management of bear farms, over the fact that any form of exploitation of bears is a violation of the law, and grounds to have their bears confiscated, and the owners punished in accordance with the law.
3. The new circular must reaffirm the fact that the State does not recognize private ownership of registered bears on bear farms. This stipulation in Article 2 of Regulation 47 was intended to make it clear to bear farm owners that although the State was in the process of registering all bears on bear farms, registration did not constitute ownership or legality. In fact, all bears on bears farms were initially obtained and kept illegally.



Prohibiting extraction of bear bile is a critical part of an effective national strategy aimed at stopping the illegal hunting, trade and commercial farming of bears in Vietnam

Photo: ENV

4. The circular must also state clearly, as it did under Article 2 of Regulation 47 that any bears kept in violation of the regulations will be confiscated. This stipulation represents “the teeth” of the regulation. Unfortunately, in the newer version of 2008, this stipulation was removed, rendering the regulation as “toothless”.
5. Finally, the circular needs to reaffirm the requirement to confiscate any unregistered bears discovered after the 2006 cut-off date, so that it is clear to both farmers and local authorities that new bears are all considered illegal and must be confiscated.

Prior to September 2011, ENV documented more than 146 bears that were registered by local authorities after the agreed cut-off date specified by MARD. However, since September 2011, there have been no new cases of illegal bears being registered in violation of the law, and thus far, any illegal bear that has been discovered has been confiscated as required.

The new circular replacing Decision 95 is currently under development. It is expected to address these critical concerns and restore the strength of the 2006 regulation, tightening up management of bear farms, closing loopholes, eliminating gray areas, and empowering local authorities to fulfill the goal of phasing out bear farming and reinforcing Vietnam’s protection of bears.

Pangolins can't be farmed

Despite what some people may suggest, farming of pangolins is not economically viable due to the unique ecology of the species, best characterized by their shy nature (causing high stress levels in captivity), specialized diet, and a low reproductive rate. Businessmen who invest in the “farming of pangolins” are either poor businessmen destined to lose their investment, or more likely are criminals masquerading their farms as legitimate enterprises, but in truth, laundering pangolins through their farms.

Confiscations of pangolins most often end up with the pangolins being sold off by the province. More recently, authorities in some provinces have reported that pangolins are being sold to buyers who claim to own “pangolin farms”. However the idea of pangolin farming is a myth that should be discounted immediately, so that authorities are not duped by criminal enterprises into believing that these buyers actually own farms that are doing the impossible, farming pangolins successfully.

ENV consulted experts with years of experience working with pangolins to learn more about why pangolin farming can't work.

“Pangolins are extremely hard to successfully keep in captivity and even harder to breed.” says Daniel Wilcox of the Pangolin and Small Carnivore Conservation Project of Cuc Phuong National Park. Wilcox notes that pangolins eat up to 400 grams of live ants daily and are difficult to keep healthy due to both diet and high stress relating to their captivity. “Feeding and keeping pangolins alive in captivity and a low reproductive rate (one offspring a year) means that farming pangolins is unfeasible and economically unviable,” says Wilcox.

The pangolin trade

There are two species of pangolins native to Vietnam, the Sunda pangolin (*Manis javanica*) and the Chinese pangolin (*Manis pentadactyla*). Most pangolins confiscated in trade in Vietnam are sourced from other countries and are passing through Laos into Vietnam and onward to China. Pangolins are also consumed in Vietnam, but at present, the main market appears to be China.

During the few months leading up to Tet, there was an unusually high surge in pangolin trade coming through Vietnam (based on the number of seizures). Specifically, there were 20 seizures in six provinces of more than 3,140 kg of pangolins, an estimated 785 animals. The surge may be attributed to demand for pangolins for events in the lead-up to the new year.



Hanoi authorities recently arrested six suspects carrying suitcases stuffed with pangolins. Most pangolins being smuggled into Vietnam are headed for China

Photo: An Ninh Thu Do Newspaper

Studies have shown that nearly 70% of captive pangolins die within the first year, despite optimal captive conditions, diet, and ready access to expert veterinary care.

But let's stop pretending that anyone is farming pangolins.

In truth, most pangolins that are purchased at provincial auctions are then sent north and across the border to China where there is a lucrative demand for them. Technically, this means that while confiscations result in a legal sale (both Vietnamese pangolin species are listed under Group 2B of Decree 32/2006ND-CP), the buyer then violates Vietnam's treaty obligations under CITES by exporting the pangolins (listed in Appendix II of CITES) across the border to China.

Despite being led to believe that pangolins are being conserved on farms, provincial authorities need only go to these alleged farms and count them to realize that the pangolins have been moved on. Better yet, affix a satellite transmitter to a pangolin that is auctioned off by provincial authorities and watch it go north across the border to China!

Dealing with large numbers of confiscated pangolins is a problem, agreed. However, by confiscating and selling them, authorities for which we count on to protect wildlife, actually serve to promote and perpetuate the illegal trade, almost guaranteeing that more pangolins will be provided for trade. While an auction might result in a nice deposit to the provincial coffers, it does not ultimately serve the interests of the state.

Our country is a wildlife smuggling pipeline for pangolins and other species. Like drugs,

firearms, human trafficking, and terrorism, it would be best for us to put an end to this form of illegal business and let criminals know that Vietnam is NOT a safe place to do illegal business.

How to deal with the continued shipments of pangolins?

- Despite their attractive value, do not sell them back into the trade. This is counterproductive to ending illegal trade.
- Transfer the pangolins to rescue centers, zoos, or scientific institutions such as the Institute for Ecology and Biological Studies (IEBR) or other

legitimate institutions focused on conservation and ecology studies.

- Destroy animals that cannot be transferred to conservation/science facilities, or are weak and dying.
- Tighten up borders where pangolins are known to be smuggled into Vietnam from Laos, such as the Cau Treo border crossing in Ha Tinh, a major crossing point for wildlife coming into Vietnam.
- Most importantly, put an END to the trade by being ruthless in the pursuit of criminals behind the trade network, with investigations leading to prosecution and prosecution successfully resulting in long prison sentences for those responsible.

Enforcement advisor

Time to put the bad guys in prison where they belong

A number of key figures have been implicated in the illegal trade of tigers, ivory, rhino horn, and other critically endangered wildlife and wildlife products. These individuals may represent just a few of the major figures responsible for the illegal trade of wildlife destined for Vietnamese consumers or transiting through Vietnam to China.

Most of these individuals are readily known to law enforcement authorities, and in many cases, may be protected locally. However, it is time that resources and energy be utilized to put these people out of business, by collecting evidence and building cases against them, by breaking the influential connections that they service to protect themselves, and by exposing their criminal enterprises, resulting in arrest, prosecution, and imprisonment.

Target kingpins and “take down” the network

Target Thanh Hoa: One major criminal figure operates in Thanh Hoa. This individual has been connected to a number of serious crimes including trading tigers, ivory, rhino horn, and other products in Vietnam and abroad. Most local authorities are aware of his activities, however this individual is said to have influential friends that protect him, according to local law enforcement.

We propose that the future status of this man’s illegal activities be used to evaluate our seriousness in combatting illegal trade, as well as our commitment to dismantle organized criminal networks that are engaged in illegal trade of wildlife. The best outcome in Thanh Hoa would be to clear the way for law enforcement agencies to fully investigate his alleged activities, build a case and make an example of him through incarceration and seizure of assets, if links can be established to his criminal activities.

We must free the hands of law enforcement to go after other major figures too, establishing respect amongst the public for the rule of law, strongly backed by the courts, with each successful prosecution sending a wave of disruption through criminal networks and bringing us closer to the aims of upholding the law and protecting wildlife. We have an obligation to the public to protect wildlife for the greater public good, and we share this obligation with other countries to aggressively pursue criminal networks that are exploiting wildlife, often half a world away, to meet the demand from our consumers.

We need to focus on identifying major criminal networks and their leaders, and go after them, to put them in prison where they belong.



Tigers at a registered farm in Thanh Hoa where the owner and his relatives have been linked to the illegal tiger trade

Photo: Tran Thi Hau

The Voice: Feedback on wildlife protection

Public comments

During July, photos posted on Facebook by a young soldier posing with the bodies of two critically endangered grey shanked douc langurs sparked public outrage and received widespread media coverage, both within Vietnam and internationally. Following are just some of the angry, emotional responses collected by ENV.

Huy: I showed these pictures to my kindergarten-aged son, he asked me "Why are they so evil? Why didn't the monkeys' parents save them? Why didn't the police catch these bad people and put them in prison?"

An Nguyen: Evil! Animals are close to humans. What they did is so evil! What would these people think if these were not monkeys but their loved ones?

Unidentified: I can't ignore it. I am greatly in shock when seeing these pictures. They are animals but they have a right to live. Mindful of Buddha, I hope the authorities will deal with this case and punish these lost-soul human beings. It's so cruel and evil. In our modern society, how could we let this happen? It's so painful!

Dungđt: Bring justice to the langurs!

Long: Future generations will have to bear consequences resulting from what we have done. Some Vietnamese have an attitude of "living for today" and have caused negative impacts such as extinction of the rhinoceros, destruction of forest, mining and harming nature while the law is still weak with lots of loopholes. If this continues, our future generation will be punished for what we have done.

Phuong Nguyen: They must be prosecuted. I believe in the law of cause and effect. These people should be punished much more than what they have caused. How can there be such cold hearted



A soldier and his friends caused national outrage after posting photos of himself on his Facebook page posing with several dead endangered langurs

Photo: NVQ

people? How can our country be modernized if some groups of young people can still laugh at such a situation. I request the authorities to take action and punish these people who have killed endangered wildlife.

Authorities comments

"If you want to bring change, more attention should be paid to raising awareness amongst higher officials and making changes in the law that will promote better wildlife protection".
(Comments from Chief of FPD in a northern province, May 2012)

"Criminals involved in crimes like robbery and murder can be sentenced to death, while environmental crimes can kill an entire generation and violators are given an administrative punishment of 500 million VND".
(Director General of the National Environmental Police, May 2012)

Crime log

NGHE AN

On June 29, Thanh Chuong Forest Protection Department (FPD) arrested a man for illegally transporting three bear cubs on a motorbike. The subject said that he was hired for VND 1,000,000 (USD 50) to transport the bears from Laos to Do Luong district. One bear was missing a front paw, but all of them have been transferred to the Rescue Center at the Pu Mat National Park (Case ref. 4267/ENV).

On July 17, Thanh Chuong district police stopped a truck that was transporting almost two tons of wildlife including turtles, water monitors and snakes. The shipment reportedly had a legal permit issued by the Tay Ninh FPD. However, ENV suspects that these animals were laundered through a registered wildlife farm in Tay Ninh province (Case ref. 4294/ENV).

BINH PHUOC

On June 28, Bu Gia Map National Park authorities arrested a middle-aged man for illegal hunting of 18 black-shanked douc langurs (*Pygathrix nigripes*) inside the national park. The subject reportedly said that he and two other men hunted the langurs and dried them in the forest. The langurs were incinerated and the subject was temporarily detained. Black shanked douc langurs are often hunted, dried, sold and used as traditional medicine (Case ref. 4276/ENV).

One month earlier, Binh Phuoc authorities found a dead, trapped gaur in a local forest. The gaur was incinerated but authorities couldn't identify the perpetrator (Case ref. 4166/ENV).



A loris, voluntarily turned over by a local resident was released back into the forest by Khanh Hoa authorities

Photo: Cam Ranh district FPD

BEAR FARMERS VOLUNTARILY GIVING UP THEIR BEARS

Over the past few months, nine Asiatic black bears (*Selenarctos thibetanus*) have been voluntarily transferred to rescue centers by four owners from Nghe An, Tay Ninh and Tien Giang Province. According to the CITES office, there are currently 2,385 captive bears in Vietnam, a reduction of almost 50% since 2005 (Case ref. 4060, 4098, 4144/ENV).

HO CHI MINH

On July 18, authorities confiscated 137 kg of elephant tusks from two subjects in Tan Son Nhat airport. The subject reportedly said that the elephant tusks were from Angola. Three months ago, Ho Chi Minh authorities also confiscated a shipment of 282 kg of elephant tusks illegally imported into Vietnam from Togo in Africa (Case ref. 4303, 4118/ENV).

DAC NONG

On July 13, authorities arrested a woman who was illegally transporting two Francois' langurs (*Trachypithecus francoisi*). The subject stated that the langurs came from the Nam Nung Nature Reserve in Dac Nong (Case ref. 4292/ENV).

QUANG NAM

On July 8, Dong Giang district police arrested a man for illegally transporting 13 dried red-shanked douc langurs. The subject reportedly said that he had hunted the animals in a local forest, gutted and dried them, and planned to sell them as traditional medicine (Case ref. 4280/ENV).

TAY NINH

In May, Lo Go Xa Mat National Park authorities released a lesser adjutant stork (*Leptotilos javanicus*) into the wild. The case was reported earlier by a member of the public and was immediately responded to by the Forest Protection Department. The lesser adjutant stork is fully protected under the group IB of Decree 32/2006ND-CP (Case ref. 4079/ENV).

HANOI

On May 27, Dong Da district police arrested a man with a frozen tiger cut into pieces and hidden in his car. The subject claimed that he lives in Tay Son town in Ha Tinh province, near the Laos border, and he was hired for VND 8,000,000 to transport the tiger to Hanoi. The subject is waiting to be prosecuted (Case ref. 4200/ENV).

On June 3, Hanoi authorities arrested six subjects from Ha Tinh at the train station, for illegally transporting 51 pangolins. All the subjects said that they were hired to transport the pangolins from Ha Tinh to Hanoi and denied knowledge of the seller or buyer (Case ref. 4194/ENV).

On July 8, Hoan Kiem district environmental police (EP) arrested two men for illegally transporting 15 kg of lion bone. Both of them said that they were middle men who were trying to get a commission for selling the bones. They are currently waiting to be prosecuted (Case ref. 4279/ENV).

On July 16, Hanoi EP seized two silver pheasants (*Lophura nycthemera*) from a man on a street in Hanoi. According to authorities, this man had been advertising to sell four silver pheasants on the internet since early July. The subject admitted that he had been keeping eight silver pheasants in his house (Case ref. 4297/ENV).

KON TUM

In July, there was a high profile case involving a young soldier and his friends, who were suspected of killing grey-shanked douc langurs (*Pygathrix nemaeus cinerea*) and posting photographs on his Facebook page. A military investigation followed, resulting in the soldier's expulsion from the military,



Twelve fishermen from Quang Ngai province were recently arrested in the Philippines for possession of more than 40 marine turtles

Photo: PCSDS

and a warning to two of his friends. Police have also arrested the hunter who sold the langurs to the young men, and they are searching for two others. Grey-shanked douc langurs (*Pygathrix nemaeus cinerea*) are endemic to the central highlands of Vietnam. They are critically endangered and fully protected under the group IB of Decree 32/2006ND-CP (Case ref. 4293/ENV).

PHU YEN

In May, a local resident bought four green sea turtles (*Chelonia mydas*) from fishermen and released them back into the sea. However, members of the public are not encouraged to buy wildlife, even with good intentions, they should instead report to local authorities, as buying wildlife promotes illegal hunting and trade (Case ref. 4131/ENV).

PUBLIC PARTICIPATION IN PROTECTING WILDLIFE

ENV recognizes that public participation is essential to wildlife protection in Vietnam. Many members of the public have not only encouraged their friends and families to protect wildlife and not consume products made from wildlife, but also participated in other ways to stop the illegal hunting and trade (such as reporting and monitoring wildlife crimes in their local areas). Over the past three months, there have been nine cases, of which, members of the public have voluntarily transferred wild animals to rescue centers, including: one leopard cat, four lorises, and four macaques, in addition to four bear farmers giving up their bears. These cases occurred in six cities and provinces including Hanoi, Ho Chi Minh, Vinh Phuc, Khanh Hoa, Bac Giang and Dong Nai (Case ref. 4141, 4147, 4164, 4195, 4205, 4231, 4233, 4238, 4318/ENV).

The ENV Wildlife Crime Unit

ENV's Wildlife Crime Unit (WCU) was established in 2005 to encourage greater public involvement in efforts to combat illegal wildlife trade, and to strengthen the effectiveness of front line law enforcement agencies through support and cooperation, and facilitating public reporting of crimes.

The WCU administers a national toll-free hotline for reporting wildlife crimes. Information reported through the hotline is passed on to the appropriate authorities. ENV then works closely with law enforcement agencies, tracking each case through to conclusion, and documenting the results on ENV's Wildlife Crime Database. The WCU has documented more than 4,300 wildlife crime cases as of July 31, 2012.

The main aims of ENV's Wildlife Crime Unit are to:

- Encourage public participation in efforts to stop the illegal trade of wildlife
- Provide support to law enforcement agencies tasked with combating wildlife crime
- Document crimes and work with authorities to identify and address factors that contribute to wildlife crime

ENV's efforts to end illegal hunting and trade of wildlife are made possible thanks to the generous support from the following partners:

World Society for the Protection of Animals (WSPA)
Humane Society International (HSI)
Critical Ecosystem Partnership Fund (CEPF)
John D. and Catherine T. MacArthur Foundation
SeaWorld & Busch Gardens Conservation Fund
Rufford Maurice Laing Foundation
United States Fish and Wildlife Service

Cleveland Metroparks Zoo
Houston Zoo
Auckland Zoo
Columbus Zoo
Freeland Foundation
United States Agency for International Development (USAID)

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Stop Wildlife Crime!

If you observe wildlife being kept, sold, transported, traded, consumed, or advertised, contact your local authorities or call the ENV Wildlife Crime Hotline:

Hotline: **1800 1522** Email: **hotline@fpt.vn**