

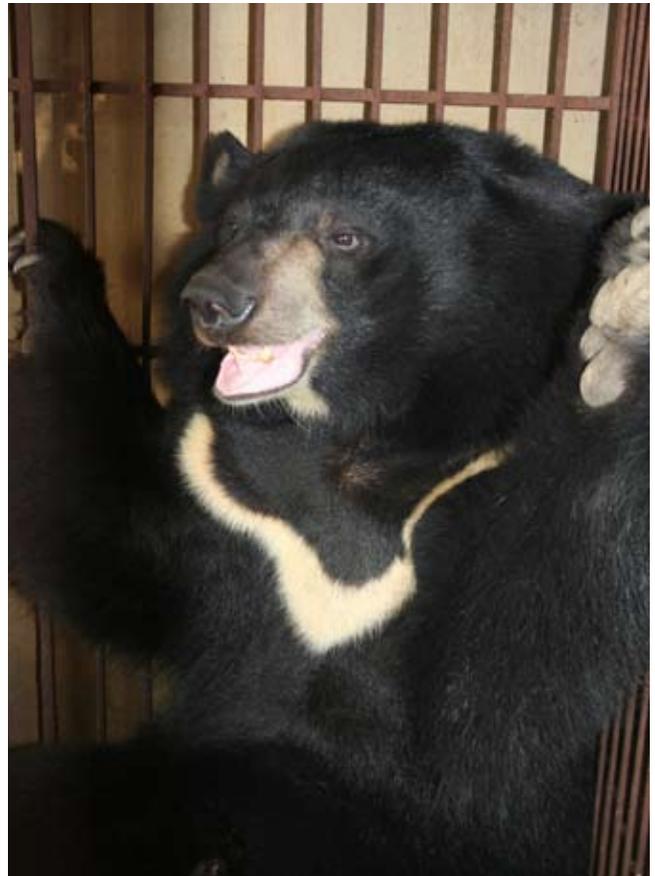
Conflict of interest: Farming endangered species to save them and eat them too?

As Vietnam has rushed toward development, rising standards of living have brought increased demand for wildlife amongst consumers. Confusing policies have on one hand sought to encourage farming and trade of wildlife while trying to protect the same animals in nature. This policy has been implemented without consideration for the impacts that such legal trade will have on Vietnam's biodiversity. The universal push toward wildlife farming has been shortsighted and naïve, ignoring the warnings of experts who forecast the demise of many of Vietnam's most endangered species if policy continues to seek both commercial gain and protection at the same time.

ENV has gone on to argue that protection of wildlife should be administered by a government agency with no economic stake or interest in the species it is tasked with protecting. Species conservation plans are developed based on science and sound conservation objectives, not dual business interests.

Provincial leaders and heads of provincial departments cannot be expected to be "experts" in the ecology of endangered species, or even fully understand how commercial trade of species, especially those raised on farms, impacts wild populations. However, leaders can take into account these facts:

Commercial farming of endangered species stimulates demand for the species, thus increasing hunting and trade of that species to meet rising demand. Crocodiles became nearly extinct in Vietnam BECAUSE of the development



There is an inherent conflict between conservation of endangered species and commercial farming. Farmers seek profits and personal gain. Conservation seeks to preserve biodiversity for the future benefit of all citizens. Commercial trade of endangered species should be fully banned to avoid extinction of the most critically endangered species.

Photo: ENV

of crocodile farming. Crocodile farming did not save crocodiles as the myth commonly goes.

Permitting legal trade of endangered species that are also fully protected under the law is incompatible. Law enforcement agencies must then distinguish between legal and illegal

products in their daily work leading to confusion and uncertainty, and ultimately opportunities for criminals to circumvent the law.

Although there have been many gains in recent years, effective enforcement of wildlife protection laws remains far behind economic and social development. Asking authorities to effectively regulate and control wildlife farming is well beyond the capacity of these agencies presently, especially for endangered species such as tigers and bears. For example, evidence now indicates that even just a few of the tiger farms operating in the country have been selling tigers out the back door of their farms, in spite of close monitoring by local authorities.

The idea of biodiversity conservation centers for breeding endangered wildlife for conservation purposes is incompatible with commercial farming and the two should NEVER be mixed. Biodiversity conservation centers focus on the genetic conservation of endangered species for the purpose of establishing “assurance” populations in captivity with the long term plan to release animals back into their habitat.

Commercial farming operations are motivated by profits, that is production is for “selling” with efforts aimed at maximizing profits derived from sales. Commercial wildlife farming in Vietnam is also notoriously linked to laundering of animals from the wild to supplement breeding and increase production as well as augment sales and increase profits.

ENV urges provincial leaders that have an understanding of the issues to keep a safe distance between conservation and commercial activities. With very few exceptions, endangered species fully protected under the law should NEVER be commercially farmed and any activities associated with commercial trade of these species should be aggressively eradicated.



Fresh bear bile. Though it is illegal to extract, sell or advertise bear bile, such violations are often ignored as authorities don't see the significant connection between these illegal signboards with the protection of bear populations in the wild.

Photo: ENV

While farming of certain wildlife species may be acceptable based on ecology of the species and the relatively reduced impact that such farming will have on wild populations, let us not put the future of our most critically endangered species in the hands of profiteers. Fully protected species should be fully protected and remain prohibited from any form of commercial trade.

Failure to make this separation between conserving wildlife and exploiting wildlife for profit will without doubt result in the further loss of endangered species in the wild.

Report corruption

If you are aware of authorities accepting money or gifts from individuals involved in wildlife trade or wildlife farming, please report the incident to the National Anti-corruption Department at

080 48 228

Confiscation of contraband mandatory in all cases

Confiscation of wildlife is not a form of punishment in itself but an expected outcome of any law enforcement action when contraband is discovered. It does not matter whether the contraband constitutes a minor form of violation, such as a menu advertising wildlife dishes or pangolin wine at the bar, or more serious violations such as live animals in the kitchen, an unregistered bear out the back, or a macaque on a chain fastened to a tree to attract customers. In all of these examples, the contraband should be confiscated in accordance with the law because it is illegal.

Confiscation is necessary in ALL cases. Just as authorities would seize weapons in the hands of people not authorized to possess them, drugs from a drug addict, a load of smuggled cigarettes from a business owner or a stolen car from a thief, wildlife and wildlife products are no different to any other forms of contraband.

However, many law enforcement agents might perceive differences between hardened criminals violating the law, such as cigarette smugglers or thieves, versus restaurant or business owners that are also violating the law but are not perceived as criminals. Thus law enforcement agents tend to be more lenient in their dealings with violations by “ordinary citizens” or in some cases, ignore such violations altogether.

While most people would agree that each case warrants a different response in terms of punishment, depending on the circumstances, the practice of allowing a business owner, whether a criminal or a naive businessman, to keep contraband after an inspection by law enforcement agents compromises the effectiveness of enforcement. Business owners and the public alike become uncertain as to which activities are permitted and which are not. Public perception about the credibility of law enforcement agencies is called into question when enforcement is perceived to be inconsistent or selective.

Proponents of effective law enforcement argue that in every case when a crime is discovered, the subject, whether a criminal or an ordinary citizen, must be denied the right of possession of any contraband.

The question of punishment after confiscation of contraband allows law enforcement agencies to exercise leniency toward ordinary citizens while applying stricter punishment to repeat offenders and serious criminals.

Only when the law is applied consistently can law enforcement agencies hope to make progress in eliminating the illegal trade of wildlife. Permitting violators to keep contraband is the worst thing enforcement agencies can do as the objective is to stop a specific type of crime.

As a matter of effective policy, authorities should always confiscate illegal wildlife when discovered including menus, advertising signs, live animals, and parts and products made from wildlife.



Wildlife meat recently confiscated during raids of restaurants in Da Lat City. Confiscating wildlife is only the first step in the enforcement process. More importantly, violators must be punished to set an example for others to see, and deter future offenses.

Photo: Wildlife Conservation Society

**Every animal counts!
Your decision may save a species from extinction.**

Enforcement advisor

Making a difficult job even harder

Q: Last month we received a public complaint about a restaurant selling wine containing wildlife. When we met the restaurant owner to discuss the violation, he showed us papers indicating that he had purchased the wine from our agency during an auction some years before. We have no way of knowing for certain if this wine is the same jar that our agency sold to the restaurant. Therefore, we are unable to enforce the law and this seems to be a growing problem for us in our work.

A: This is indeed a difficult problem to resolve. Once again this relates to the issue of whether agencies tasked with wildlife protection should be allowed to sell confiscated goods that can then end up becoming legal products. Ultimately this makes enforcement of the law more difficult as officers are forced to distinguish between legal and illegal products.

The best solution is to keep FPD focused on the protection of wildlife and not allow such agencies to generate income from enforcement activities, as this can undermine the rule of law, such as in your case.

Confiscated goods like wildlife wine should be destroyed, not sold. This is already currently being done in a number of provinces.



A loris that was voluntarily turned over by a resident in Hue waiting to be transferred to Cuc Phuong's Endangered Primate Rescue Center.

Photo: Hoang Duc Trung

In your case, the original paperwork for the sale should state in detail the number of jars of wine, and the specific contents of those jars, as sold by authorities to the restaurant in question. If the wildlife wine that your team observed is not identical to that which was purchased by the restaurant, then this discrepancy is justification for confiscation. The restaurant must be able to “prove” that the wildlife is of legal origin. Without such proof, it is NOT legal.

The best way to protect wildlife is in its habitat where it belongs, before it falls into the hand of hunters and traders.

Enforcement advisor

Accountability for extinction

Q: It has been more than a year since the last rhino was poached at Cat Tien National Park. My question is: what, if anything, have we learned from the loss of one of our country's most important and critically endangered species? It is my understanding that millions of dollars were spent protecting Cat Tien's rhinos and I cannot help but wonder about whether national and international institutions have rightly accepted responsibility for this tragic loss? Have policies and actions in the way we protect our critically endangered wildlife changed as a result of this monumental failure?

A: We share your concerns and hope that the loss of the rhino will bring change in the way wildlife is protected in its habitat here in Vietnam. Perhaps this case should be a lesson to all of us that funding alone does not assure the survival of wildlife.

It is our belief that good people, who are committed and motivated by their belief in protecting wildlife, achieve the most from their efforts. There are successful projects of this kind protecting endangered wildlife in its habitat in Vietnam. These projects can provide positive lessons for protection of other species. Again, the key factors are motivation and commitment. When these ingredients are mixed with capacity and a little support, anything is possible.

We also believe that accountability is essential in changing the way we protect wildlife. Placing pressure on protected area managers to succeed and take enforcement issues more seriously is an important factor. In addition, we should be requiring international institutions, including donors, to act more responsibly and ensure that the support they commit to a project achieves success. Let us hope that other species do not follow the path of our rhino. If we fail to learn from this, and act differently, we are sure to lose more than rhinos.



Forest Rangers releasing confiscated civets into U Minh Ha National Park following a May seizure.

Photo: Nguyen Tan Truyen

Animals must be of legal origin

Q: We recently followed up on a case passed along to us by your Wildlife Crime Unit which involved porcupines being sold at a restaurant. When we inspected the establishment we observed a number of live animals, but the owner said that these were all from a farm. Porcupines are breeding in many farms in Vietnam so it seems that this is not a crime.

A: It is true that porcupines are being raised on many farms throughout Vietnam. However, according to the law, the owner of the restaurant must show proof of legal origin for any animals that he has in his possession. If the porcupines are from a legal farm, the owner should be able to present documents showing this fact. Without these documents, the animals are illegal and must be confiscated under the law.

Crime Log

QUANG NAM

On April 7, Tam Ky city police confiscated 19 brush-tailed porcupines (*Atherurus macrourus*) from a private car. The owner claimed he bought the animals in Quang Ngai province and planned to sell them in Da Nang. The animals were released into a local forest. The police have yet to determine a prosecution level for the owner and driver involved (Case ref. 3336/ENV).

On May 9, Cu Lao Cham authorities released a green sea turtle (*Chelonia mydas*) back into the sea. The turtle was caught by a local fisherman who voluntarily turned it over to the authorities (Case ref. 3434/ENV).

On May 18, Quang Nam FPD released two grey shanked douc langurs (*Pygathrix nemaeus cinerea*) into a local forest. The animals had been caught two days earlier by two local residents who handed them over to the authorities (Case ref. 3463/ENV).

HANOI

On April 13, Hanoi Environmental Police (EP) confiscated a number of wild animals including an Asian golden cat (*Catopuma temminckii*), four green peafowls (*Pavo muticus*), three common pheasants (*Phasianus colchicus*), one silver pheasant (*Lophura nycthemera*) and an unidentified pheasant. All of the wildlife had been kept illegally at a tourism company in Hanoi. The animals were transported to Soc Son Rescue Center and the owner was fined VND 42 million (USD \$2,100) (Case ref. 3346/ENV).

On May 9, EP and Economic Police confiscated a frozen leopard cat (*Prionailurus bengalensis*), a masked palm civet (*Paguma larvata*), and 10 boucals from a private car. The owner, from Tuyen Quang province, claimed he had bought the animals from a local ethnic minority person in Tuyen Quang. He planned to sell the wildlife



Quang Nam authorities releasing a green turtle (*Chelonia mydas*) back into the sea. The animal was amongst many caught by fishermen up and down the coast of Vietnam during the spring breeding season.

Photo: Management board of Cham island MPA

in Hanoi. The animals were transferred to Soc Son Rescue Center. The subject is awaiting prosecution (Case ref. 3435/ENV).

Ten days later, EP confiscated three common pheasants (*Phasianus colchicus*) that were being illegally transported by a man residing in Hoa Binh, a neighboring province. The animals were transferred to Soc Son Rescue Center and the subject received an administrative fine of VND 5.25 million (USD \$ 250) (Case ref. 3459/ENV).

TUYEN QUANG

On April 21, Tuyen Quang Forest Protection Department (FPD) confiscated a masked palm civet (*Paguma larvata*), a common palm civet (*Paradoxurus hermaphroditus*) and four dead greater coucals (*Centropus sinensis*) from a local resident. The civets were later transferred to Cuc Phuong Small Carnivore Conservation Center

Buying and selling wild animals and their parts is a CRIME.

but unfortunately the animals died due to serious injuries. The subject was fined VND 5.25 million (USD \$250) (Case ref. 3358/ENV).

HAI PHONG

On May 5, Hai Phong Customs confiscated a shipment of 400kg of elephant tusks. The shipment had reportedly originated from Tanzania and was imported into Vietnam by a local company in Mong Cai city of Quang Ninh province (Case ref. 3338/ENV).

QUANG TRI

On April 20, Con Co Island Conservation Board of Quang Tri Provincial Aquatic Resources Exploitation and Protection Department released a marine turtle back into the sea. A local fisherman reportedly caught the turtle in Quang Binh coastal area three days earlier. He offered to sell the turtle to a local restaurant owner who subsequently reported the case. (Case ref. 3361/ENV).

THANH HOA

On April 25, Thanh Hoa FPD confiscated a large quantity of wildlife including 500 kg of common rat snakes (*Ptyas mucosus*), 70 kg of radiated rat snakes (*Elaphe radiate*), 121 kg of rat snakes (*Ptyas korros*), 15 kg of water monitors (*Varanus salvator*), 7 kg of masked palm civets (*Paguma larvata*) and 100 kg of Asian leaf turtles (*Cyclemys tcheponensis*). The shipment was illegally transported by a man residing in Quang Nam province. The subject received an administrative fine of VND 490 million (USD \$245,000) (Case ref. 3370/ENV).

Two days later, Thanh Hoa FPD seized another shipment including 252 kg of clouded monitors (*Varanus bengalensis*) and 42 kg of water monitors (*Varanus salvator*) from a young man residing in Nghe An province, just south of Thanh Hoa. The

subject was fined a total of VND 150 million (USD \$7,500) (Case ref. 3371/ENV).

QUANG NINH

On May 5, Quang Ninh authorities released a green sea turtle (*Chelonia mydas*) back into the sea. The turtle was caught in the fishing net of a local fisherman who reported the case to the authorities and voluntarily handed over the turtle (Case ref. 3449/ENV).

QUANG BINH

On May 12, Quang Binh EP seized a passenger car with three king cobras (*Ophiophagus hannah*), five clouded monitors (*Varanus bengalensis*), and three turtles including one giant Asian pond turtle (*Heosemys grandis*) and two keeled box turtle (*Cuora mouhotii*). The subject claimed he bought the animals in Laos and planned to sell them in Vinh city of Nghe An (Case ref. 3450/ENV).



A leopard cat at Cat Tien National Park following its voluntary transfer from a resident in Dong Nai.

Photo: Cat Tien National Park

Punish criminals today to prevent crime tomorrow.

The ENV Wildlife Crime Unit

ENV's Wildlife Crime Unit (WCU) was established in 2005 to facilitate and motivate public involvement in efforts to combat wildlife trade, and to improve the effectiveness of front line law enforcement agencies. The WCU administers a public toll-free national 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 3,200 wildlife crime cases as of February 2011.

The main aims of the WCU 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

The WCU is jointly funded by the World Society for the Protection of Animals (WSPA), the Humane Society International (HSI), The Whitley Fund for Nature, the MacArthur Foundation, the Critical Ecosystem Partnership Fund (CEPF), the Rufford Foundation, the Cleveland Metroparks Zoo, and SeaWorld and Busch Gardens Fund.

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ENV Facebook: <http://www.facebook.com/group.php?gid=47162312016>



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**