

DECISION NO. 02/2005/QD-BNN
ON ISSUING REGULATIONS ON CAPTIVE BEAR MANAGEMENT BY
MINISTER OF THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

THE MINISTER OF
THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

Based on the Government Decree No. 86/2003/ND-CP regulating functions, duty, rights and institutional mechanism of the Ministry of Agriculture and Rural Development issued on July 18th 2003;

Based on the Decree No. 18/HDBT regulating a list of rare and precious forest vegetation and animals, management and protection mechanisms issued by the Council of Ministers on January 17th 1992;

Based on the Government Decree No. 48/2002/ND-CP amending and supplementing the list of rare and precious wild plants and animals attached to the Decree No. 18/HDBT regulating a list of rare and precious forest vegetation and animals, and management and protection mechanisms issued by the Council of Ministers on January 17th 1992;

Based on the Official Correspondence No. 2822/VPCP-NN on measures to cope with captive bears in Vietnam issued by Office of the Government on July 7th 2004

Based on the proposal by the head of the National Forest Protection Department

MAKES A DECISION

Article 1. Issuing Regulations on Captive Bear Management attached to this Decision

Article 2. The Decision comes into effect 15 days after it is published on the National Gazette

Article 3. Chief of Office of the Ministry of Agriculture and Rural Development, head of the National Forest Protection Department, and leaders of institutions belonging to the Ministry of Agriculture and Rural Development take their responsibility for the implementation of the decision.

On behalf of the Minister of
Ministry of Agriculture and Rural Development

Deputy Minister

Hua Duc Nhi

REGULATION ON CAPTIVE BEAR MANAGEMENT

(Attached to the Decision No. 02/2005/QĐ-BNN issued by the Minister of the Ministry of Agriculture and Rural Development on January 5th 2005)

Article 1: Target Application

This regulation is applied for all of the captive bears being farmed in Vietnam. For the bears that belong to circuses with operation permits granted State agencies with their jurisdiction, and the bears of Sai Gon Zoo and Hanoi Zoo, it is proposed to send a list of their captive bears to the City Forest Protection Departments, and no electronic devices are used to mark these bears.

Article 2. Management Principles

1. Keeping bears in captivity (except that by circuses and zoos) is against the regulations in the Article 3 of the Decree No. 18/HDBT regulating a list of rare and precious forest plants and animals, management and protection mechanisms issued by the Council of Ministers on January 17th 1992, and the Instruction No. 359-TTg on immediate measures to protect and develop wildlife species issued by the Prime Minister on May 29th 1996. Based on the Prime Minister's guidance on the Official Document No. 2822/VPCP – NN issued by Office of the Government on June 7th 2004, all of the organizations, households and individuals who are farming bears (herein called bear farmers) have responsibility for registering, marking bears with electronic equipment (herein called microchips) and making management files for all captive bears in accordance with Article 1 of the Regulation at provincial level Forest Protection Department or Provincial Department of Agriculture and Rural Development in the provinces where there is not a provincial Forest Protection Department.

The deadline for registering captive bears nationwide is February 28th 2005. From March 1st 2005 on, all of the bear farmers who have not registered their bears and illegally farm new bears will be punished by the law.

2. After making management files, bear farmers take responsibility for keeping caring for and farming their bears until the end of the bears' lifetime. The State only receives captive bears from farmers in special cases and favorable situations.

3. Bear farmers have to pay for tagging microchips with their captive bears

4. The establishment of bear management files and tagging microchips does not mean that the State acknowledges the legality of the farmers who have bears without legal origins. This is to manage the current number of captive bears, stopping the hunting of bears from the wild for captive farming.

Article 3. Process and procedures for tagging microchips and making management files

1. Carrying out an account of the current captive bears (according to sample list 1 attached)

2. Making specific plans for tagging microchips, assessing the numbers of bears allowed to be transferred to rescue centers.

3. Informing bear farmers of microchip tagging schedules one week prior to the tagging day.
4. Bear farmers have to sign commitments to follow the microchip tagging, manage and protect their captive bears (in accordance with sample document 2 attached).

Article 4. Carrying out microchip tagging

1. Electronic microchips are fixed underneath all of captive bears' skin as regulated in Article One of the Regulation. The electronic equipment includes a reader, an instrument for microchip tagging and electronic microchips. Each bear is tagged with one microchip with a specific code for monitoring.

2. The microchip tagging is undertaken by people with professional competence and skills who are appointed by the provincial or city Forest Protection Departments.

3. A bear management file consists of:

An investigation sheet on captive bears (sample document 1;

A commitment on following the microchip tagging, managing and protecting bears (Sample Document 2)

A report on tagging microchips with captive bears (Sample document 3).

The file has two copies one of which is kept by the bear farmer, and the other of which is kept as a permanent record at the provincial level Forest Protection Departments.

Article 5. Reporting, monitoring and supervising mechanisms

After the microchip tagging is successful, bear farmers assume responsibility for sending six-month reports on their bears' health status to district or provincial Forest Protection Departments. In unexpected cases (bears in poor health or die), it is necessary to immediately report on the case to district or provincial/city Forest Protection Departments.

Provincial/city Forest Protection Departments must assign specific staff to carry out inspections every six months or carry out sudden inspections, and send general reports on the management of captive bears to the National Forest Protection Department so that the National FPD can summarize the situation of captive bears nationwide and send its report to the Ministry of Agriculture and Rural Development, and the Government.

It is necessary to immediately settle unregistered bear farming cases and incidents involving farming of new bears after February 28th 2005 in accordance with the current regulations on imposing financial fines or execution of Penal Law.

Article 6. Coping with the bears voluntarily handed in by farmers

1. During the implementation of captive bear management regulations, if bear farmers voluntarily transfer their bears to the State, it is appropriate to receive the bears when favorable. The following institutions are considered acceptable to receive captive bears:

Bear rescue centers

Zoos

Domestic research and training institutions (when bears are needed for research or training purposes).

International wildlife conservation organizations, but on one condition that the organizations make commitments to provide technical and financial support for the conservation of bears in Vietnam.

The transfer of bears should follow the requirements of Vietnamese law and the Convention on the International Trade of Endangered Species (CITES).

2. Bear rescue centers assume responsibility for rescuing bears, and releasing bears into the wild where the bears can appropriately adapt to the wild and there is no potential for conflict with local communities.

3. Provincial and city Forest Protection Departments in coordination with relevant agencies are responsible for reporting and carrying out incinerations of diseased bears, and bears with high probability of causing epidemic diseases, environmental pollution, and bears that cannot be settled by other legal options.

4. The National Forest Protection Department will provide guidance on receiving the bears voluntarily turned over by bear farmers, and proposing the farmers to hand in their bears to provincial and city Forest Protection Departments.

Article 7. Implementation

1. The implementation of captive bear management is synchronic as part of the Plan to carry out the Instruction No. 12/2003/CT-TTg issued by the Prime Minister on May 16th 2003.

2. The Ministry of Agriculture and Rural Development establishes a working team led by an official from the National Forest Protection Department. The team's members include representatives of the Finance Department of MARD, the National Veterinary Department, Institute of Ecology and Biological Resources, and the Center for Natural Resource and Environment Research. The team is tasked with working on the guidance and implementation of the Regulation on captive bear management nationwide.

3. The National Forest Protection Department assumes overall responsibility for the implementation of the Regulation on captive bear management nationwide, makes master plans (Appendix 1: Plan to carry out the Regulation on captive bear management) and plans to purchase electronic microchips, anesthetics and other essential materials. The FPD guides provincial and city Forest Protection Departments to carry out the microchip tagging with all of the captive bears nationwide, distributes microchips to the local FPDs in order to manage captive bears in certain local areas (Appendix 2: Distribution of microchips).

4. Following the Regulation on captive bear management issued by the Ministry of Agriculture and Rural Development, Forest Protection Departments of the provinces and cities that belong to the Central level assume responsibility for develop specific projects and submitting the projects to the People's Committees of the cities or provinces for approval and implementing the projects.

Article 8. Expenditure

State budget.

Local budgets ensure the expenditure based on the projects developed by local Forest Protection Departments. The expenditure includes spending on making captive bear management files for each household, spending on transporting bears to rescue centers, spending on releasing bears

into the wild, spending on incinerations of bears and other spending on the captive bear management process.

The Ministry of Agriculture and Rural Development will ensure the expenditure provided for provincial and city Forest Protection Departments which will provide financial support to develop guidance, carry out advocacy activities, conduct training and establish bear rescue centers (in accordance with approved projects).

Support by international organizations and individuals who care for bear conservation: Through projects carried out by the National Forest Protection Department or local Forest Protection Departments in coordination with the organizations and individuals who care for conserving bears, through the projects approved by agencies with their jurisdiction.

Spending paid by bear farmers:

Spending on purchasing microchips, anesthetics, tonic medicine, and tagging microchips. The level of spending is submitted by provincial and city Forest Protection Departments to the provincial and city People's Committees for approval based on the Price Table sent by the National Forest Protection Department.

The Ministry of Agriculture and Rural Development

Appendix 1. PLAN TO CARRY OUT THE REGULATION ON CAPTIVE BEAR MANAGEMENT

| Ord. | Contents | Time | Implementation/Participants |
|-------------|--|------------------------------|--|
| 1 | Meeting on implementing the Official Correspondence No. 2822/VPCP – NN on captive bear management issued by Office of the Government on July 7 th 2004. | July 2004 | Representatives of the Ministry of Agriculture and Rural Development, Ministry of Finance, city and provincial Forest Protection Departments of Hanoi, Ho Chi Minh, Nghe An, Ha Tay, Binh Duong and Hai Phong, and Cat Tien National Park. |
| 2 | Training on implementing the captive bear management, methods to marks captive bears by tagging microchips. | Sep. 2004 | National FPD, Sai Gon Zoo, provincial and city FPDs, Cat Tien National Park |
| 3 | Experimental implementation in Ho Chi Minh City, drawing lessons | 8 th October 2004 | National FPD, Ho Chi Minh City Forest Protection Department |
| 4 | Completing the Regulation on captive bear management | December 2004 | National Forest Protection Department |
| 5 | Carrying out advocacy activities and propagandizing regulations on captive bears | 2005 | National Forest Protection Department, provincial and city Forest Protection Departments |
| 6 | Completing projects submitting to provincial and city People's Committees belonging to the Central level for approval | February 2005 | provincial and city Forest Protection Departments |
| 7 | Purchasing microchips | March 2005 | National Forest Protection Department |
| 8 | Implementing approved projects. | March to August 2005 | provincial and city Forest Protection Departments |
| 9 | Summary, reports on outcomes | September 2005 | National Forest Protection Department |

Appendix 2: DISTRIBUTION OF MICROCHIPS

| Group | Distributed FPDs | Areas in charge |
|--------------|--|--|
| 1 | Hanoi City Forest Protection Department | Hanoi, Hung Yen, Vinh Phuc, Ha Tay, Ha Nam, Nam Dinh and Ninh Binh |
| 2 | Hoa Binh Provincial FPD | Hoa Binh, Lai Chau, Son La |
| 3 | Phu Tho Provincial FPD | Phu Tho, Ha Giang, Yen Bai, Lao Cai, Tuyen Quang |
| 4 | Thai Nguyen Provincial FPD | Thai Nguyen, Bac Giang, Bac Ninh, Lang Son, Hai Phong, Hai Duong, Quang Ninh |
| 5 | Nghe An Provincial FPD | Thanh Hoa, Nghe An, Ha Tinh, Quang Tri, Thua Thien Hue |
| 6 | Binh Duong Provincial Forest Protection Department | Binh Duong, Dong Nai, Lam Dong, Binh Dinh, Quang Nam, Binh Thuan |
| 7 | Ba Ria – Vung Tau Provincial FPD | Ba Ria-Vung Tau, Can Tho, Kien Giang, Long An, An Giang, Ben Tre, Soc Trang, Dong Thap, Ca Mau |
| 8 | National Forest Protection Department | |

During the implementation, there may be adjustments to the plan of microchip distribution and areas in charge if needed.

Sample document 1

**City/Provincial Forest
Protection Department**

**Socialist Republic of Vietnam
Independence – Freedom - Happiness**

INVESTIGATION SHEET ON CAPTIVE BEARS N0.....

Full name of bear farmer (organizations, households or individuals):

Identification card number: Date of issue:
Issued by:

Permanent living address:

Bear farming address:

Number of bears in captivity (with a list attached):

Comments:

Status of bear cages:

Farming methods:

Pollution status:

Possible danger to community:

Other rare and precious wildlife species:

Opinions by bear farmer:

.....
.....
.....
.....

Bear farmer
(Full name and signature)

**Representative of City/Provincial Forest
Protection Department**
(Full name and signature)

Sample document 2

National Forest Protection Department

**Socialist Republic of Vietnam
Independence – Freedom - Happiness**

**COMMITMENT ON
FOLLOWING MICROCHIP TAGGING, MANAGING AND
PROTECTING CAPTIVE BEARS**

Today, date 2005

At the address (bear farming address):
.....

Full name:

Identification card number:issued on by

Permanent address:

Being a bear farmer as reported in the Investigation Sheet on Captive Bear No.

After being propagandized about the management and protection of captive bears by the provincial/city Forest Protection Department of, I take a pledge to do as follows:

- Following the State's regulations on protecting bears and wildlife species.
- Voluntarily having my bears tagged with microchips by the local FPD as a means of marking according to the Investigation Sheet No. The tagging the bears with microchips is carried out by the provincial/city Forest Protection Department.
- I will pay a sum of for the spending on the microchip tagging and making a bear management file, and have no complaint.
- Continuing to take care of, nurture the bears which have been marked according to the Microchip Tagging Report No. until the end of the bears' life, and ensure an appropriate condition on farming, cages and environmental hygiene.
- Sending a periodical report on bears' health status every six month to the district or provincial/city Forest Protection Departments.
- In unexpected case (bears in poor health or die), I have to immediately report to the provincial/city Forest Protection Department.

Bear farmer
(Full name and signature)

**Representative of
Provincial/City Forest Protection Department**
(Full name and signature)

Sample document 3

National Forest Protection Department

**Socialist Republic of Vietnam
Independence – Freedom - Happiness**

**REPORT ON
TAGGING MICROCHIPS WITH CAPTIVE BEARS NO.**

Today, dated 2005

At (address of bear farm):

With the agreement and witness by the bear farmer

Full name: Identification card number :

Issued onby

.....

Permanent address:

.....

The Forest Protection Department of has marked the following bears with electronic devices (tagging microchips):

Species Number:

Species Number:

Type of anesthetics:

Anesthetics workers.....

Microchip location:.....

Microchip tagger:

The process of microchip tagging completed at:, dated:..... After being tagged with the microchips, the bears' status is:.....

(Attached to this report is the List Bear that have been tagged with microchips No.....)

Bear farmer
(Full name and signature)

**Representative of
Provincial/City Forest Protection Department**
(Full name and signature)

