



## New circular will decide fate of our country's bears

A new circular currently being drafted by the Ministry of Agriculture and Rural Development (MARD) will reinforce the government's commitment to phase out and end bear farming in Vietnam, or will it?

The new circular will replace Decision 95/2008/TT-BNN issued by MARD on 29 of September 2008, and includes many improvements that should benefit efforts to manage bears on farms. However, a single clause that is proposed for inclusion in the circular would permit bear farmers to breed and raise cubs born on their farms.

Experts are rightfully concerned about this provision of the revised new circular that would allow cubs to be born, registered, and kept on farms. Allowing bear farm owners to produce more bears on their farms is in conflict with MARD's commitment to end bear farming in Vietnam. It would also directly undermine the significant progress that has been accomplished over the past eight years by MARD, local law enforcement and authorities to phase out bear farming in Vietnam and bring an end to the illegal hunting and trade of bears.

Key issues relevant to this argument are as follows:

- The number of bears on commercial farms will increase as cubs are born and registered, and these bears could be exploited for bear bile in violation of the law. MARD's commitment to phase out bear farming in Vietnam will fail. Illegal commercial bear farming will continue indefinitely.
- Hunting, smuggling, and trade in wild-caught bears will also continue as owners claim to authorities that new cubs discovered on their bear farms were captive-born, not wild-sourced. Authorities will have difficulty distinguishing between wild and captive-born bear cubs at farms, leading to a breakdown in enforcement and compromising Vietnam's wildlife protection laws, intended to protect bears and other endangered wildlife.
- More than 30 bear cubs have been confiscated by authorities since 2010. Wild-caught bears originate not just in Vietnam, but also Laos, Cambodia, Myanmar, and other countries. Vietnam has a responsibility to help protect the region's bears by suppressing illegal activities, such as commercial farming of bears in Vietnam, that have had a devastating impact on wild bear populations in the region.



An unregistered bear cub, which was born on a bear farm in the south. According to farm employees, cubs born on this farm have been sold in the past. Under the new draft circular, owners will be allowed to keep bear cubs born on farms. This is in direct conflict with MARD's commitment to end bear farming in Vietnam and in opposition to the interests of wildlife protection

*Photo: ENV*

- Nearly all bear farmers in Vietnam keep bears for the purpose of extracting and selling bear bile. Their motivation for keeping bears is not for “conservation” as claimed by some, but for personal gain, whether this be for bear bile or profits. Conservation programs aimed at protecting species do not belong in the hands of commercial farmers or people with records of illegal activities.
- Bear farms and private zoos are NOT conservation facilities. There have been confirmed reports of bear cubs being born at four private zoos and “eco-parks” in Vietnam. The Cu Chi Water Park in Ho Chi Minh brings VIP visitors in on weekends to buy bear bile and also sells and advertises bear bile in their restaurant. Likewise, the Mango Garden Eco-Resort in Dong Nai also exploits bear bile for visitors with evidence of extraction having been observed. A third eco-park contact told investigators that they had sold cubs born at their establishment to others. Would you call these “eco-parks” and private zoos that are directly engaged in illegal activities for profit, conservation centers?

ENV is not opposed to the breeding of bears in captivity for legitimate purposes, including certain scientific research, education, and conservation activities. However, such conservation-focused activities belong in the hands of government or non-government institutions with NO COMMERCIAL INTEREST in breeding bears. Under non-commercial control, bear breeding, raising, and conservation program management must be based on science, not market economics.

Back in the 1990’s, we seriously failed when we allowed the bear bile industry to develop directly under our noses. The industry peaked in 2005 with an estimated 4,500 bears on farms, with all but a few wild-caught.

As a consequence, in 2005 MARD initiated a nationwide campaign requiring all bear farm owners to register their bears, inserting a microchip into each captive bear that



Nearly all bear farmers in Vietnam keep bears for the purpose of extracting and selling bear bile, not for “conservation” as is claimed by some farmers

*Photo: ENV*

would serve as a unique form of identification and prevent bear farm owners from bringing new unregistered and un-chipped bears onto their farms. The ambitious and costly scheme was to result in a “natural attrition” of bears on farms, as older bears died and were not replaced, the numbers would decrease steadily.

Evidence suggests that this campaign, coinciding with a strong commitment by MARD to phase out and permanently end bear farming in Vietnam, has been working successfully, with numbers declining by nearly 50% from 2005 to the present day estimate of about 2,300 bears on farms.

This is great cause for celebration. Now is not the time to allow a loophole in the law to undermine the excellent progress achieved thus far by MARD. With bear farmers frequently expressing interest in giving up their bears, and a growing sense of opposition by the public against bear farming, exploitation, and trade, it is time to move forwards, not backwards.

ENV would welcome comments by law enforcement officers, forest rangers, and government officers (who may remain anonymous) concerning the proposed article allowing cubs to be registered and kept by farmers. Send your comments to ENV via [env@fpt.vn](mailto:env@fpt.vn) or contact MARD directly to voice your concerns.

# Enforcement briefs

## Going after rhino horn trade

Last year, 668 rhinos were shot and killed in South Africa alone. Dozens of Vietnamese nationals have been arrested in South Africa, Mozambique, and Thailand attempting to smuggle rhino horn back to Vietnam; and since September 2012, there have been four seizures of rhino horns in Vietnam documented by ENV. In the spirit of a new cooperation agreement between Vietnam and South Africa signed in December 2012, the Prime Minister issued Decision 11 in January 2013 banning the importation of rhino horn trophies (formerly legally imported with permits).

However, we are just getting started. Much remains to be done in order to put an end to the smuggling and trade of rhino horns destined for Vietnam.

In addition to closely scrutinizing passengers returning from Africa at our country's airports and borders, we must identify and shut down organized criminal networks that are bringing rhino horn back into the country, often in the hands of "mules". These criminal networks often have family members living in South Africa, running businesses such as hotels or wildlife farms, or studying at university. Financial resources must be dedicated to investigating, collecting evidence, and prosecuting key members of these networks to send a clear and strong message to would-be smugglers and traders, that Vietnam will no longer tolerate the smuggling of rhino horn across our borders.

At the same time, we must act immediately to address the very small but devastating demand for rhino horn amongst the financial elite, which is priced at about 100 million VND for 100 grams. These people mistakenly believe that rhino horn is both a magical form of medicine to improve their health and a way to show off to others that they are important or successful. Their whim is costing the



The cooperation agreement signed between South Africa and Vietnam is just the beginning - much more work remains to be done to reduce the demand for rhino horn in Vietnam, and to shutdown criminal networks smuggling rhino horn into the country

*Photo: Dr. Markus Hofmeyer. Reprinted from Murder, Myths & Medicine with permission from Rhishja Cota-Larson*

lives of rhinos globally. Until this very small segment of the population comes to realize that the rhino horn they hold in their hand is a symbol of death, not life, and in fact no different from the horn of a common buffalo or the tips of their fingernails, this crisis will continue.

ENV urges members of the National Assembly, relevant ministries, and provincial governments to "get involved", urging would-be consumers to save their money and feel good by protecting the world's rhinos.

ENV embarked on a campaign in early 2012 focused on consumers, and is ready to work with government partners to bring this message to consumers, and help put an end to Vietnam's involvement in the rhino horn trade as quickly as possible.

## 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**

# Enforcement targets

## Targeted for closure

The Tuu Tai Quan Restaurant, located in the Dong Da District of Ha Noi, is one of a collection of restaurants scattered around the city that continue to openly advertise and sell wildlife, despite a long history of warnings and repeated visits by authorities.

First reported by a Hanoi resident on October 5, 2009, the restaurant featured an adult bear soaking in a fish tank filled with wine, along with jars of cobra wine, and a menu advertising civet, pangolin, and porcupine as well as bear bile and snake wine. A trophy leopard cat and a cage full of live water dragons have also been reported following several inspections.

The question remains, why is this restaurant still operating? The law permits fines to be issued, and in fact requires that illegal wildlife be confiscated, not just moved out of sight. In addition to fines and confiscation of goods, the restaurant owner risks loss of his license to operate.

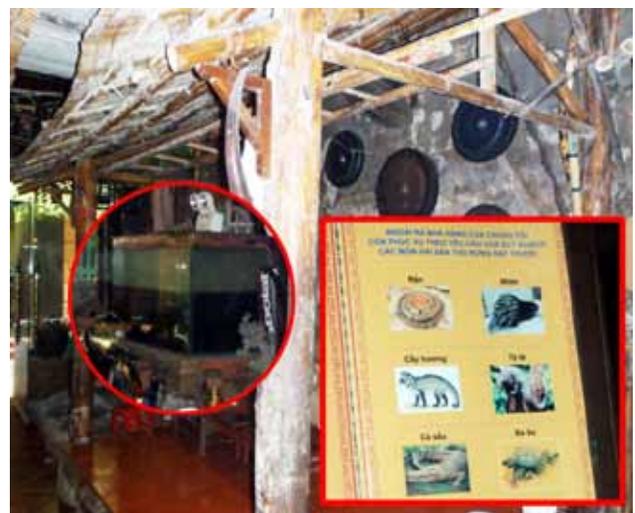
The bear in particular is of importance, as the species is listed under Group 1B of Decree 32, warranting immediate confiscation. And yet, it has been soaking in wine for more than three years since it was first reported.

Since 2009, eight inspections of the restaurant by independent inspectors have all resulted in similar violation reports, including the bear in wine, and a range of wildlife offered on the menu.

If enforcement is to function as a means of deterring criminal behavior, then the law must be applied to all violators as it is written and for the purpose it was written. Laws protecting wildlife were drafted and approved by the government in order to protect the country's wildlife. Warnings are appropriate for minor violations and where authorities are almost

certain that owners will henceforth comply with the law, but goods must be confiscated in order to serve notice to even light violators to warn that are warned, that they should not engage in any further illegal activities. For more serious violators, confiscation of goods and fines are appropriate as a first step, and if violations continue, fines and punishment should become sufficiently tougher to get the message across. Suspension of a business license is both a legal and appropriate response to violators for which fines and confiscation of goods does not alter their behavior.

Enforce the law. It serves the interest of the state and the people. The defiant few who believe they are exceptions to the law will soon learn that their behavior is no longer accepted by society in a rapidly advancing world.



Eight inspections of the Tuu Tai Quan Restaurant in Hanoi since 2009 have resulted in violation reports, including a range of wildlife offered on the menu, and a whole adult bear soaking in a fish tank filled with wine. The restaurant owner's defiant attitude openly challenges the role of local authorities

*Photo: ENV*

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

# Enforcement advisor

## Authorities may not auction off confiscated animal parts from fully protected species.

Confiscated bones and parts of species listed under Group 1B may not be auctioned off or sold. According to the law, they must be either destroyed, or transferred to an appropriate State authority or non-commercial education or research facility (such as the National Museum of Natural History) as per the Prime Minister's Correspondence 611/TTg-NN issued on 15 May 2007.

Of particular concern are parts and products including elephant ivory, rhino horn, tiger bones and parts, bear paws, marine turtles, and dried or processed endangered primate remains.

Commercial trade in these species is prohibited, and it is critical that effective enforcement actions by relevant agencies leading to confiscation do not result in these parts and products returning to the trade.

Mr. Nguyen Viet Hoach, Director of the Hue Forest Protection Department, best summarized his department's attitude to the issue of properly disposing of confiscated parts of fully protected species, in an interview with Tienphong regarding proper disposal of a dead gaur turned over to FPD (listed under Group 1B as fully protected and banned from commercial trade).

"If we retain it for medicinal use, then we are encouraging the hunting, tracking and slaughtering of gaur to extract the bile for medicine. Who would oversee the security of the gaur gall bladder after it is handed over to a medical institution? It's too easy for it to be swapped and used for the wrong purpose."



It is critical that confiscated wildlife and wildlife products are disposed of appropriately to prevent misuse, and discourage hunting and poaching. According to the law, Group 1B species must be destroyed or transferred to an appropriate state authority or non-commercial research or education facility, not auctioned back into the trade

*Photo: Hanoi Environmental Police*

In this case, Mr. Hoach destroyed the gaur and its parts because he feared misuse if they were to be transferred to other parties under the law.

*"Most tiger farmers in Vietnam either sell tigers from their farms, or make tiger bone glue from tigers that have died on their farm. A tiger farmer in Thanh Hoa and two in Binh Duong are directly involved in trading tigers."*

*(Source: Informant working at a tiger farm in Vietnam).*

# Crime Log

## HANOI

On January 16, while issuing a ticket to a bus driver for illegal parking, Thuong Tin district police discovered more than 260kg of pangolin scales hidden in the luggage compartment of a bus that was traveling from Vientiane in Laos to Hanoi. According to authorities, the pangolin scales belonged to two species of pangolins (*Manis gigantea* and *Manis tricuspis*), both native to Africa. This is the first documented case by ENV of pangolin scales from African species being confiscated in Vietnam (Case ref. 4672/ENV).

On January 18, Dong Da district economic police arrested three subjects and confiscated three frozen large cats from them, including two clouded leopards (*Neofelis nebulosa*) and one golden cat (*Catopuma temminckii*). Two of the subjects were from Ha Tinh province and one was from Hanoi. Both of the species are strictly protected by law, under group IB of Decree 32/2006/ND-CP. ENV suspects that the animals had been smuggled into Vietnam from Laos as part of a network trading tigers and other large cats (Case ref. 4674/ENV).

On February 21, Huong Son FPD was informed about eleven keeled box turtles (*Cuora mouhotii*) being sold at the Huong Pagoda cultural site. However, despite a local presence at the site, it took local FPD more than a week to respond to the case, finally resulting in the confiscation of the four remaining turtles on March 3. The owner was fined (Case ref. 4715/ENV).

## NGHE AN

On February 8, Soc Son Rescue Center received two tigers that had been confiscated three months earlier from a resident's house by Nghe An authorities. The confiscation of these tigers resulted from an article by a local journalist about illegal farming of tigers in Yen Thanh district, Nghe An that appeared on the Vietnamnet.vn website. The tigers were initially transferred to a local private zoo, but after several months the owner of the zoo, who has suspected past links to wildlife trafficking, reportedly wanted to keep the tigers. However, thanks to the efforts of the Ministry of Natural Resources and Environment and support from the Nghe An People's Committee, the tigers were transferred to a state rescue center (Case ref. 4527/ENV).



A young yellow-cheeked gibbon was rescued from a hunter in Lam Dong who killed its mother for meat. A member of the public reported the case to ENV's wildlife crime hotline, and the baby gibbon was transferred to Cat Tien National Park rescue center

Photo: Da Huoai District Forest Protection Department

On January 1, Nghe An authorities confiscated another tiger from a resident's house in Nghe An and transferred it to the Pu Mat National Park Rescue Center located in Nghe An province. Authorities are planning to transfer this tiger to the Soc Son Rescue Center in Hanoi. ENV congratulates Nghe An authorities on recent tiger seizures and efforts to "clean up" illegal tiger trading activities in several districts of the province (Case ref. 4642/ENV).

On January 18, authorities stopped a bus with Laotian registration and confiscated two dead Asian golden cats (*Catopuma temminckii*) and 43kg of wildlife bones. The subject in this case is pending prosecution. Earlier in January, authorities confiscated a live golden cat from another resident's home. However the subject was only fined VND 40 million (USD 2,000) for possession of a protected species (Case ref. 4644 and 4673/ENV).

## DA NANG

On February 18, a resident voluntarily turned over a long-tailed macaque (*Macaca fascicularis*) to local authorities. The macaque was subsequently released into a local forest. The owner claimed that he had kept the animal for two or three years. He was persuaded to turn over the monkey by one of his friends who saw an ENV banner displayed at his company encouraging people not to consume wildlife (Case ref. 4643/ENV).

On January 21, Da Nang authorities raided a local wildlife trader's house and confiscated a large quantity of wildlife from the refrigerator including civets, porcupines, macaques, squirrels, bamboo rats, wild boar and deer meat. The subject was fined VND 65 million (USD 3,250) (Case ref. 4686/ENV).

## KIEN GIANG

On February 1, the Phu Quoc Forest Protection Department confiscated seven Rhesus macaques (*Macaca mulatta*) from a local restaurant, thanks to a report from a foreign visitor. The restaurant owner claimed that he initially bought two macaques, which then gave birth to five babies. The animals were immediately released into Phu Quoc National Park (Case ref. 4659/ENV).

On March 11, a fish sauce factory on Phu Quoc Island was reported to be keeping two long-tailed macaques (*Macaca fascicularis*) and one common palm civet (*Paradoxurus hermaphroditus*). The Phu Quoc FPD immediately checked the factory and confiscated the animals which were then released in Phu Quoc National Park. (Case ref. 4747/ENV).

## HA TINH

On January 10, Vu Quang district police arrested a man who was transporting a large quantity of wildlife including more than 320kg of water monitor lizards (*Varanus salvator*) and almost 390kg of yellow-headed temple turtles (*Hieremys annandalii*). According to the ENV Wildlife Crime Incident Database, the subject had already previously been caught by Nghe An authorities in October 2011 illegally transporting more than 200kg of elephant tusks, and was on probation for that offence. However according to police, he might only receive administrative punishment this time (Case ref. 4660/ENV).

# Crime Log

*Note: ENV strongly urges that the subject be incarcerated for this repeat violation and the fact that he attempted to flee police.*

## CAO BANG

On January 13, police confiscated ten dried black-shanked douc langurs (*Pygathrix nigripes*) which were being illegally transported by two subjects on a motorbike. The langurs were most likely being smuggled to China where they would be sold for traditional Chinese medicine. The suspects are currently awaiting prosecution (Case ref. 4669/ENV).

## BINH DUONG

On January 28, a concerned citizen reported a yellow-cheeked gibbon (*Hylobates gabriellae*) and a long-tailed macaque (*Macaca fascicularis*), being kept at a resident's house, to the ENV hotline. The information was transferred to Binh Duong FPD who immediately checked the site and confiscated the gibbon. The owner was permitted to retain the macaques until placement could be organized. The gibbon was transferred to the Cat Tien Rescue Center in Dong Nai (Case ref. 4685/ENV).

## BINH DINH

On January 5, Binh Dinh environmental police and traffic police stopped a van and confiscated a large quantity of live wildlife including 42kg of common palm civets (*Paradoxurus hermaphroditus*), 19kg of radiated rat snakes (*Elaphe radiata*) and 78kg of Indochinese rat snakes (*Ptyas korros*). According to authorities, the subject is expected to be fined up to VND 60 million (USD 3,000) (Case ref. 4649/ENV).

## THAI NGUYEN

On February 6, a loris was voluntarily turned over to the FPD by a local resident who claimed that he had bought the animal a long time ago. The loris was subsequently transferred to the Endangered Primate Rescue Center at the Cuc Phuong National Park (Case ref. 4695/ENV).

## SON LA

On February 28, a Son La resident reported an owl being kept by a man who had trapped it with a net. Before authorities could respond, the owl was sold, and then sold again to a third party. The informant was able to track the sale resulting in Forest Rangers locating and confiscating the owl, which was then released (Case ref. 4724/ENV).

## QUANG NINH

On February 21, Quang Ninh authorities confiscated approximately one ton of wildlife comprised of snakes and two species of turtles. The subject produced a legal permit indicating that the animals were bought from farms; however, the quantity stated on the legal permit did not match the number owned. This shipment was probably heading to China (Case ref. 4719/ENV).

*Note: While the permits issued stated that the wildlife originated on farms in two provinces, it is highly likely that this shipment was laundered through the farms and comprised illegal wild-caught animals. The 978kg of turtles seized contained two species that would require more than 10-15 years to raise on farms, and, if inspected by experts, could easily be identified as wild-caught animals.*



An Asian golden cat was confiscated from a house in Nghe An province (Central Vietnam) on January 2, and later transferred to Soc Son Rescue Center

*Photo: ENV*

On February 28, Quang Ninh authorities confiscated 60kg of king cobras (*Ophiophagus hannah*) which were being smuggled by public bus. It is suspected that the shipment was heading to China. King cobras are strictly protected in group 1B of Decree 32/2006/ND-CP (Case ref. 4740/ENV).

## QUANG NGAI

In early February, Quang Ngai authorities confiscated eleven Bourret's box turtles (*Coura bourreti*) from a wildlife farm. The farm owner claimed that he had bought the animals from a legal farm in the south; however, according to authorities, the subject does not have a permit for this species (Case ref. 4748/ENV).

*Note: Bourret's box turtle is a critically endangered species and is endemic to Vietnam. This species does not breed in captivity and under no circumstances did these animals originate from a farm. Given the conservation status and importance of these turtles, authorities should immediately turn them over to experts for rehabilitation and care.*

## HO CHI MINH CITY

On January 6, Ho Chi Minh airport authorities confiscated six rhino horns from a student who was returning from Mozambique via Bangkok, Thailand. The seizure is linked to another seizure that occurred on the same day in Thailand, also involving a Vietnamese national traveling from Mozambique. In this second seizure, four rhino horns were recovered.

The Thai suspect who was arrested is expected to be prosecuted and imprisoned. Both suspects are believed to be part of an international illegal wildlife trade network linked to the notorious Vixay Keosavang operation in Laos, which is believed to be behind a considerable portion of the illegal trade of wildlife coming into Vietnam (Case ref. 4647, 4648/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 4,700 wildlife crime cases as of February 2013.

### 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  
Freeland Foundation (ARREST Program)

Cleveland Metroparks Zoo  
Save the Rhinos International  
The Lush Foundation  
Houston Zoo  
Auckland Zoo  
Columbus Zoo  
United States Agency for International Development (USAID)

#### Contact Us

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ENV Twitter: <https://twitter.com/#!/edu4naturevn>  
ENV Facebook: <http://www.facebook.com/EducationforNatureVietnam>



## 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**