



Credit to: The National Assembly/quochoi.vn

OFFICE OF THE NATIONAL ASSEMBLY OF VIETNAM
**HANDBOOK ON
WILDLIFE CONSERVATION POLICY**

SUMMARY REPORT

For the internal reference of the National Assembly

Hanoi, Vietnam
October 2019

Scientific Dialogue
Summary report

Handbook on wildlife conservation policy

*For the internal use
of the National Assembly*

Hanoi, October 2019

This Handbook is an outcome of the High Level Dialogue that the National Assembly of Vietnam conducted in partnership with USAID Wildlife Asia on July 26, 2019 to discuss wildlife-related issues, including demand reduction, law enforcement, and gaps in Vietnam's wildlife protection policies. Key agreements and recommendations from this Dialogue were documented and further expanded by the National Assembly to produce this Handbook which serves as a guide for National Assembly members and policymakers from other government agencies to develop or strengthen wildlife conservation policies in Vietnam. The National Assembly of Vietnam is grateful to USAID Wildlife Asia for supporting the Dialogue and laying the groundwork for the production of this Handbook.

Copyright © 2019 VPQH

2019, The Office of the National Assembly of Vietnam, All Rights Reserved.
Any use of the information in this document must comply with copyright legislation.

TABLE OF CONTENTS

CONTEXT	5
I. WILDLIFE AND WILDLIFE PROTECTION LAW IN VIETNAM.....	5
1. Overview: Vietnam’s wildlife species	5
2. Legal framework on wildlife protection	6
II. WILDLIFE MANAGEMENT AND CONSERVATION	7
1. Implementation of wildlife protection laws and policies	7
2. Wildlife crime	11
3. Case statistics	11
III. DIFFICULTIES, CHALLENGES AND RECOMMENDATIONS.....	12
1. Improvements needed.....	12
2. Recommendations	14

CONTEXT

Vietnam is a highly biodiverse country with tens of thousands of species of fauna and flora living both on land and in water. However, in recent years, Vietnam has suffered enormous biodiversity losses, leaving some species on the brink of extinction. It is estimated that today Vietnam is home to nearly 1,556 endangered species.

Understanding the importance of biodiversity, Vietnam has made conservation a priority by enacting comprehensive policies on wildlife protection. Particularly, Vietnam was one of the earliest signatories to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The country has gradually internalized international laws and created a comprehensive legal framework around the conservation of biodiversity and wildlife protection, including the Law on Biodiversity (2008); The Penal Code (2015) (amended in 2017); the Law on Forestry (2017); the Law on Investment (2014); the Law on Fisheries (2017); Decree No. 160/2013/ND-CP (2013) on the management of endangered, precious, and rare species prioritized for protection; Directive No. 03/CT-TTg (2014) on strengthening measures for the conservation of endangered, precious, and rare wildlife species; and Directive No. 28/CT-TTg, (2016) on urgent measures to prevent and combat wildlife crime.

Local media has been encouraged to showcase conservation role models, especially those that disrupt illegal wildlife trade and detect wildlife crime. In addition, Vietnam has prioritized the establishment of specialized forces, including forest protection agencies, environmental police, Customs authorities, border guards, and market surveillance teams, to enforce wildlife laws. However, shortcomings in wildlife protection legislation—such as a need for greater clarity in the listing of species and the role different agencies should play in processing violations—have made the laws difficult to implement, allowing wildlife crimes continue to harm Vietnam’s natural resources, security, and economy.

In July 2019, the National Assembly partnered with USAID Wildlife Asia to hold a high-level dialogue entitled *Wildlife Protection in Vietnam through Demand Reduction*. The event allowed National Assembly members, representatives of related ministries, and international experts to discuss wildlife-related issues, including demand reduction, law enforcement, and weaknesses in Vietnam’s wildlife protection policies. Conclusions and recommendations from the discussion form the foundation of this handbook, which is to be used to help strengthen wildlife protection legislation and to guide the implementation of demand reduction communications activities.

I. WILDLIFE AND WILDLIFE PROTECTION LAWS IN VIETNAM

I. Overview: Vietnam’s wildlife species

Wild fauna and flora play important roles in maintaining Vietnam’s ecosystems, directly benefiting local communities. Wildlife contributes greatly to the national economy, especially in the agriculture, forestry, fishery, and health sectors. It strengthens national food security and provides materials for construction and medicine.

Vietnam’s climate has made it one of the most biologically diverse countries in the world, hosting a variety of natural ecosystems, wildlife species, and endemic genetic resources. According to Vietnam’s Sixth National Report to the Convention on Biological Diversity, the country has around 51,400 species, which include 7,500 micro-organisms, 20,000 terrestrial and aquatic plant species, 10,900 terrestrial animal species, 2,000 invertebrates and freshwater fish species, and more than 11,000 other marine species. Some species with a high conservation value have particularly affirmed the global importance of Vietnam’s biodiversity, such as the Saola *Pseudoryx nghetinhensis*, the Silver-backed chevrotain *Tragulus versicolor*, the Giant muntjac *Muntiacus vuquangensis*, the Annamite muntjac *Muntiacus truongsongensis*, the Annamite striped rabbit *Nesolagus timminsi*, the Asian elephant *Elephas maximus*, the Banteng cow *Bos javanicus*, the Kouprey *Bos sauveli*, the tiger *Panthera tigris*, the Indochinese leopard *Panthera pardus delacouri*, and the Sika deer *Cervus nippon*, along with other species of primates, sea turtles, tortoises and freshwater turtles. BirdLife International has also

designated 63 places in Vietnam to be “Important bird and biodiversity areas”¹, meaning that they are places of international significance for the conservation of birds and other biodiversity.

Vietnam is rich in species composition and its fauna has a high level of endemism compared with neighboring countries in the Indochina region. For example, out of 21 monkey species found in this region, Vietnam is home to 15 species, with seven endemic species and subspecies. Also, out of 49 bird species endemic to this region, Vietnam is home to 33 species, including 10 which are endemic to Vietnam².

From 1997 to 2014, surveys conducted in different territories in Vietnam documented newly discovered species. Statistics indicated that new species found in Vietnam accounted for more than half of new species discovered in the Greater Mekong Subregion (including Cambodia, Lao PDR, Myanmar, Thailand, and Vietnam) (WWF, 2015). Out of 139 flora and fauna species discovered in Vietnam, there were 90 plant species, 23 reptile species, 16 amphibian species, nine fish species, and one species of mammal. Additionally, dozens of new animal and plant species have been described in recent years (WWF, 2018). From 2014 to 2018, an additional 344 new species, including 208 animal species and 136 plant species, were described and published in prestigious international scientific journals and the Biological Journal of the Vietnam Academy of Science and Technology (Sixth National Report to the Convention on Biological Diversity).

However, statistics have also revealed a sharp decline in numbers of species and populations of wild species in Vietnam. Many species are at high risk of extinction, such as the Sin-hoe turtle *Rafetus swinhoei* which has only three living individuals known in the world—one in China and two in Vietnam (ATP, 2018). Other large mammals, such as elephants, Asian big cats, bears, and pangolins need urgent measures to protect them (Nguyen et al., 2016). The Saola, an endemic species of the Annamite range, is also on the brink of extinction.

Vietnam has 276 species listed as threatened on the IUCN-International Union for the Conservation of Nature’s Red List, including 59 mammal species, 57 bird species, 75 reptile species, 51 amphibian species, and 32 fish species. There are a total of 882 species listed in the Vietnam Red Book (2007), which saw an increase in precious and rare animal species from 365 species (1992) to 418 species (2007) and in plant species from 356 species (1996) to 464 species (2007). The Red Book includes 116 species that are critically endangered and nine species have become extinct in Vietnam—the Javan rhinoceros *Rhinoceros sondaicus*, Kouprey, Tapir *Tapirus indicus*, Otter civet *Cynogale bennettii*, Saltwater crocodile *Crocodylus porosus*, and Sika deer. The 2016 species inventory proposed the addition of 1,211 species to the Red Book, including 600 plant species and 611 animal species, a significant increase from 2007.

2. Legal framework on wildlife protection

Penalties for wildlife crimes are regulated by a number of different legislative instruments, such as laws, resolutions, and decrees, that work in compliance with international regulations to which Vietnam is a signatory.

2.1. Wildlife management legislation

- The Law on Forestry (2017), which replaces the Law on Forest Protection and Development (2004) and regulates the management and protection of forest plants and animals. Hunting, catching, rearing, capturing, killing, storing, transporting, trading, or collecting specimens of forest plants and animals is illegal;
- The Law on Biodiversity (2008), which regulates the conservation and development of biodiversity, including wildlife protection, and prohibits hunting or fishing in protected areas, except for scientific research;

¹ Basic survey on bird fauna in the extension area of Phong Nha-Ke Bang National Park, Bird Life International Vietnam, 2011

² <https://moitruong.com.vn/tai-nguyen-thien-nhien/moi-truong-tu-nhien/tong-quan-ve-da-dang-sinh-hoc-cua-rung-viet-nam-20132.htm> and https://vi.wikipedia.org/wiki/H%E1%BB%87_%C4%91%E1%BB%99ng_v%E1%BA%ADt_Vi%E1%BB%87t_Nam

- The Law on Investment (2014), which provides a list of wild plants and animals species that are banned from commerce;
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- Decree No. 06/2019/NĐ-CP on the management of endangered, precious, and rare species of forest fauna and flora and implementation of CITES (replacing Decree 32 and Decree 82);
- Decree No. 160/2013/NĐ-CP on criteria to determine species and the management of species listed as endangered, precious, and rare species prioritized for protection;
- Decision No. 11/2013/QĐ-TTg on the prohibition of export, import, purchase, and sale of specimens of wild fauna species listed on CITES appendices (prohibition on trading in elephant species and African rhinoceros species);
- Decision No. 45/QĐ-TTg on national biodiversity conservation to 2020 and vision to 2030;
- Decision No. 1250/QĐ-TTg on the national strategy for biodiversity to 2020 and vision to 2030;
- Directive 03/CT-TTg on requesting that ministries, agencies, and localities strengthen the implementation of control measures on the conservation of endangered fauna;
- Directive 28/CT-TTg on urgent solutions for wildlife crime;
- Decision No. 763/QĐ-TTg on approving the Master Conservation Scheme for the period of 2013-2020;
- Decision No. 539 / QĐ-TTg on approving the National Program on Tiger Conservation in the period of 2014-2022;
- Circular No. 27/2018/TT-BNNPTNT of the Ministry of Agriculture and Rural Development on the management and tracing of forest products.

2.2. Legislation on penalties for wildlife crime

- The 2015 Penal Code (amended and supplemented in 2017), which sets out criminal penalties for violations of the key wildlife protection laws such as Article 232 (forest protection regulations and forest product management), Article 234 (the management and protection of wild animals), Article 244 (the management and protection of endangered species);
- Criminal Procedure Code (2015), Law on the organization of criminal investigation bodies (2015);
- Decree No. 157/2013/NĐ-CP on penalties for administrative offenses relating to forest management, development, protection and forest product management, regulating penalties for administrative offenses concerning illegal exploitation, transport, buying and selling of forest products (including both plants and animals);
- Decree No. 155/2016/NĐ-CP on penalties for administrative offenses regarding environmental protection, regulating penalties on administrative violations against wildlife species, including endangered, precious, and rare species prioritized for protection;
- Circular No. 90/2008/TT-BNN of the Ministry of Agriculture and Rural Development on guidance on the settlement of confiscated wildlife.

II. WILDLIFE MANAGEMENT AND CONSERVATION

I. Implementation of wildlife protection laws and policies

On February 20, 2014, the Prime Minister issued Directive No. 03/CT-TTg on strengthening conservation measures towards endangered, precious, and rare wildlife species. The Directive engaged various government agencies to implement solutions in concert to prevent wildlife crime. However, in some places, trade in products such as ivory and rhino horn was highly complex and

challenged law enforcement efforts. This presented obstacles for Vietnam's implementation of wildlife-focused international conventions and agreements.

On September 17, 2016, the Prime Minister issued Directive 28/CT-TTg on urgent solutions for preventing and combating wildlife crime, which directed ministries, government bodies, and provincial authorities to carry out the following measures:

- *The People's Committees of provinces and municipalities shall engage local authorities in carrying out inspections at craft villages, processing facilities, souvenir shops, airports, piers, and traditional medicine manufacturers, and strictly penalize any wildlife infractions. The penalties shall be publicized on mass media. Committee heads and local authorities shall be held responsible to the prime minister for crimes committed in the areas under their management.*
- *The Ministry of Public Security, in coordination with other key ministries such as the Ministry of Defense, the Ministry of Finance, the Ministry of Agriculture and Rural Development, and the Ministry of Natural Resources and Environment, shall take the lead in the fight against transnational organized crime in the trade, storage, transport, export, and import of illegal wildlife and wildlife products, especially ivory tusks and rhino horns. The Ministry of Public Security shall further collaborate with the Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development, and the Ministry of Natural Resources and Environment in intensifying monitoring practices for illegal wildlife trade and strictly penalizing any illegal sales, trade, advertising, or consumption of rhino horn or ivory products in the domestic market. The Ministry of Public Security shall team up with specialized forces such as environmental police and anti-smuggling police to combat illegal timber and wildlife trade.*

In addition, the Ministry of Public Security issued Plan No. 222/KH-BCA-C4I on strengthening forest protection, preventing deforestation, and preventing the obstruction of officers and Plan No. 215/KH-BCA-C4I on ending transnational illegal wildlife trade.

The Ministry of Public Security has worked to combat illegal wildlife trade and encouraged police to participate with international entities, including Interpol and wildlife protection organizations, to check wildlife trade intelligence and information.

- *The Ministry of Agriculture and Rural Development shall have the CITES Management Authority collaborate with the Inter-ministerial Steering Committee on wildlife trade to foster greater cooperation on information-sharing, investigations, arrests, and the penalization of perpetrators, especially for crimes involving ivory and rhino horn. It shall liaise with the Ministry of Information and Communications in carrying out propaganda, education and dissemination of laws protecting endangered species.*
- *The competent authorities involved in investigation, prosecution, adjudication, and the processing of administrative violations shall scrutinize offenses related to the export and import, transportation, trading, processing and storage, advertising, and consumption of illegal wildlife and wildlife products, especially ivory, rhino horn, and tiger specimens, urgently settle pending cases, and publicize the results.*

In recent years, several criminal cases related to illegal poaching and trafficking of wildlife have been processed, involving numerous criminals. According to the Supreme People's Court's 2018 report, from 2015 to 2017 (from October 1, 2015 to the end of September 2017), the Court accepted a total of 231 wildlife-related cases, involving 339 defendants. Of these, 207 cases were heard involving a total of 303 defendants. Twenty cases involving a total of 32 defendants resulted in indictments and were returned to the People's prosecution authorities for further investigation. Four cases involving a total of four defendants are being settled. For criminal cases that went to trial over 2015–2017, 37 defendants were sentenced to less than three years in prison, while three defendants were sentenced to three to seven years in prison. These accomplishments demonstrate Vietnam's progress on law enforcement, which deters wildlife criminals and educates the public³.

- *Relevant ministries, authorities, and People's Committees of provinces and municipalities shall submit regular progress reports on the implementation of Directive 03/CT-TTg to the Ministry of Agriculture and Rural Development before October 31st of each year for final submission to the Prime Minister. They*

³ Report on law enforcement in period of 2013 – 2017, VKS, WCS, UKAID, 2018.

shall promptly notify the CITES Management Authority of Vietnam about cases involving CITES-listed species along with results from any settlements. They shall hand over confiscated wildlife listed on CITES's Appendix I for international inspection, storage, and exchange with other member countries and the CITES Secretariat per CITES regulations.

Thus, several government agencies have jointly taken preventive measures to combat wildlife crime. However, most of these entities are State management agencies, while semi-armed forces (such as forest rangers) are not given an adequate mandate to undertake professional preventive measures as police do. Because of this, police have taken the lead in the fight against illegal wildlife crime. Environmental police officers have played a central role in this conflict, in close coordination with investigation agencies, technical and judicial experts, security forces, law enforcement agencies (including people's prosecution offices), people's courts, inspection agencies, market surveillance teams, civil society organizations, and the public.

Awareness raising and social and behavior change communications (SBCC) activities on wildlife protection

Conservation awareness raising and SBCC efforts have been strengthened by the support of the government, socio-political organizations, and non-governmental organizations (NGOs) in recent years, helping wildlife protection messaging resonate with the public and reducing the trade and consumption of illegal wildlife and wildlife products, especially as follows:

MONRE has collaborated with the Central Committee of Propaganda and Education (CCPE) to promulgate Instruction No. 98-HD/BTGTW on strengthening the implementation of communication plans on illegal wildlife trade and consumption. The efforts have engaged the Central Party's committees and departments in developing and implementing both short-term and long-term communication plans to reduce trade in and demand for illegal wildlife products.

The Ministry of Health (MOH) has issued guidelines on the protection of endangered species. These target health facilities, pharmacies, medical examination and treatment facilities, health research facilities, and medical doctors. The MOH also facilitated awareness raising and SBCC campaigns to disseminate the Party and State's policies on wildlife protection, contributed to research for alternatives to illegal wildlife products, and aided in the monitoring of pharmacies to ensure pharmacists were discouraging customers from seeking illegal wildlife products. The Ministry of Agriculture and Rural Development has also implemented multiple communication campaigns on reducing demand for rhino horn.

MONRE has piloted a Cooperation Forum for Wildlife aiming to mobilize and engage stakeholders such as ministries, government agencies, and wildlife-focused NGOs. The forum has collaborated with the Central Committee of Ho Chi Minh Youth Union on awareness raising and SBCC campaigns targeting youth groups. It has worked with the CCPE to develop and disseminate videos with senior leaders as champions. The forum has also collaborated with international organizations such as USAID, Education for Nature Vietnam, Wildlife Conservation Society, TRAFFIC, Freeland, and Four Paws International on awareness raising and SBCC campaigns to reduce demand for illegal wildlife products. This has involved the development and dissemination of communication materials, the organization of activities, and coordination with social media and press agencies to carry out communication campaigns on national television channels. MONRE also issues an official letter on the Lunar New Year Tet Holiday and other special festivals to request that leaders and staff not receive/gift wildlife products.

Although SBCC and awareness raising activities have grown stronger, the government and the general public still have limited understanding about wildlife conservation. Some user groups still believe that owning and consuming rare wildlife products elevates their social status. SBCC and awareness raising campaigns should be long-term and should be connected with law enforcement efforts and strategies to improve the livelihoods of local communities.

Development and implementation of conservation campaigns

The government has implemented many programs to help conserve wildlife, such as the National Program on Tiger Conservation (2014-2022) (per Decision No. 539/QĐ-TTg) the Urgent Action Plan for Elephant Conservation in Vietnam by 2020 (per Decision No. 940/QĐ-TTg); the Urgent Action Plan for Primate Conservation in Vietnam by 2025, vision to 2030 (per the Prime Minister's Decision No. 628/QĐ-TTg). MONRE has also submitted for the Prime Minister's approval the National Program on the Conservation of Endangered Turtle Species in Vietnam by 2025, vision to 2030. Pangolin and civet conservation plans are also being developed and implemented by conservation organizations.

Wildlife population monitoring programs are also being implemented at local level, such as the monitoring program for primates in Phong Nha - Ke Bang National Park (Quang Binh Province), the monitoring plan for White-headed langurs *Trachypithecus poliocephalus* in Cat Ba National Park, Hai Phong and Van Long Nature Reserve (Ninh Binh Province) the monitoring program for snub-nosed monkeys *Rhinopithecus Spp.* in Na Hang, Cham Chu Nature Reserve (Tuyen Quang Province) and Khau Ca (Ha Giang Province), and the monitoring program for Black-faced spoonbills *Platalea minor* in Xuan Thuy National Park (Nam Dinh Province). Likewise, biodiversity corridors in Quang Nam, Quang Tri, and Thua Thien Hue provinces were established to ensure, maintain and protect habitats of targeted wild species including Yellow-cheeked gibbons *Nomascus gabriellae*, Green Ironwood *Erythrophloeum fordii*, Eastern black crested gibbons *Nomascus nasutus*, Gaur *Bos gaurus*, Hatinh langurs *Trachypithecus hatinhensis*, Saolas, Red-shanked douc langurs *Pygathrix nemaeus*, Gray-shanked doucs *Pygathrix cinerea*, Northern white-cheeked gibbons *Nomascus leucogenys*, Pygmy slow lorises *Nycticebus pygmaeus*, Annamite muntjacs, Annamite striped rabbits, Edwards's pheasants *Lophura edwardsi*, and Crested arguses *Rheinardia ocellata*.

Nature reserves

Wildlife conservation should be closely associated with the management and protection of nature reserves. As of 2018, Vietnam has 172 nature reserves with a total area of 2,493,843.67 ha in land and marine ecoregions, including 33 national parks, 65 nature reserves, 18 species and habitat conservation areas, and 56 landscape conservation areas. The area of inland nature reserves is 2,269,426 ha, comprising 6.84% of the country's territory. The national master plan for biodiversity conservation will expand the conservation area to a total of 3,067,000 ha by 2030.

Strengthened international cooperation

Recognizing the importance of wildlife protection, the Government of Vietnam has joined various international conventions on species and biodiversity conservation, such as the Convention on Biological Diversity (CBD, 1994), the Convention on Wetlands of International Importance (RAMSAR, 1989), CITES (1994), and the United Nations Convention to Combat Desertification (UNCCD, 1998).

Vietnam has participated in multiple regional and international initiatives such as the ASEAN Wildlife Enforcement Network (ASEAN-WEN), the London Declaration, the Kasane Statement on illegal wildlife trade, the Declaration of the East Asia Summit and the Asia Pacific Economic Cooperation Summit on strengthening cooperation efforts to combat wildlife trafficking and reduce demand for illegal wildlife and illegal wildlife products.

Vietnam has also signed on to conservation commitments with many countries around the world, such as signing a memorandum of understanding on combating illegal trade in rhino horn with South Africa (2012), the Vietnam-US Joint Statement, which refers to wildlife crime as a serious crime, and the Trans-Pacific Trade Partnership Agreement (TPP), which stipulates a commitment to fully implementing CITES and taking appropriate measures to combat illegal wildlife trafficking.

2. Wildlife crime

Due to Vietnam's favorable location as a gateway for trading activities in Asia, the country has become a transport and consumption hub for illegal wildlife products. The main species and products involved are snakes, turtles, pangolins, ivory, tiger bones, and rhino horns. The ability to clear high profits through wildlife trafficking has caused a biodiversity crisis and is critically threatening the survival of many endangered species.

Criminals' methods have evolved in scale and sophistication, with key members of highly organized wildlife trafficking rings including Vietnamese nationals who have colluded with foreign criminals to establish far-reaching wildlife trafficking routes. Likewise, foreign criminals or overseas Vietnamese have come to Vietnam to draw local Vietnamese into transnational wildlife trafficking networks. And on many occasions, government officials have used business trips to Africa or South America to facilitate the import of illegal wildlife products to Vietnam.

Criminals hide their identities by travelling as staff of import-export companies and as tourists. Wildlife traffickers rely heavily on logistics to smuggle illicit goods. Criminals often use road and sea transport, hiding their illegal wildlife products among legal goods. Goods may also be transported by air and sent to consignees in Vietnam. If the cargo is detected and seized, receivers can simply refuse to collect the goods and often escape abroad to avoid arrest. Other trafficking methods include temporary import of goods for re-export and packing the goods as gifts and sending them to Vietnam with students, tourists and travelers. One especially popular trick is to hide ivory in layers of foil, or in hollowed out artificial stones or logs. Traffickers use multiple tactics to avoid detection, in some cases, fight back violently when caught.

3. Case statistics

Many agencies are engaged in the prevention and settlement of wildlife crime. However, the four agencies most responsible are the police authority, forest protection agency, Customs, and border guards. From January 2013 to December 2017, law enforcement agencies processed 1,504 cases of illegal wildlife poaching, transportation, trading, breeding, or possession (361 criminal cases and 1,143 administrative violations) involving a total of 1,461 criminals. The forest protection agency processed 814 cases, accounting for 54.12%, while police processed 595 cases, accounting for 39.56%. The remaining cases were handled by other forces, such as Customs and border guards, accounting for 6.32%. The forest protection agency was the main entity involved in processing administrative violations, handling 754 cases, or 65.97%. The police focused on processing criminal wildlife offenses, handling 273 criminal cases, or 75.62%. Here is a five-year summary of their activity:

- In 2013, competent authorities processed 339 cases involving a total of 355 offenders, of which 81 were criminal cases involving 113 defendants and 258 were administrative violations involving 242 offenders.
- In 2014, competent authorities processed 219 cases involving a total of 215 offenders, of which 23 were criminal cases involving 19 defendants and 196 were administrative violations involving 215 offenders.
- In 2015, competent authorities processed 297 cases involving a total of 270 offenders, of which 102 were criminal cases involving 143 defendants and 195 were administrative violations involving 127 offenders.
- In 2016, competent authorities processed 334 cases involving a total of 350 offenders, of which 81 were criminal cases involving 110 defendants and 253 were administrative violations involving 240 offenders.
- In 2017, competent authorities processed 315 cases involving a total of 271 offenders, of which 74 were criminal cases involving 111 defendants and 241 were administrative violations involving 160 offenders.
- The complete figures from 2018 are not available yet. The forest protection agency processed a total of 11,289 cases in the forestry sector, including 10,926 administrative offences and 363 criminal cases (including wildlife crime).

The C05 department, an environmental police authority, reported the following results: from 2014 to October 2018, the authority processed 995 cases of wildlife crime, involving 1,029 individuals and

12 organizations. Of these, 189 were criminal cases that involved the prosecution of 235 defendants, while 330 were administrative violations involving 344 individuals and three organizations, which resulted in a total of more than VND3.8 billion (around USD166,000) in fines. A total of 458 cases involving 376 organizations were transferred to other agencies for further processing.

III. DIFFICULTIES, CHALLENGES, AND RECOMMENDATIONS

I. Improvements needed

a) Difficulties and challenges in the legal framework:

Legal regulations in management

The legal framework as it pertains to the conservation of biodiversity, and wild species in particular, is not consistent. A uniform approach the protection of wildlife, especially threatened species, is needed. One problem is a lack of clarity about which species are protected by which legislation.

The animal species listed as endangered, precious, and rare species prioritized for protection (per Decree No. 160/2013/ND-CP) are also included on many other lists of animal species (see Decree No. 32/2006/ND-CP), which creates challenges for management authorities and law enforcement agencies. Sixty-five animal species listed as Group IB or IIB and 12 plant species listed as Group IA or IIA are also on the list of endangered, precious and rare species prioritized for protection.

The overlaps result in inconsistent regulations protecting the species on each list. For example, the Golden coin turtle *Coura trifasciata* is listed as an endangered, precious, and rare species prioritized for protection by Decree No. 160/2013/ND-CP. It is also listed under Group IIB - forest animals that are restricted from exploitation or use for commercial purposes, including forest animals of scientific or environmental value or high economic value, with small populations in nature or in danger of extinction. And it is listed again under Appendix II of CITES regulated by Decree No. 06/2019/ND-CP. It is listed again under the Investment Law (2014) in Group I - Endangered, precious and rare wild species banned from exploitation and use for commercial and investment purposes. The duplication results in overlapping management regimes and challenges in enforcing the law as well as processing violations.

Laws on the settlement of cases:

- **Processing criminal cases:** Forest protection staff are able to conduct certain investigations but are barred from conducting others. Discrepancies in the legislation limit their ability to enforce laws. Here are some examples:
 - According to Article 34, Clause 1, Point b of the Law on the Organization of Criminal Investigation Bodies (2015), forest protection officers are charged as follows: “*For serious, very serious, or particularly serious crimes or less serious but complicated crimes, to decide to initiate criminal proceedings, investigate crime scenes, conduct searches, take testimonies, seize, hold in custody and preserve material evidence and documents directly related to the cases, to transfer case files to competent investigating bodies within seven days after the issuance of decisions to initiate criminal proceedings*”. However, as stipulated in Article 39, Clauses 2 and 3 of the Criminal Procedure Code (2015), when initiating criminal proceedings for less serious cases against perpetrators of misdemeanors and having clear evidence and the culprits' profile, only the agencies with investigation authorization, which the forest protection agency does not have in this case, are entitled to conduct the scene investigation. This is a discrepancy between the Law on Organization of Criminal Investigation Bodies (2015) and the Criminal Procedure Code (2015).
 - Per Article 34, Law on Organization of Criminal Investigation Bodies regarding presiding authorities and presiding officers, forest protection staff are not authorized to initiate criminal proceedings for offences as stipulated under Article 234 *Offences against regulations in wildlife management and protection*. Accordingly, the forest protection agency has no authority to initiate criminal proceedings for offences to do with wildlife management and protection. However, the forest protection agency is authorized to process administrative offences

regarding the management and protection of forest animals (as wild species). This has hindered the ability of the forest protection agency to enforce the law.

- **Processing administrative offenses:** Decree No. 157/2013/ND-CP and Decree No. 155/2016/ND-CP regulate the processing of wildlife-related administrative offenses. Some regulations do not yet agree on the form of the penalty and the level of administrative offences.

b) Coordination challenges in investigating wildlife crime

Tactical coordination among the agencies in disrupting illegal wildlife trade needs to be tightened and made more effective, particularly in terms of information sharing and collaboration on cases.

- Cases related to violations in forest management and protection often have large crime scenes in remote forest areas with complicated terrain. This is a challenge for enforcement officers in seizing illegal goods, protecting and investigating the crime scene, collecting evidence, and identifying offenders. The state budget allocated to forest protection agencies for criminal investigation activities is still very limited, resulting in a lack of facilities and equipment for investigations, including custody and detention facilities, interrogation rooms, and recording devices.
- The forest protection agency sometimes takes a different perspective on handling a case from other bodies, such as police and prosecution authorities. The forest protection agency is willing to initiate criminal proceedings regardless of whether the perpetrator is identified, but procedural authorities may disagree with initiating proceedings or reject case files compiled by forest protection agencies when perpetrators are not identified.
- Investigations are often very long and result in a low number of prosecutions (the prosecution rate is about 20%).

c) Limited resource investment

- Limited resources are invested into conservation, so even when conservation programs are approved by authorities, they are still sometimes impossible to implement;
- Forest protection staff are tasked with conducting certain investigations, but since they have not received specialized training, their investigation techniques and compilation of pre-prosecution documents are still weak;
- Remuneration for enforcers is still low, and not commensurate with the responsibilities of such a high-risk occupation;
- The specialized force's capacity to combat wildlife crime has not kept up with increasingly sophisticated criminal methods.

d) Unsustainable consumption is a main threat to wildlife species

The unsustainable use of natural resources is one of the greatest threats to the conservation of biodiversity. Demand for threatened wildlife species as food, medicine, pets, or decorations is still high, and illegal trade in endangered, precious, and rare species is increasingly organized.

Forest land being converted for farming, mining, infrastructure development, or hydropower has resulted in habitat destruction and increased conflict between humans and wildlife. This situation has improved due to the implementation of the Party Secretariat's directive on strengthening the Party's leadership on forest management, protection, and development (Directive No. 13-CT/TW).

e) Conservation awareness is inadequate

Public awareness raising on wildlife protection and biodiversity conservation has improved but is still challenged by multiple limitations. Demand for endangered wildlife among certain parts of the population have resulted in increased poaching, trade, and consumption. Awareness among

government agencies on the matter has also improved but still is not strong enough to promote an effective, comprehensive conservation strategy for endangered species.

f) Difficulties in disrupting wildlife crime

Highly sophisticated wildlife trafficking networks are decimating populations of threatened species around the world using intra-provincial routes that often cross border areas. Criminals regularly change their methods to avoid detection and conceal their identities. When officers attempt to arrest them, offenders often fight back fiercely and can escape. Making arrests at gathering points where wildlife is stockpiled for transport is particularly difficult as offenders can easily notice and flee out of the forest. Those that are arrested tend to identify themselves as workers that were hired to carry goods for someone else that they communicate with through an unofficial phone number. Because of this, many cases are not pursued, as finding the mastermind behind the crime is deemed impossible.

g) Certain parts of the community are not mindful of the importance of wildlife protection activities. Several people still consume illegal wildlife and wildlife products. Ethnic minorities, who often hunt animals and have a limited understanding of conservation, frequently become involved in poaching or support illegal wildlife trade for extra income.

2. Recommendations

To address the existing challenges in combating wildlife crime in Vietnam, this document suggests:

a) Improving wildlife protection legislation and data management, including by reviewing, amending, and supplementing the legal framework and policies surrounding wildlife protection; eliminating overlaps and inconsistencies in wildlife legislation; creating sustainable livelihoods by engaging communities living in buffer zones to take part in the conservation of threatened species; implementing conservation programs to preserve wildlife species prioritized for protection; conserving genetic resources and restoring endangered species populations; and putting in place a sustainable financing mechanism to secure funding for conservation activities.

b) Coordinating and implementing conservation programs approved by the Prime Minister; strengthening information sharing on wildlife crime among relevant authorities, including criminal methods and known suspects. It is also essential to develop an inter-ministerial inspection and patrol plan to combat illegal wildlife trade and transportation.

c) Expanding bilateral and multilateral cooperation and information sharing; enhancing the implementation of CITES with other countries involved in illegal wildlife trade; establishing and expanding the scale of partnerships in countering wildlife trafficking, institutionalizing SBCC campaigns to reduce demand for threatened species; strengthening partnerships with key stakeholders (such as government agencies, non-governmental organizations, the private sector, and socio-political organizations) and engaging them in raising public awareness on wildlife conservation;

d) Taking preventative measures against wildlife crime and violations, mapping out transport routes and hotspots, and listing known suspects for effective management. For confirmed cases, it is essential to expand investigations to expose wildlife trafficking networks.

e) Regularly conducting professional trainings to provide updates on the legal framework and new data, organizing in-depth training courses on criminal investigation skills, reconnaissance techniques, and documenting case files; strengthening the capacity of law enforcement agencies in combating wildlife trade.

g) Implementing SBCC/demand reduction and public awareness raising campaigns on wildlife protection; enhancing communication efforts with particular focus on the forest-based communities; ending hunting and trapping for food and the illegal consumption of wildlife products; encouraging the reporting of wildlife crime.

h) Requesting competent authorities to study, amend, and supplement the legal regulations on the authorization of prosecution for forest protection agencies for violations on wildlife management and protection.

i) Promoting research and technology transfer on species conservation, including rescue and release, and species examination and identification; investing in the conservation of species' habitats, and encouraging regular monitoring and surveillance.